

SOUTH AYRSHIRE COUNCIL (SPECIAL).

Minutes of special meeting in County Buildings, Wellington Square, Ayr,
on 25th March 2015 at 11.10 a.m.

Present: Councillors Helen Moonie (Provost), Andy Campbell, Douglas Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Peter Convery, Allan Dorans, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant, William J. Grant John Hampton, Hugh Hunter, Mary Kilpatrick John McDowall, Nan McFarlane, Brian McGinley, Bill McIntosh, Rita Miller Alec Oattes, Robin Reid, Philip Saxton, Margaret Toner and Corri Wilson.

Apologies: Councillors John Allan, Brian Connolly, Kirsty Darwent and Hywel Davies.

Attending: V. Andrews, Executive Director – Resources, Governance and Organisation; L. Bloomer, Executive Director – Economy, Neighbourhood and Environment; A. Cooke, Supervisory Planner; D. Knight, Co-ordinator (Democratic Support); and A. Gibson, Committee Services Officer.

1. Provost.

The Provost welcomed Members to this special meeting.

2. Declarations of Interest.

There were no declarations of interest by Members of the Council in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

3. Land at Corton A77T Bankfield Roundabout - B7034 Junction, Ayr - Further Application to Vary Condition (4) iii of Planning Permission in Principle (14/00220/PPPM) - Planning Permission in Principle for Mixed Use Development including Residential, Office/Business Floorspace, Retail (Supermarket and associated Petrol Filling Station), Education (Primary School), Neighbourhood Centre Including Hotel, Public House, Shop Units and Community Uses, Park & Ride, Footpath Bridges over the A77 and Associated Access Arrangements (including a New Roundabout on the A77), Infrastructure, Open Space And Landscaping

Following consideration of a Further Application to Vary Condition (4) iii of Planning Permission in Principle (14/00220/PPPM) - Planning Permission in Principle for Mixed Use Development including Residential, Office/Business Floorspace, Retail (Supermarket and associated Petrol Filling Station), Education (Primary School), Neighbourhood Centre Including Hotel, Public House, Shop Units and Community Uses, Park & Ride, Footpath Bridges over the A77 and Associated Access Arrangements (including a New Roundabout on the A77), Infrastructure, Open Space and Landscaping on land at Corton, A77T Bankfield roundabout – B7034 junction, Ayr at the pre-determination hearing held by the Regulatory Panel (Special) (Page 1, paragraph 2), immediately prior to this meeting, the Provost advised that the application would now be determined by this special meeting of the Council.

Councillor Convery indicated an intention to propose a Motion and the Executive Director – Resources, Governance and Organisation recommended that the Council should adjourn to allow Officers to consider the competency of the Motion.

Adjournment of meeting.

The time being 11.30 a.m., the Council agreed to adjourn for twenty minutes.

Resumption of meeting.

The Council resumed at 12 noon.

Councillor Convery advised that with specific regard to the proposed 30% of the net sales area for the sale of comparison goods, other than furniture, floor coverings, DIY, electrical or household goods, he is satisfied that detailed consideration of this particular application has demonstrated that the application proposal is not likely to have a significant additional detriment effect on town centres. The application proposal is also considered to be consistent with SPP retail policy which suggests that goods restrictions may be applied to “commercial centres” but which does not refer to individual supermarkets. Together these factors are considered to justify, in this case, a departure from the development plan.

In all other respects, the principle of the development hereby approved can be justified in terms of the development plan.

Subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is considered to be no significant adverse impact on the amenity of neighbouring land and buildings.

Councillor Convery, seconded by Councillor Goldie, moved that the application be approved, subject to condition (4) iii as proposed by the applicant, with the addition of the sub-division restriction recommended in the report of handling so as to read as follows:-

Gross Internal Area (GIA) of 9,404 sqm and a net sales area inclusive of any mezzanine floorspace of 5,574 sqm. No more than 3,900 sqm (70%) of the sales area shall be used for the sale of convenience goods and no more than 2,508sqm (45%) of the sales area shall be used for the sale of comparison goods. The sale of comparison goods other than furniture, floor coverings, DIY, electrical or household goods shall comprise no more than 30% of the net sales area (1,672sqm). A 6 pump petrol filling station, recycling facilities and secure cycle storage. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and subsequent amendments the approved supermarket shall not be subdivided without the submission of a further planning application and approval of the Planning Authority.

By way of Amendment, Councillor McFarlane, seconded by Councillor Douglas, moved that the application be approved, subject to condition 4 iii as proposed by South Ayrshire Council's Planning Officers.

A full debate took place regarding the terms of the Motion and the Amendment.

A Member requested that the vote be taken by calling the roll in accordance with Standing Order No. 23.8.

The Executive Director – Resources, Governance and Organisation then took the vote by calling the roll as follows:-

Helen Moonie	Amendment
Mary Kilpatrick	Motion
Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Motion
Alec Clark	Motion
Ian Cochrane	Amendment
Peter Convery	Motion
Allan Dorans	Motion
Ian Douglas	Amendment
Ann Galbraith	Motion
Sandra Goldie	Motion
Bill Grant	Motion
William J. Grant	Amendment
John Hampton	Motion
Hugh Hunter	Amendment
John McDowall	Motion
Nan McFarlane	Amendment
Brian McGinley	Motion
Bill McIntosh	Motion
Rita Miller	Motion
Alec Oattes	Amendment
Robin Reid	Motion
Philip Saxton	Motion
Margaret Toner	Motion
Corri Wilson	Motion

Eight Members voted for the Amendment, eighteen Members for the Motion which was accordingly declared to be carried.

Decided: to agree that condition (4) iii of Planning Permission in Principle 14/00220/PPPM be modified to read as noted below, subject to referral to Scottish Ministers with the remaining conditions in permission 14/00220/PPPM remaining as originally issued and are included below in the modified permission in principle:

The reason for the decision and for departure from the development plan was agreed as follows:-

With specific regard to the approved 30% of the net sales area for the sale of comparison goods, other than furniture, floor coverings, DIY, electrical or household goods, the Council is satisfied that detailed consideration of this particular application has demonstrated that the application proposal is not likely to have a significant additional detrimental effect on town centres. The application proposal is also considered to be consistent with SPP retail policy which suggests that goods restrictions may be applied to “commercial centres” but which does not refer to individual supermarkets. Together these factors are considered to justify, in this case, a departure from the development plan.

In all other respects, the principle of the development hereby approved can be justified in terms of the development plan.

Subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is considered to be no significant adverse impact on the amenity of neighbouring land and buildings.

(1) **Duration of permission.**

Timescale for submission of AMSC.

That formal application(s) for the Approval of Matters Specified in Conditions shall be submitted to, and approved by, the Planning Authority before commencement of development. Such application(s) shall be made not later than eight years from the date of this permission or, if later, within six months from when an earlier approval for the same matters was refused or dismissed on appeal. The proposed development shall commence within two years from the approval of the requisite Matters Specified in Condition application, or in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained.

(2) **Matters to be included in AMSC applications.**

That applications for Approval of Matters Specified in Conditions shall include full details of the proposed development, including the siting, design and external appearance of all buildings, means of access, landscaping measures, and any other matters specified in conditions below.

(3) **Approval of uses.**

Approved plans.

This planning permission in principle relates to the plan(s) as listed below unless a variation is required by a condition of the permission or a non-material change has been agreed in writing by the Planning Authority.

(4) **Scale of development.**

Approval is given in principle for the indicative layout, land uses and urban form as set out within the Illustrative Masterplan for Corton, as shown on Drawing No. 12006-PL-P001-A Rev A (04.02.14). The scale of development approved in this planning permission is as follows:

(i) Residential.

The total number of residential units to be developed throughout the entire site shall indicatively comprise 750 housing units.

(ii) Neighbourhood Centre.

Overall, the Neighbourhood Centre to serve wider SE Ayr strategic growth area shall be located in the Corton Phase and be broadly as indicated in the illustrative masterplan. It may contain the following land uses:-

- (a) An hotel (circa 60 bed);
- (b) Family restaurant / bar (circa 650sqm);
- (c) Community hall / centre;
- (d) Circa ten 100sqm units with a mix of class 1, 2 and 3 as defined by the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1997. No single unit shall exceed 200sqm. The total amount of retail floorspace in the Neighbourhood Centre shall not exceed 1000sqm gross internal floor area; and

A formal application for the approval of the Neighbourhood Centre shall include details of unit sizes, mix, orientation, design treatment, parking and access arrangements, in a manner that meets with the design aspirations outlined in the Illustrative Masterplan for Corton (Drawing No 12006-PL-P001-A Rev A. Dated 04.02.14), the Design & Access Statement, the Corton Supporting Information document dated May 2014 and shall incorporate the outcomes of the Design Review process required by this permission.

(iii) Supermarket.

Gross Internal Area (GIA) of 9,404 sqm and a net sales area inclusive of any mezzanine floorspace of 5,574 sqm. No more than 3,900 sqm (70%) of the sales area shall be used for the sale of convenience goods and no more than 2,508sqm (45%) of the sales area shall be used for the sale of comparison goods. The sale of comparison goods other than furniture, floor coverings, DIY, electrical or household goods shall comprise no more than 30% of the net sales area (1,672sqm). A 6 pump petrol filling station, recycling facilities and secure cycle storage. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and subsequent amendments the approved supermarket shall not be subdivided without the submission of a further planning application and approval of the Planning Authority.

(iv) Business / Office Space.

For the avoidance of doubt the proposed serviced business land shown to the south of the proposed supermarket in the Illustrative Masterplan for Corton (Drawing No 12006-PL-P01-A Rev A. Dated 04.02.14) is not hereby approved.

Serviced land and high quality built office / business units, as defined by Class 2 and 4 of the Schedule to the Town and Country Planning (Use Classes) Scotland) Order 1997 comprising in total 2,300m², will be provided within the general area of the neighbourhood centre and mixed use edge, subject to condition 5. The units will be built in phases and 500m² of built complete business unit shall be completed and available for occupation prior to occupation of any development and shall be secured for business use in perpetuity.

(v) Primary School and community facilities.

A 4 stream primary school and related facilities including nursery, playground, playing fields (including a floodlit multi-use games area and a full size grass football pitch), changing facilities and car park.

(vi) Park and Ride.

Circa 1 hectare of land for a park and ride facility with an assumed capacity of 178 car parking spaces

(vii) two footbridges over the A77.

(5) **Programme of Development.**

A scheme for the provision of all infrastructure and landscaping (roads, footpaths, SUDS, park and ride facility, landscaping and open space) shown in the locations INF1 and INF2 of page 152 of Design and Access Statement and the core green landscaping corridor running on an east/west axis along the distributor road to the south-eastern corner of the site, and on a south/north axis along the line of the gas mains and the Corton Green and a footpath along the full length of the perimeter of the rail line shall be submitted and approved by the Council prior to the commencement of any development on site. Prior to the occupation of any development, the agreed scheme shall be implemented and complete to the satisfaction of the Council.

(6) A detailed phasing plan showing the exact sequences of development for each proposed land use, the provision of infrastructure, landscaping, open space, footpaths, cycleways and the scale and distribution of affordable housing within each phase of the development, taking into account matters arising from the implementation of condition 5 shall be submitted and approved by South Ayrshire Council as Planning Authority prior to the commencement of development on site. There are indicatively 14 phases, the definition and indicative location of each phase is that indicated in page 152 of Design and Access Statement, annotated as comprising: RET1, RET2, BUS and H1-H11, unless otherwise varied with agreement of the Council.

(7) **Design.****Design Review.**

That prior to the submission of the first Application for Matters Specified in Conditions (excluding applications for the advanced infrastructure works shown on page 153 of the Design and Access Statement and for the pedestrian bridge between Maybole Road and the neighbourhood centre), the developer shall enter in to a design review process with the Planning Authority and Architecture and Design Scotland. The outcome from this process shall inform the Development Brief / Design Code required by this Planning Permission in Principle.

(8) **Development Brief / Design Code.**

That prior to the submission of the first Application for Matters Specified in Conditions (excluding applications for the advanced infrastructure works shown on page 153 of the Design and Access Statement and for the pedestrian bridge between Maybole Road and the Neighbourhood Centre), a Development Brief / Design Code for the entire development site and all proposed uses shall have been submitted to, and approved by the Planning Authority. The required Development Brief and Design Code shall broadly accord with Illustrative Masterplan for Corton (Drawing No 12006-PL-P001-A Rev A. Dated 04.02.14), the Design & Access Statement, the Corton Supporting Information document dated May 2014 and shall incorporate the outcomes of the Design Review process required by this permission. The Development Brief / Design Code shall set out clearly the design standards and criteria to which all subsequent applications shall adhere and shall:-

- (a) include a clear vision for the feel and character of the development which fully achieves the 6 qualities of successful places as defined in 'Designing Places' taking into account the approved illustrative masterplan and the requirements outlined below;
- (b) be well illustrated and seek to convey most of the required information graphically in the form of plans, drawings, sketches, perspectives (including 3 dimensional drawings) and photomontages in preference to text;
- (c) demonstrate how the development complies with relevant national policy and guidance, the development plan and supplementary planning guidelines with a particular emphasis on 'Creating Places', 'Designing Streets', 'Designing Places', PAN67 'Housing Quality' PAN77 'Designing Safer Places' and PAN78 'Inclusive Design';
- (d) include the preference for a single walking, cycling and equestrian connection of exceptionally high design quality across the A77 between the neighbourhood centre and the eastern end of Maybole Road rather than two over-bridges not aligned directly to the main pedestrian desire line. The bridge landfall should be well overlooked and integrated into the development;
- (e) seek to achieve a more compact and coherent urban form to the Neighbourhood Centre, closer integration between the proposed supermarket and the Neighbourhood Centre in terms of physical layout and the scale, configuration and landscaping of the walking and cycling connection between these two elements, greater intensity of use, greater integration of car parking in street design, tree planting alongside the A77 and house frontages overlooking supermarket car parking rather than rear gardens and fencing;

- (f) seek greater integration between the proposed supermarket and the neighbourhood centre ideally through the relocation of the supermarket northwards towards the site access road and direct connectivity between the pedestrian spine through the neighbourhood centre to the supermarket entrance. If this is not achievable, the pedestrian spine should proceed directly through the store car park to the store entrance and be lined with trees;
- (g) place particular focus on achieving a well located, direct and high quality pedestrian crossing of the access road to the site between the proposed supermarket and the neighbourhood centre with consideration of light controlled crossing, surface treatment, entrance apron design, boundary treatment and landscaping;
- (h) incorporate an additional green walking / cycling spine route from the landfall of the A77 over-bridge, alongside the A77 to the north western site corner and then along the northern site boundary with the railway line to the south-eastern corner of the site to link in to the access to High Corton steading and the national byway to Dalrymple. This should connect directly to the walking and cycling connections across the railway line to Alton, the hospital and to Cockhill and be of a similar style and character to the Alloway / Burton cycle route. This route should also be designed to be punctuated with openings on to the residential areas and green space that it passes alongside;
- (i) include a design and layout of the three connection points between the site and the remaining parts of the SE Ayr strategic growth area (over-bridge to Alton, under-bridge to the hospital and the over-bridge to Cockhill) which are of a scale and nature to create a safe and welcoming entrance to the site;
- (j) achieve distinctiveness and identity for the largely residential eastern portion of the site;
- (k) omit the serviced business land and instead incorporate business units within the area of the neighbourhood centre;
- (l) ensure that green space and play facilities are evenly and appropriately spread across the whole site and achieve the minimum standard required by the relevant development plan policy and supplementary planning guidelines;
- (m) include the following matters:-
 - (i) the layout of all roads, bridges, footways, cycleways and car and cycle parking, bus routes and stops, road layouts and alignments, and servicing areas;
 - (ii) the location of parks and other public open spaces;
 - (iii) the identification of individual development parcels for the agreed land uses, showing the orientation of buildings; and, identifying focal buildings etc.;
 - (iv) the final standoff distance to be applied in any phase from the gas pipelines shall meet with the approval of the Health and Safety Executive;
 - (v) the movement strategy for pedestrians and cycles through the site; and
 - (vi) the re-grading of any land to accommodate the development. (Any proposals for re-grading shall reflect the natural topography of the area).

The proposals in the Development Brief and Design Code shall show how the proposals comply with the approved Masterplan, including any necessary updates to the Environmental Statement and Transport Assessment (as addendums), if the proposals have changed materially.

(9) Accord with Development Brief / Design Code.

All formal applications shall be in accordance with the approved Development Brief / Design Code required by this Planning Permission in Principle unless otherwise agreed by the Planning Authority, and shall set out the means of access, Sustainable Urban Drainage Systems (SUDS), associated greenspace and any cut/fill within the site and other principles outlined in the Development Brief / Design Code. Unless otherwise approved by the Planning Authority, all development shall generally follow the topography of the site and shall work within existing ground levels not exceeding +/- 1.5 metres to the satisfaction of the Planning Authority.

(10) Application information.

That taking into account the terms of this permission and the required Development Brief and Design Code, the formal application(s) for the Corton phase shall provide for and include the following items to be submitted to and approved by the Planning Authority:-

- (a) a plan for the Local Distributor Road to provide for appropriate landscaping including clusters of trees where appropriate with existing and proposed ground levels which respect the natural topography of the site as far as possible. All elements shall integrate to the satisfaction of the Planning Authority;
- (b) a specification for all new boundary walls, railings, gates, fencing or other means of enclosure including a palette of materials. Particular attention shall be given to the greenspaces in forming character areas;
- (c) an earthworks strategy with strategic ground modelling, which details existing and proposed ground levels and approximate finished floor levels for the houses within the site and cross-sections across the site;
- (d) a plan detailing the open spaces which shall have equipped play areas and those which are to have a different hard and soft landscape treatment;
- (e) the proposed vehicular accesses to the new primary school, the Neighbourhood Centre (including office / business units) and the supermarket shall be defined, and the implementation and provision of these roads to adoptable standard shall be agreed as part of the phasing plan required by Condition 6 of this permission;
- (f) the provision of differentiating surfaces for vehicle, shared surfaces and pedestrian/cycle only routes;
- (g) landscaping corridors as indicated in the Illustrative Masterplan for Corton (Drawing No 12006-PL-P001-A Rev A. Dated 04.02.14) and which will be indicated in the required Development Brief and Design Code which shall be provided and linked to each other to create green spaces across the site; the location of the structural landscape areas shall be established, along with a plan defining their function, street furniture and means of enclosure;
- (h) the location of strategic footpaths to be provided as part of the Movement Framework (to be identified in the required Development Brief and Design Code), landscaping treatment thereof, details of kerb and hard surfacing with the purpose of assisting ease of pedestrian and cycle movement. Provision shall be made to link into the proposed bridge(s) over the A77 and existing bridges over and underpass under the railway line;

- (i) the requirements arising from the Drainage Impact Assessment shall be submitted and shall reflect the SUDS as set out in the required Development Brief and Design Code and the conditions of this planning permission;
- (j) the detailed treatment of the proposed retention basins or ponds for SUDS shall be defined and the implementation of these shall be agreed as part of the phasing plan in terms of Condition 6 above; and
- (k) proposals shall be submitted for the hard and soft landscape treatment of the new roundabouts and the principal entrances to the site in order to create attractive entrances to the site. These details shall be agreed with the Roads and Planning Authority and implemented in accordance with the phasing programme as set out in Condition 6 above.

(11) Design principles.

That in relation to the required Development Brief and Design Code, all formal applications for each land parcel of the Corton phase of development shall ensure that the following design principles are adhered to:-

- (a) all houses along the Local Distributor Road shall front onto the Local Distributor Road wherever possible;
- (b) all houses along landscape corridors shall front onto these corridors wherever possible;
- (c) focal buildings shall be identified throughout the site and shall be of a higher architectural quality;
- (d) wherever possible, and in the context of the Landscape and Habitat Management Plan, 2 metre service strips shall be provided along the shared surface roads and all utilities shall be provided within these service strips. No service strips for utilities shall be provided in the front gardens of individual houses to the satisfaction of the Planning Authority;
- (e) wherever possible, all areas of public open space shall have frontages of properties onto these amenity spaces;
- (f) residential development shall contain provision for children's play areas, throughout the development in line with the required Development Brief and Design Code, to the satisfaction of the Planning Authority. All children's play areas shall be in accordance with the Council's supplementary planning guidelines "Open Space and Designing New Residential Developments" or the relevant guidance in force at the time;
- (g) all formal applications shall be in accordance with the approved Landscaping and Habitat Management Plan;
- (h) residential development proposals shall set out the associated open space areas and other related uses;
- (i) prior to the submission of any formal application for the primary school, business units or Neighbourhood Centre, detailed drawings generally in accordance with the required Development Brief and Design Code will be submitted for each of these sites for approval by the Planning Authority;

- (j) community facilities shall be provided within the primary school grounds in accordance with the requirements of the Education Authority, and these will be available for public use outwith school hours; and
- (k) footpath and cycle links shall be provided with existing public roads and footways at locations to the satisfaction of the Planning and Roads Authority, to encourage sustainable modes of transport.

(12) Formal Applications.

All formal applications shall be in accordance with the proposals as set out in the Illustrative Masterplan for Corton (Drawing Number. 12006-PL-P001-A Illustrative Masterplan Rev A dated 04.02.14) and the required Development and Design Brief for this phase unless otherwise agreed by the Planning Authority, and shall set out the means of access, Sustainable Urban Drainage Systems (SUDS), associated greenspace and any cut/fill within the site and other principles outlined in each Development and Design Brief at that time or before. Unless otherwise approved by the Planning Authority, all development shall generally follow the topography of the site.

(13) Suspensive Conditions requiring submission of schemes for approval by the Planning Authority.

Pedestrian / cycling /equestrian connection to Ayr.

No development shall take place on site until a scheme for the provision of an overbridge, in compliance with the requirements of Transport Scotland as set out in condition 22 of this permission, has been submitted to and approved by the Planning Authority. The required overbridge shall be constructed prior to the occupation of any of the consented development. The scheme shall include:

- (a) provision for such other agreements (if any) as may be necessary for delivery of the required overbridge;
- (b) provision for walking, cycling and equestrian use; and
- (c) evidence of compliance with the design aspirations for a single high quality pedestrian bridge as set out in the Corton Supporting Information document dated 20th May 2014 in terms of location, siting, design, materials and lighting.

(14) Education mitigation.

No development shall take place on the site until a scheme for:-

- (a) the provision of land as shown in Drawing Number. 12006-PL-P001-A Illustrative Masterplan Rev A (04.02.14) for facilities including a new single stream primary school (capacity 222 pupils) and other related facilities including nursery, playground, playing fields (including a floodlit multi-use games area and a full size grass football pitch), changing facilities and car park (hereinafter "the new school campus") as part of the development; and
- (b) for payment to South Ayrshire Council of contributions to mitigate the impact of the development because it generates the need for new provisions for education at (i) an off-site denominational primary school; (ii) an off-site non-denominational primary school and (iii) an off-site non-denominational secondary school has been submitted to and approved in writing by the Planning Authority. The new school campus shall be provided, and education contributions will be paid to South Ayrshire Council, in accordance with the approved scheme.

The scheme shall include:-

- (c) provisions for such other agreements (if any) as may be necessary for the delivery of the new school campus and payments to South Ayrshire Council of the necessary contributions for off-site educational facilities;
- (d) details of the land to be transferred to South Ayrshire Council, and the terms of such transfer, for the new school campus including the date of transfer of the ownership of that land to South Ayrshire Council; the condition of the land being transferred (for instance, whether any necessary stabilisation and/or decontamination works of the land for the proposed new school campus have been carried out); the related rights being transferred along with ownership of the land (for example, whether the land has the benefit of all usual utilities and services to the perimeter of the land and access rights (including a public right of passage) for construction and other vehicular traffic thereto);
- (e) details of making the one-off payment of the cost of the new school campus to South Ayrshire Council with that payment being made not later than the occupation of the 150th home on the site;
- (f) details of the making, and amount, of payments including the appropriate time for instalment payments (linked to the commencement or development on site or the occupation of the number of homes on site, as the case may be) for the necessary education facilities contributions at (i) an off-site denomination primary school (anticipated to be St John's Primary School); (ii) an off-site non-denominational primary school (anticipated to be Kincaidston Primary School) and (iii) an off-site non-denominational secondary school (anticipated to be Kyle Academy); and
- (g) South Ayrshire Council reimbursing any unexpended contributions from the sums received by it with the repayment made within five years after the occupation of the last house built on the site or such other period as may be agreed.

(15) Affordable housing provision.

No development shall take place on the site until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Planning Authority. The affordable housing on the site shall be provided in accordance with the approved scheme and shall meet the definition of 'affordable housing' (namely housing of a reasonable quality that is affordable to people on modest incomes) in the Scottish Government's 2010 'Scottish Planning Policy' or any future government policy that replaces it. The scheme shall take account of the Council's current guidance about affordable housing (the replacement (if any) of the Council's 2006 Supplementary Planning Guidance 'New Housing Developments and Affordable Housing: A Guideline for Developers') and shall include:-

- (a) provisions for such other agreements (if any) as may be necessary for the delivery of affordable housing on the site, which affordable housing shall comprise not less than 25 per cent of the total number of homes (market homes plus affordable homes) built on the site or an agreed alternative (such as the transfer of land within the site for affordable housing) and which affordable housing will be provided within each phase or identified sub-phase of the development on the site;

- (b) the types of home (such as house, maisonette or flat) and the size of the proposed affordable homes for rent; the density of the affordable homes; the design code (such as 'Housing for Varying Needs - A Design Guide' Parts 1 (Houses and Flats) and 2 (Housing with Integral Support)) (if any) for the proposed homes; the types of tenure for the affordable homes (namely, 'social rented', 'low cost housing for sale' (both subsidised and unsubsidised) and 'mid-market or intermediate rent' as those terms are defined in the Scottish Government's Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits or any future Scottish Government document that replaces that advice) and the location of the affordable housing provision to be made on the site;
- (c) the timing of the occupation of the market homes within each phase or sub-phase of the site and the delivery of the affordable homes in the relevant phase or sub-phase of the site;
- (d) the arrangements for the transfer of affordable homes to an affordable housing provider or for the management of the affordable homes;
- (e) the factoring and/or common maintenance regime (including charges) for affordable homes;
- (f) the arrangements to ensure that any affordable home is affordable for both first and subsequent occupiers of the affordable home; and
- (g) the occupancy criteria to be used for determining the identity of occupiers of the affordable homes and the means by which such occupancy criteria shall be enforced.

(16) Safeguarding land related to Rail Halt.

No development shall take place on the site until a scheme for safeguarding the land within the site which is reasonably required for vehicular and pedestrian access to a rail halt (and related ancillary buildings) capable of serving the wider South East Ayr strategic growth area has been submitted to and approved in writing by the Planning Authority. The safeguarding of the required land shall be undertaken in accordance with the approved scheme. The scheme shall include:-

- (a) provisions for such other agreements (if any) as may be necessary for the safeguarding of the necessary land on the site;
- (b) the indicative location of a rail halt that could serve the South East Ayr strategic growth area;
- (c) the location and extent of the land to be safeguarded;
- (d) the arrangements for the safeguarding of the safeguarded land in perpetuity;
- (e) the arrangements for transfer of the land to facilitate the use of the safeguarded land as a rail halt including for access, parking, turning of vehicles; and
- (f) provisions to allow the erection of any buildings or structures necessary to serve a rail halt.

(17) Bus Service provision

No development shall take place on the site until a scheme for the provision of a commercial bus service (hereinafter "the bus service") linking the existing road network to the site and throughout the site (including services accessible to all phases) has been submitted to and approved in writing by the Planning Authority. The bus service provision to and within the site shall be provided in accordance with the approved scheme. The scheme shall be in compliance with the requirements of the public transport strategy condition (Condition 33) of this permission and include:

- (a) provisions for such other agreements (if any) as may be necessary for the delivery of the bus service;
- (b) hours of operation and the frequency of the bus service;
- (c) duration of the bus service;
- (d) trigger points for the start and end date of any subsidy to the bus service;
- (e) bus service details including points of origin and destination; and
- (f) measures to ensure that buses are fitted with the equipment necessary to allow the use of Real Time Passenger Information (RTPI) within the site together with related maintenance arrangements.

(18) Business Unit Provision.

No development shall take place on the site until a scheme for the provision of 2,300m² business units within the area neighbourhood centre or the mixed use edge, on a phased basis, has been submitted to and approved in writing by the Planning Authority. The provision of business units shall be provided in accordance with the approved scheme. The scheme shall include:

- (a) provisions for such other agreements (if any) as may be necessary for the delivery of business units on the site to be secured for such use in perpetuity;
- (b) the number and specifications of the business units including location, siting, design, size, materials and servicing arrangements; and
- (c) marketing and letting arrangements.

(19) Trunk Roads.**Maybole Road roundabout.**

Prior to the occupation of any of the consented development a new development access roundabout (generally as indicated in Diagram 7.5 of the Dougall Baillie Associates (DBA) Transport Assessment dated February 2014) shall be constructed to the satisfaction of the Planning Authority after consultation with Transport Scotland (TS-TRBO) and in compliance with the DMRB (Design Manual for Roads and Bridges).

(20) A77 junctions.

Prior to the occupation of any of the consented development and/or subject to an agreed phasing assessment the works for:-

- (a) alterations to the A77(T)/Bankfield roundabout junction (generally in accordance with DBA Drawing 12239-DWG-04 titled Proposed Revisions to Bankfield Roundabout) or an acceptable agreed alternative;
- (b) alterations to the A77(T)/ Holmston roundabout (generally in accordance with DBA Drawing 12239-DWG-03 titled Proposed Revisions to Holmston Roundabout) or an acceptable agreed alternative;

- (c) alterations to the A77(T)/ Sandyford roundabout junction (generally in accordance with DBA Drawing 12239-DWG-02 titled Proposed Revisions to Sandyford Roundabout) or an acceptable agreed alternative; and
- (d) alterations to the A77(T)/ Dutch House roundabout (generally in accordance with DBA Drawing 12239-DWG-01 titled Proposed Revisions to Dutch House RB) or an acceptable agreed alternative shall be constructed and completed to the satisfaction of the Planning Authority after consultation with Transport Scotland (TS-TRBO) and in compliance with the DMRB (Design Manual for Roads and Bridges).

(21) A77 trunk road infrastructure.

Prior to the occupation of any of the consented development the works/arrangements for:-

- (I) improvement of the A77 trunk road infrastructure to dual carriageway standard between Whitletts roundabout and Holmston roundabout to provide additional link capacity shall be constructed and completed to the satisfaction of the Planning Authority after consultation with Transport Scotland (TS-TRBO) and in compliance with the DMRB (Design Manual for Roads and Bridges); or
- (II) a Section 48 Agreement (Roads Scotland Act 1984) between the applicant and Transport Scotland for an agreed proportionate contribution to the cost of the Whitletts/Holmston A77 Dualling must be concluded.

(22) A77 overbridge.

Prior to the occupation of any of the consented development the works for an overbridge, suitable for use by pedestrians, cyclists and equestrians, across the A77(T) linking Maybole Road to the Corton site shall be constructed in accordance with a design to be agreed with the Planning Authority in conjunction with Transport Scotland (TS-TRBO), compliant with the DMRB (Design Manual for Roads and Bridges) and ensuring that future maintenance requirements do not affect the free flow of traffic on the A77.

(23) Travel plan.

Prior to the occupation of any of the consented development a comprehensive Travel Plan setting out proposals for reducing dependency on the private car must be submitted to and approved in writing by the Planning Authority, after consultation with Transport Scotland. In particular the Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

(24) Lighting.

Details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland.

(25) A77 Barrier.

Prior to commencement of any development on the site a barrier/ boundary feature of a type approved by the Planning Authority in consultation with Transport Scotland (TS-TRBO) shall be provided and maintained along the proposed boundary of the site with the A77 trunk road.

(26) **A77 No drainage connections.**

There shall be no drainage connections to the trunk road drainage system.

(27) **Local Roads.**

Roads Development Guide.

The internal road layouts shall be designed and constructed in accordance with the Council's adopted Roads Development Guide.

(28) **Path connection.**

Provision shall be made for path connections to adjacent developments by providing a footpath link from Maybole Road to the development including a pedestrian/cycling/equestrian bridge over the A77(T) prior to the occupation of any part of the Corton development.

(29) **Railway over-bridges and under-bridge.**

At the first formal application for Approval of Matters Specified in Conditions, there shall be submitted full details of the arrangements to be put in place in order to secure the required additional servitude rights of access/bridge agreements from Network Rail for the creation of footpath links at over-bridge 162/060 (High Glengall), over-bridge 162/062 (Corton Bridge) and through Under-bridge 162/061(Glengall Bridge) for the prior written approval of the Planning Authority. For the avoidance of doubt this will include timescale and any necessary physical improvement measures to surfacing and bridge construction (including parapet design) and no consented development shall start prior to necessary upgrades taking place.

(30) **Wheel Washing Facilities.**

No work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed in accordance with details submitted to and approved by the Planning Authority. When required such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality. Full details of the proposed wheel washing facilities shall be submitted for the prior for the formal prior written approval of the Planning Authority and Roads Authority before any work commences on site.

(31) **Traffic Counter.**

A profiler, traffic loops, counter cabinet, post, batteries, connectors and solar panel shall be provided on the development main access road. Precise details of the siting and specifications of the count site shall be submitted for the formal prior written approval of the Planning Authority and Roads Authority before any work commences on site.

(32) Bus Stop Provision.

Application(s) for Approval of Matters Specified in Conditions shall include full details and specifications of bus stop provision. The location of the bus stop infrastructure shall consider the phased development of the site and shall be provided in tandem with the operation of the bus service(s) into the site. Bus stop locations shall be identified by Ayrshire Roads Alliance in conjunction with Strathclyde Passenger Transport ("SPT") and Police Scotland, and shall not be located immediately outside a residential property while still being overlooked, in order to provide passive surveillance to enhance safety and security for users. Infrastructure provision at the bus stops shall include a raised kerb, a flag with information panel, a shelter with an electrical connection, on-road markings, and real time passenger information (consisting of screens compatible with the existing Ayrshire Real Time system, provision of an isolatable power supply, power termination pillar, associated ducting, a compatible bus stop pole and a compatible post retention socket). The developer shall provide fully inclusive maintenance for each real time screen for a period of five years from the date of commissioning. The timing of the provision of infrastructure shall be in tandem with the introduction of the bus service(s). All costs associated with the provision of stops shall be met by the developer.

(33) Public Transport Strategy.

That at the first formal application for Approval of Matters Specified in Conditions, a public transport strategy detailing the frequency and routing of amended bus services shall be submitted for the consideration and detailed approval of the Planning Authority in discussion with SPT. The required strategy shall detail and include:-

- (a) a local bus service with a 15 minute frequency between the site and the centre of Ayr, the costs of which shall be met by the developer until the earlier of: 10 years from the opening of the food retail store/ occupation of the first dwellinghouse; or completion of the final phase of development construction;
- (b) public transport infrastructure (bus stops and shelters) as specified in the 'bus stop provision' condition of this permission (condition number 32);
- (c) bus routes to be a minimum of 6 metres wide and to only include 'bus friendly' street design in line with Designing Streets methodology;
- (d) consideration of phasing issues by ensuring service provision relates to the phased development of the site. For the avoidance of doubt this may necessitate the provision of temporary turning areas until the internal layout of the site is completed;
- (e) bus stop locations which shall be identified by Ayrshire Roads Alliance in conjunction with SPT and Police Scotland and shall not be located immediately outside a residential property while still being overlooked as specified in the 'bus stop provision' condition of this permission (condition number 32);
- (f) infrastructure provision at the bus stops and park and ride facility shall include a raised kerb, a flag with information panel, a shelter with an electrical connection, on-road markings and real time passenger information screens;
- (g) direct walking routes shall be provided to the proposed park and ride facility;
- (h) a safe waiting environment for passengers at the park and ride facility;

- (i) details and specifications of the maintenance of the proposed park and ride facility in perpetuity;
- (j) provision for buses at the school shall be in addition to that for cars;
- (k) the school transport pick-up and drop-off point shall be provided close to the pupil entrance, with safe routes to the entrance;
- (l) details of how public transport information and sustainable travel information can be made available within the site and in the buildings open to the public / public areas in particular. For the avoidance of doubt this matter shall be the subject of liaison between the developer and SPT before submission; and
- (m) provision of 2 x real time bus kits compatible with the Ayrshire Real Time system, for installation on the funded service buses to the site. This shall include inclusive maintenance for a period of one year from the date of commissioning of the kits on buses.

The recommendations of the public transport strategy shall be implemented to the satisfaction of the Planning Authority before any development is operational on the site.

(34) Vehicle Swept Path Analysis.

That the first formal application for Approval of Matters Specified in Conditions for each phase of the development shall include details of swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Planning Authority.

(35) Traffic Management Plan.

That the first formal application for Approval of Matters Specified in Conditions for each phase of the development shall include a detailed construction traffic management plan, including wheel washing proposals, and this shall be approved by the Planning Authority prior to the commencement of development of each phase.

(36) Movement Strategy and Road Layout.

That the movement strategy and road layout shall take full cognisance of Designing Streets policy wherever practicable, and primarily accommodate the movement of vehicles (including service vehicles) through all parts of the development in a forward gear and seek to minimize the use of cul-de-sac and turning areas. Applications for Approval of Matters Specified in Conditions shall include details of service vehicle movement routes and where necessary the design and specification of turning areas capable of allowing service vehicles to turn within site boundaries. Turning areas shall be in accordance with the Council's Roads Development Guide and shall be constructed as approved prior to the development being occupied.

(37) Telecommunications.

Any telecommunications and ancillary equipment shall be located at the rear of the public footway, a minimum public footway width of 1.8 metres shall be retained adjacent to the apparatus.

(38) Travel Plan Required.

That within six months of occupation of any commercial, retail or leisure facility a Travel Plan shall have been submitted to, and approved by, the Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It shall incorporate measures designed to encourage modes of travel other than private car. Thereafter, the travel plan shall be implemented in accordance with the approved details.

(39) Residential Travel Plan.

That a Residential Travel Pack, the details of which shall be submitted for the prior written of the Planning Authority (in consultation with the Council as Roads Authority), shall be placed in each new residential unit prior to occupation.

(40) Residential Travel Plan.

That within six months of occupation of the Primary School, a School Travel Plan shall have been submitted to, and approved by, the Planning Authority (in consultation with the Council as Roads Authority). The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It shall incorporate measures designed to encourage modes of travel other than private car. Thereafter, the travel plan shall be implemented in accordance with the approved details.

(41) Discharge of Water.

That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted with each application for Approval of Matters Specified in Conditions.

(42) Private accesses.

That the private accesses shall be surfaced for a minimum of 2 metres as measured from the rear of the public footway prior to occupation of any dwelling. Precise details and specifications of the required surfacing shall be submitted for the prior written approval of the Planning Authority before any work commences on site.

(43) Visibility Splays.

That details of junction access visibility sightline splays shall be submitted with each phase application for Approval of Matters Specified in Conditions. Approved sightlines shall be maintained in both directions. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays.

(44) Parking Provision.

That adequate off-road parking spaces shall be provided for each land use within the existing site boundary in accordance with the Council's Roads Development Guide and the SPP national policy document before occupation of each phase of the development. Precise details and specifications of the required parking provision shall be submitted for the prior written approval of the Planning Authority with each application for Approval of Matters Specified in Conditions.

(45) Turning Head Facilities.

That at the Approval of Matters Specified in Conditions stage plans shall be submitted to show turning heads provided within the site in accordance with the Council's Roads Development Guide.

(46) Bin Collection Points.

That bin collection points shall be located a maximum of 15 metres from the public carriageway before completion of the development. Details and specifications of the siting and design of bin collection points shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.

(47) Gated Access.

That prior to occupation of the development any gates shall be set back a minimum distance of 6 metres from the rear of the public footway, and open inwards away from the public roadway.

(48) Cycle Storage Requirements.

That lockable and covered cycle stands of sufficient capacity to satisfy the requirements as set out within the Council's Roads Development Guide shall be provided at the food retail store, neighbourhood centre, business units, primary school and park & ride facility. .Precise details of the siting and specifications of the required cycle stands shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.

(49) Public Access.

As part of the first formal application for each phase of development, a detailed plan of public access across the site (existing, during construction and upon completion) will be provided for the approval of the Planning Authority. This will show:-

- (a) all existing paths, tracks and rights of way, and any areas currently outwith or excluded from the statutory access rights under Part One of the Land Reform (Scotland) Act 2003;
- (b) any areas proposed for exclusion from the statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
- (c) all paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users etc; and
- (d) any diversions of paths (temporary or permanent) proposed for the purposes of the development.

(50) Protected species.

That the proposed mitigation measures and checks prior to works commencing on site regarding protected species shall be implemented fully in accordance with the submitted Environmental Statement.

(51) Landscape and Habitat Management Plan.

An updated Landscape and Habitat Management Plan ('LHMP') shall be submitted at the first formal Application for Matters Specified in Conditions for each phase of the development specifying how the developer proposes to enhance habitat features for protected species and biodiversity in that phase. For the avoidance of doubt, the developer shall follow the principles of good practice laid out in SNH Habitat Management Guidance and the updated LHMP shall use native species as far as possible in replacement tree and shrub planting, include berry-bearing species for birds in Autumn/winter, ensure the SUDs ponds are wildlife friendly and incorporate bat boxes in new buildings and in trees. The LHMP shall be implemented in full during the construction stage of all phases of the development and be adhered to for the lifetime of the development. This Landscape and Habitat Management Plan shall define the proposed management regime for all landscaped areas within each major development phase. The Plan shall include details of the following:-

- (a) retention of mature trees and hedges wherever possible and planting of new indigenous trees and shrubs within the new structure landscape and wildlife corridors;
- (b) appropriate planting of new trees, hedges, shrubs and ground cover plants within the site;
- (c) access and habitat protection and enhancement measures as identified within the Environmental Assessment as on-site and off-site mitigation shall be provided in advance of the development within that phase, to the satisfaction of the Planning Authority;
- (d) the fencing off of agreed features during the construction phase in accordance with BS 5837: Trees in relation to Construction (2005);
- (e) buildings which require to be demolished or mature trees which require to be felled as part of the construction works;
- (f) proposals for establishing whether there is evidence of roosting bats or nesting birds and proposals for ongoing bat surveys, if required;
- (g) details of structural landscaping for all boundary treatment, wildlife corridors and landscape areas, together with details of phasing; and
- (h) proposals for a qualified ecologist overseeing the implementation of the plan.

(52) Landscape scheme.

That at the first formal application for each phase of the development, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. In addition, the scheme of landscaping shall be suitably secured by the provision of a financial bond, or other means as agreed with the Planning Authority, covering the cost of the works; to be lodged prior to the granting of formal permission. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the last residential unit for each land parcel in the relevant phase development. The open space/landscaped area shall be retained as open space and to this approved standard. For the avoidance of doubt trees and hedgerows would be preferable boundary treatment along the south and north east boundaries. The vegetation should be also enhanced with appropriate species that are native to the area.

(53) Tree survey and protection.

That before any works start on any phase within the site, the developer shall institute an accurate survey and tree protection plan, in accordance with the current British standards, to be carried out by a qualified arboriculturist of all trees that may be affected by development both within the site as well as trees adjacent to or overhanging the site; and submit details of those trees proposed to be felled or lopped and those to be retained. A plan at a recognised scale shall be submitted showing the proposed development and the precise location of those trees affected. The survey shall contain details of tree species, height, crown spread, diameter at breast height (DBH), age, physiological condition, general condition and management recommendations. The approved tree protection plan shall be implemented and no trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority. For the avoidance of doubt the existing vegetation (hedgerow along Corton Road, burn corridors and vegetation to the NE) should be retained and protected through the construction phase.

(54) Tree protection.

That before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard trees on the site during operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

(55) Maintenance.

That at the first formal application for each phase of the development, a factoring arrangement and a maintenance schedule shall be submitted for the approval of the Planning Authority and be put in place for the new landscape works, for any existing woodland / planted areas, the grassed and planted areas and burn corridors. Thereafter, the approved management and maintenance schedule shall be adhered to at all times for the duration of the development by the nominated factor for the site, and no changes shall be undertaken without the prior written approval of the Planning Authority. For the avoidance of doubt landscape bond(s) will be required which will necessitate a map showing the areas to be maintained by a factor.

(56) **Bird breeding season.**

That there shall be no works of disturbance to potential bird breeding habitat, during for example tree felling and hedgerow removal within the main bird breeding season (March to June inclusive) unless with the agreement of the Planning Authority.

(57) **Open space provision.**

That the required Development Brief and Design Code shall show public open space provision in accordance with the Council's supplementary planning guidelines on 'Open Space and Designing New Residential Developments' evenly distributed throughout the site. The public open space shown on the submitted illustrative masterplan 12006-PL-P001-A (04.02.14) shall be reconfigured to enhance provision to the south-south east of the site.

(58) **Play area provision.**

That the required Development Brief and Design Code shall show play area provision in accordance with the Council's supplementary planning guidelines on 'Open Space and Designing New Residential Developments' evenly distributed throughout the site. For the avoidance of doubt the minimum level of play area provision for 750 residential units is 3,405m². The four play areas shown on the submitted illustrative masterplan 12006-PL-P001-A (04.02.14) shall be augmented by two further play areas to the north east and south west of the site. Future detailed applications should include the precise details of the play equipment to be installed (style, range, number, value, surfacing etc).

(59) **Water Quality and Drainage.**

No development in flood plain.

That no built development shall take place on the functional flood plain (this includes the area along the eastern boundary of the site which lies within the 1:200 year floodplain of the main tributary of the Slaphouse Burn as indicated in figure 10 of the Flood Risk Assessment and along either side of the access to High Corton Farm, for which modelling of the minor tributary indicates flooding during a 1:200 year flood event).

(60) Drainage information

That before development commences, evidence and additional information regarding the matters outlined at (a) to (h) below, including detailed drainage drawings and proposed finished floor levels shall be submitted for the formal prior written approval of the Planning Authority, in consultation with SEPA.

- (a) the SUDS system and drainage arrangements;
- (b) the modelling approach and parameters used to model the hydraulic structures within the site;
- (c) evidence that the proposed development is not at flood risk from potential surcharging into the development site;
- (d) evidence that any flood risk increase could be resolved by increasing Finished Floor Levels (FFLs). All future development shall take cognisance of the flood levels and adopt appropriate site levels;
- (e) evidence that the compensatory storage area is to be maintained in perpetuity and subject to regular inspection and maintenance by an agreed party;
- (f) evidence that all water crossings do not have a detrimental impact on floodplain storage and conveyance;
- (g) evidence to demonstrate that the proposed school lies out with the functional floodplain and flood protection measures for the school up to and including the 1:1000 year event are put in place, that proposed buildings lie outwith the functional floodplain, that the flood mitigation measures outlined in the Flood Risk Assessment (FRA) have been adopted, including proposed Finished Floor Levels and that there is safe access / egress to the site during a 1:200 year flood event; and
- (h) evidence to demonstrate that culverts and other crossings are designed in a manner that ensures that the bed and banks of watercourses are left undisturbed.

(61) Sustainable Urban Drainage Systems (SUDS).

That surface water from the site shall be treated in accordance with the principles of the Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007 and shall include retention ponds generally in locations as shown in the Comprehensive Masterplan. At the formal application stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Planning Authority before any work commences on site.

- (62) That none of the development shall be occupied until the Sustainable Urban Drainage System (SUDS) to which that part of the development relates has been completed in accordance with the submitted and approved plans.

(63) Foul drainage.

That the foul drainage arrangements for the site shall be to the satisfaction of the Planning Authority, in consultation with SEPA and Scottish Water.

(64) Flood risk.

That at the first formal application for each phase in relation to the development site, the attenuation measures required and agreed to meet the Flood Risk Assessment measures shall be submitted to and approved by the Planning Authority.

(65) Watercourse crossing.

Details of the engineering works proposed in or near the water environment, including all watercourse crossings within the application site, will be submitted to and approved in writing by the Planning Authority in consultation with SEPA at the relevant detailed matters application stage prior to any works taking place to form these crossings. The watercourse crossing at the proposed access road/roundabout will be in the form of a bottomless bridging structure. All other watercourse crossings will be in the form of bridging structures with the design details agreed with SEPA prior to any works taking place in or near the watercourse.

(66) Archaeology.**Archaeological mitigation.**

An archaeological mitigation strategy shall be submitted at the first formal application for each phase, for the written approval of the Planning Authority. Thereafter, the approved strategy shall be fully implemented. All significant archaeological remains are preserved in situ as may be required by the Planning Authority, or any necessary recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

(67) Noise and Vibration Assessment.**Noise and vibration mitigation.**

That the noise and vibration mitigation measures identified in Section 8 of the Environmental Statement shall be fully implemented. Application(s) for Approval of Matters Specified in Conditions shall demonstrate compliance with the specified mitigation measures.

(68) Noise Impact Assessment.

Application(s) for Approval of Matters Specified in Conditions shall include a noise impact assessment which determines the impact of noise from the Ayr to Stranraer railway line on the new development together with noise mitigation measures. The development should ensure that on completion, noise levels are acceptable and are in line with the criteria below. Maximum target noise levels within the noise sensitive receptor to be used in the determination:-

LAEQ16hrs	35dB	(0700-2300)	internal noise level;
LAEQ 8hrs	30dB	(2300-0700)	internal noise level;
LAMAX	45dB	(2300-0700)	internal noise level; and
LAEQ 16hrs	50dB	(0700-2300)	outside amenity space.

Internal noise levels are to be achieved, where possible, with windows open sufficiently for ventilation. Noise reduction is to be taken as 10dB from outside to inside with window open. For the avoidance of doubt all noise measurements shall be carried out by a suitably qualified acoustic consultant or other competent person.

(69) Renewable Energy Generation.

Reduction in CO2 emissions.

Prior to the submission of the first formal application for each phase for the development of buildings, there shall be submitted proposals for achieving a reduction in CO2 emissions in accordance with Scottish Planning Policy, for the approval of the Planning Authority. The completed development shall accord with the scheme.

(70) Recycling Centre and waste.

Recycling facility.

That within the 'mixed use edge' in the illustrative masterplan 12006-PL-P001-A (04.02.14) an area of land of around 300 square metres with a suitable hardstanding base with access for LGV service refuse vehicles shall be made available to the Council for a community recycling centre together with recycling banks for glass, paper, food and drinks cans, plastics and cardboard. This recycling centre shall be identified in the required Development Brief / Design Code.

(71) Household waste.

That in all domestic premises with gardens, dedicated space for three 240 litre wheeled bins for refuse (one brown 240 litre bin for garden waste, one blue 240litre bin for mixed recyclates, and one green 240 litre bin for residual waste) and a 23 litre caddy for food waste shall be provided. In all domestic premises without gardens, space to accommodate two 240 litre wheeled bins and a 23 litre caddy for food waste shall be provided. Precise details of the arrangements for accommodating the required bins in a screened and discreet manner shall be submitted with first formal application for each phase of the development.

(72) Safety.

Bird Mitigation Plan / Risk Assessment.

That no work shall commence on site before a Bird Mitigation Plan / Risk Assessment has been submitted and approved by the Planning Authority (in consultation with Glasgow Prestwick Airport). The required Bird Mitigation Plan / Risk Assessment shall set out the detailed arrangements that are to be put into place to; mitigate against the number of birds (gulls in particular) on disturbed land, commission a falcon contractor or similar during the clearance period(s) and prevent bird nesting and roosting on the roofs of commercial buildings. For the avoidance of doubt, this may include netting being applied to the roofs of commercial buildings. All development on site shall adhere fully to the terms of the approved Bird Mitigation Plan and Risk Assessment unless otherwise approved in writing by the Planning Authority.

(73) Safety fence adjacent to railway.

That, prior to the commencement of development on site, a suitable trespass proof fence at least 1.8 metres in height shall be erected with the boundary of Network Rail's property and maintained to the satisfaction of the Planning Authority in consultation with Network Rail.

Reasons:

- (1) To comply with section 59 of the Town and Country Planning (Scotland) Act 1997 (as substituted by section 21 of the Planning etc. (Scotland) Act 2006).
- (2) To comply with section 59 of the Town and Country Planning (Scotland) Act 1997 (as substituted by section 21 of the Planning etc. (Scotland) Act 2006) and in order to retain proper control over the development proposal.
- (3) To clarify the extent of the planning permission and to comply with section 59 of the Town and Country Planning (Scotland) Act 1997 (as substituted by section 21 of the Planning etc. (Scotland) Act 2006).
- (4) To clarify the extent of the planning permission and to comply with section 59 of the Town and Country Planning (Scotland) Act 1997 (as substituted by section 21 of the Planning etc. (Scotland) Act 2006). Condition (4) iii, in addition to the above, is to retain proper control over the development and to protect the vitality and viability of the town centre.
- (5) To clarify the terms of the permission. In the interests of the proper planning of the area and the timeous provision of different inter-related parts of the development.
- (6) To clarify the terms of the permission. In the interests of the proper planning of the area and the timeous provision of different inter-related parts of the development.
- (7) In order to ensure a responsive and robust development and design framework is created for the site.
- (8) To establish a clear vision for this development to become a sustainable and successful place and to ensure that the vision is translated into a succinct and well illustrated Development Brief / Design Code that provides clear design parameters for all future site developers.
- (9) To clarify the terms of the permission.
- (10) In order to retain proper control over the development proposal and in the interests of sustainable development.
- (11) In order to retain proper control over the development proposal and in the interests of sustainable development.
- (12) In order to retain proper control over the development proposal and in the interests of sustainable development.
- (13) In the interest of ensure a step change in accessibility between the application site and Ayr, to ensure that the required overbridge is provided in advance of the occupation of any development and that it of a sufficiently high quality location, siting, design and construction to encourage movement of people by walking and cycling.
- (14) To ensure that satisfactory arrangements are made for land transfer for the construction of and the delivery of a new primary school and related facilities on the site and to mitigate the off-site educational impacts (Adopted Local Plan Policies STRAT 6 and IMP 1).
- (15) To ensure that satisfactory arrangements are made for the provision of affordable housing on the site (Adopted Local Plan Policies STRAT 6, H13 and the Council's related 2006 Supplementary Planning Guideline 'New Housing Developments and Affordable Housing: A Guideline for Developers' and IMP 1).
- (16) In the interests of sustainable development. To ensure that the application proposal does not prejudice the potential future delivery of a rail halt serving the wider South East Ayr strategic growth area.
- (17) To establish and maintain sustainable travel patterns and to achieve a step change in public transport provision serving the site.
- (18) In the interests of sustainable development. To ensure that there is a range of employment generating uses within the site.
- (19) To ensure that the standard of access layout complies with the current standards and that the safety of trunk road users is not affected.
- (20) To minimise interference with the safety and free flow of the traffic on the trunk road.

- (21) To ensure that the development supports the longer term aim of providing the capacity improvements necessitated by the traffic impacts of the development.
- (22) To ensure that appropriate facilities are provided for non-vehicle users generated by the development to allow access to the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.
- (23) To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.
- (24) To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.
- (25) To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential impact on highway safety.
- (26) To ensure that the efficiency of the existing trunk road drainage network is not affected.
- (27) In the interests of road safety.
- (28) In the interests of road safety.
- (29) In the interests of sustainable development and the proper planning of the area. In order to ensure safe crossings existing over and under the railway line to ensure provision for walking, cycling and equestrian connection between Ayr and the remaining parts of the SE Ayr strategic growth area.
- (30) In the interest of road safety.
- (31) In the interest of monitoring traffic flow generated by the development as stipulated in the Transport Assessment and in the interest of road safety.
- (32) To create a step-change in public transport accessibility within the site.
- (33) In order to maximise the use of public transport and sustainable travel patterns.
- (34) In the interest of road safety.
- (35) In the interest of road safety.
- (36) For the purposes of road safety and functional operation of the local road network.
- (37) In the interest of road safety and to ensure that adequate provision is made for pedestrians.
- (38) To encourage sustainable means of travel.
- (39) To encourage sustainable means of travel.
- (40) To encourage sustainable means of travel.
- (41) In the interest of road safety and avoid the discharge of water on to the public road.
- (42) In the interest of road safety and to ensure an acceptable standard of construction.
- (43) In the interest of road safety and to ensure acceptable visibility at road junctions.
- (44) In the interest of road safety and to ensure adequate off-street parking provision.
- (45) To reasonably avert the reversing of vehicles onto the main road.
- (46) In the interest of road safety and to ensure that adequate provision is made for pedestrians.
- (47) In the interest of road safety.
- (48) To ensure adequate provision of lockable and covered cycle storage on site. To encourage sustainable means of travel.
- (49) Reason In the interests of securing public access through the site.
- (50) To safeguard protected species present.
- (51) In the interests of protecting the natural habitat and ecology of the site and promoting an open space framework.
- (52) In the interests of protecting the natural habitat and ecology of the site and promoting an open space framework.
- (53) In the interests of protecting the natural habitat and ecology of the site and promoting an open space framework.
- (54) In the interests of protecting the natural habitat and ecology of the site and promoting an open space framework.
- (55) In the interests of protecting the natural habitat and ecology of the site and promoting an open space framework.
- (56) In the interests of protecting the natural habitat and ecology of the site.
- (57) In the interests of sustainable development.
- (58) In the interests of sustainable development.

- (59) To reduce potential flood risk. These areas lie within a 1:200 year flood risk area and are therefore not suitable for development.
- (60) In order to ensure the development is protected against flooding in an acceptable manner. To ensure the proposal fully complies with Scottish Planning Policy.
- (61) To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.
- (62) To ensure that the site is drained in an acceptable and sustainable manner.
- (63) In the interests of pollution control.
- (64) To ensure that surface water from the site is adequately treated within the site and to ensure that measures are put in place to avoid unacceptable flood risks.
- (65) In order to ensure the development is protected against flooding in an acceptable manner. To ensure the proposal fully complies with Scottish Planning Policy.
- (66) To ensure that measures are put in place to appropriately assess and record archaeology.
- (67) To avoid noise disturbance in the interests of residential amenity. In order to address noise and vibration issues at the proposed properties next to the railway line.
- (68) To avoid noise disturbance in the interests of residential amenity.
- (69) In the interests of sustainable development.
- (70) In the interest of sustainability. To encourage waste recycling and retain proper control over the development proposal in the interests of residential and visual amenity.
- (71) In the interest of sustainability. To encourage waste recycling and retain proper control over the development proposal in the interests of residential and visual amenity.
- (72) In order to retain proper control over the development proposal in the interests of aviation safety.
- (73) In the interests of railway safety.

Advisory Notes:

- (1) A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx 'Notice to be displayed while development is in progress'.
- (2) The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).
- (3) The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

- (4) The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

(5) **Costs of Street Furniture.**

The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant / developer.

(6) **Costs of TROs.**

The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development will require to be fully funded by the applicant including any relevant road signs and markings.

(7) **Roads (Scotland) Act.**

The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.

(8) **Road Opening Permit.**

The Council as Roads Authority advises that a Road Opening Permit will be required for any work within the public road limits.

(9) **Construction Consent.**

Please note that Construction Consent from the Roads Authority will be required for the formation of any new road. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication, and with the national policy document Designing Streets.

(10) **Signage to TSRGD.**

The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2002' are permitted within public road limits.

(11) **RSA Stage 2 & 3.**

The Council as Roads Authority advises that at the detailed application stage the plans should include a stage 2 Road Safety Audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Roads Authority & the applicant. No later than 1 month after completion of the development, unless an alternative time period is approved, a Stage 3 Road Safety audit in compliance with HD 19/03 of the Standard for Highways Design Manual for Roads and Bridges should be submitted to the Roads Authority. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.

(12) **Sewerage.**

That foul sewerage and surface water sewerage shall be to the satisfaction of Scottish Water to ensure acceptable foul and surface water drainage arrangements are in place.

(13) **SEPA CAR authorisation.**

SEPA advises that authorisation CAR/L/1087646, has been granted for the re-alignment of a watercourse and bridging culverts at the site. Any change to the design of the proposed works or any other engineering work associated with any of the watercourses at the site will require the existing licence to be varied or another authorisation to be applied for.

(14) **High pressure gas transmission pipelines.**

Scotland Gas Networks (SGN) confirms the presence of two high pressure gas transmission pipelines in the vicinity of the site and would advise that the Building Proximity Distances (BPD) for these pipelines are 16 metres and 12 metres, in accordance with the recommendations of the Institution of Gas Engineers document TD/1 ed.5, however, it should be noted that the HSE may vary this distance, dependent upon the type of development.

- (a) E27: 168mm Heathfield (Ayr) to Maybole. BPD 12 metres; and
- (b) E27: 273mm High Glengall to Nether Culzean. BPD 16 metres

SGN advises that it is essential that no work or crossings of this high pressure pipeline is carried out until a detailed consultation has taken place. SGN notes that plans are available to demonstrate the location of their infrastructure and that colour copies of these plans together with a gas safety advice booklet should be made available to the senior person on site. For safety reasons, safe digging practices in accordance with HSE publication HSG47 'Avoiding Danger from Underground Services' must be used to verify and establish the actual position of mains, pipes, services, and other apparatus on site before any mechanical plant is used. It is the customer's responsibility to ensure that the relevant information is provided to all persons (direct labour or contractors) working on or near gas plant and that the advice in the SGN gas safety booklet is followed. SGN can be contacted at Plant Location, 95 Kilbirnie Street, Glasgow, G5 8JD telephone 0141 418 4093 or plantlocation@sgn.co.uk and their reference number for this response is SC/0022488.

(15) Glasgow Prestwick Airport: Cranes.

Cranes: Note that Prestwick Airport has recommended that the applicant / developer seeks further consultation with the airport in order to ensure consideration of cranes in relation to airport safety at the detailed application stage.

(16) Network Rail Advice.

Network Rail advises that existing boundary measure must not be removed without prior permission.

Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in the area. Network Rail recommends that all surface or foul water arising from the development should be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development.

The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours. Network Rail recommends that where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development. Network Rail recommends that details of all changes in ground levels, laying of foundations and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a 'possession' which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer should contact the Network Rail Asset Protection Engineer regarding the above matters, at; Network Rail Asset Protection Engineer, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0LQ, Tel: 0141 555 4887. E-mail - AssetProtectionScotland@networkrail.co.uk

List of Determined Plans 14/01552/FURM:

Drawing - Reference No (or Description): 12006-PLBD-P003 Location plan

List of Approved Plans:

Drawing - Reference No (or Description): 12006-PLBD-P003 Location Plan.

Drawing - Reference No (or Description): 12006-PL-P001-A Illustrative Masterplan.

Other - Reference No (or Description): PAC Report.

Other - Reference No (or Description): Design/Access Statement.

Other - Reference No (or Description): Environmental Statement.

Other - Reference No (or Description): ES Non Technical summary.

Other - Reference No (or Description): Transport Assessment (2).

Other - Reference No (or Description): Sustainability Statement.

Other - Reference No (or Description): Retail Impact Assessment.

Other - Reference No (or Description): Soc-Economic Assessment.

Other - Reference No (or Description): Planning Statement.

Other - Reference No (or Description): Employment Land Report.

Other - Reference No (or Description): Education Imp Statement.

Reason for Decision (where approved):

With specific regard to the approved 30% of the net sales area for the sale of comparison goods, other than furniture, floor coverings, DIY, electrical or household goods, the Council is satisfied that detailed consideration of this particular application has demonstrated that the application proposal is not likely to have a significant additional detrimental effect on town centres. The application proposal is also considered to be consistent with SPP retail policy which suggests that goods restrictions may be applied to "commercial centres" but which does not refer to individual supermarkets. Together these factors are considered to justify, in this case, a departure from the development plan.

In all other respects, the principle of the development hereby approved can be justified in terms of the development plan.

Subject to appropriate conditions and the submission of application(s) for the Approval of Matters Specified in Conditions, there is considered to be no significant adverse impact on the amenity of neighbouring land and buildings.

The meeting ended at 12.25 a.m.