

## EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE : 10 MARCH 2004

### 02/0757/OL: PROPOSED DEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES AND REFURBISHMENT OF MANSION HOUSE TO FORM FLATS AT BALLOCHMYLE HOUSE, MAUCHLINE

APPLICATION BY NORTHKIRK LTD C/O THOMSON McCREA

#### EXECUTIVE SUMMARY SHEET

#### 1. DEVELOPMENT DESCRIPTION

- 1.1 Proposed Development:** It is proposed to refurbish the mansion house to form fourteen flatted units. The developer intends to reinstate the building to its former external appearance. The structure of the building appears sound with the principal walls remaining plumb. It is intended to reinforce the shell of the building and replace the window frames and external doors so that they are replicas of the original features. The details of the refurbishment programme are currently under consideration (Planning Ref : 03/0410/LB).
- 1.2** In order to offset a substantial proportion of the cost of refurbishing the mansion the developer has applied for outline consent to erect an enabling residential development. Permission is sought in outline only and layout of the site is purely indicative at this stage. The applicants have however submitted development costings which indicate that 94 new build dwellings would be required to facilitate the refurbishment.
- 1.3** The developer has stated that the proposed residential development is to meet the executive demand within the housing market. The units would primarily be large detached units each set within a generously sized feu so that the mature landscape structure can, in the main, be retained. It is intended to form enclaves of house units and a courtyard development is also proposed. The overall layout, albeit indicative at present, intends to ensure that the magnificent frontage of the mansion house has an open aspect and hence an open landscaped area is left as a central feature. A sizeable water feature would also be located within this central area and would function as an attenuation pond for surface water drainage.
- 1.4** Given the site's former use as a hospital there is an existing but elderly infrastructure. This is believed to be somewhat outdated and has limited re-use potential. It is intended to use the existing entrance to the site and an indicative internal road layout is inclusive of the proposed site layout.

- 1.5** The principal behind the proposed new build units is that this development is required in order to unlock the potential for refurbishing the mansion. This is intended by the developer to be based on the minimum amount of development required to enable the reinstatement of the house in order that the Grade B building remains an important part of East Ayrshire's built heritage.
- 1.6** The application is accompanied by refurbishment and other financial costings, anticipated sales revenue figures, an ecological survey and a tree survey. Recently the Division has been provided with full drawings of the refurbishment works themselves. The Division is separately considering a Listed Building application in relation to such details which is currently out to consultation. Any decision on this Outline application must be integrated with the progression of the Listed Building application. In particular it would be essential that the refurbishment works to the Listed Building are acceptable and approved and then appropriately phased relative to the new build enabling development.

## **2. RECOMMENDATION**

- 2.1** It is recommended that the application be approved subject to the conditions listed on the attached sheet and that the issue of the decision notice be held in abeyance until the Solicitor to the Council has concluded an agreement with the applicant in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 addressing the points listed in Section 7.1 of the report.

## **3. CONCLUSIONS**

- 3.1** As indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these have been sufficiently addressed and do not merit refusal of the application.
- 3.2** The application has been made to develop the site for residential purposes in order that the refurbishment of a Grade B Listed Building may be facilitated. It is proposed to refurbish Ballochmyle House to provide accommodation for fourteen flatted units. Therefore at this outline stage, what is being considered is whether or not the costs incurred by the refurbishment are going to be recouped by the sale of the flats, secondly if they are not then what level of development is required to offset the deficit incurred by the refurbishment and thirdly is such level of development capable of being accommodated within the application site.
- 3.3** A breakdown of the refurbishment costs has been provided and assessed and it has been concluded that these are reasonable. The open market value of the flatted units has been assessed against the refurbishment costs and it is

apparent there is a significant deficit. The developer has engaged an indemnified Quantity Surveyor to provide a breakdown of costs for new build units, based upon their indicative proposal of 94 houses. It is considered by the applicant that any fewer units than that will not achieve the refurbishment of the House and the creation of a suitably restored environment within which it can be set.

**3.4** An independent consultant was appointed by the Division to consider the following :

- (i) the costings for the refurbishment of Ballochmyle House are realistic;
- (ii) assumptions about new build, site remediation and infrastructure costs are accurate;
- (iii) applicant's estimates for sale value of new enabling dwellings and the sale value of the flats in the Listed Building, (the completed historic asset), are realistic;
- (iv) is the applicant's marketing approach viable : are 94 new houses at this location, and at the proposed prices, capable of being sold?

***The report provided by the consultant verifies that the cost breakdown as well as the sale values are generally realistic although the report queries whether there is the demand for housing of this type in the numbers proposed. As indicated previously however, the marketability of the houses is not a material planning consideration. In as much as marketability might be said to impact on the ability of the development to secure the listed building, the proposed phasing programme to be enshrined in the legal agreement would require that initial, essential works sufficient to render the building wind and water tight are addressed before implementation of the new build houses.***

**3.5** There are a significant number of detailed considerations yet to be addressed and clarified with regard to the proposed development in full. However, it is the basic principle of what is being proposed that is to be considered under the current application for outline planning permission. It is acceptable that the remaining issues can be suitably addressed under an application for the approval of Reserved Matters.

**3.6** To conclude, it is considered that the proposed development is the minimum level required to unlock the potential for refurbishment of Ballochmyle House and therefore the recommendation in that regard can be favourable. This is of course subject to ensuring the development is phased accordingly to secure the complete refurbishment of the mansion house and subject to satisfactory conclusion of an extensive range of conditions addressing design, siting, road safety and environmental concerns. Some of these matters, as discussed in Section 7, will require also to be subject of a legal agreement

**Alan Neish**  
**Head of Planning and Building Control**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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**APPLICATION BY NORTHKIRK LTD C/O THOMSON McCREA**

#### **Report by Head of Planning and Building Control**

#### **1. PURPOSE OF REPORT**

- 1.1** The purpose of this report is to present for determination an outline planning application which is to be considered by the Development Services Committee under the scheme of delegation, due to it raising a significant new issue to the Council.

#### **2. APPLICATION DETAILS**

- 2.1 Site Description:** The site, which is 29.8 hectares in area, comprises the grounds of the former hospital at Ballochmyle Estate and its environs. It is located approximately 1.2km south-east of the settlement of Mauchline and 0.3km west of Catrine.
- 2.2** Ballochmyle Golf Course lies immediately southwest of the site with agricultural land to the southeast and the A76 trunk road running south of the golf course. To the east the ground slopes down towards the edge of Catrine and to the north-west is the B705 road between Mauchline and Catrine. Agricultural land lies between the application site to the north and the B705 which wraps around the northern edge of the Ballochmyle Estate. Ballochmyle Sawmill and Sawmill Cottage are situated on the opposite side of the B705 immediately across from the existing main entrance to the site.
- 2.3** The site is accessed by the aforementioned entrance road, albeit at present this entrance is sealed off to vehicles. This road is central within the site and leads to a mini roundabout situated approximately 400 metres from the mansion house itself. There is an existing internal road network at present, this is however substandard. There are three hospital buildings remaining on the site and the foundations of some which have been demolished since the demise of the hospital.

- 2.4** Ballochmyle House is a Category B Listed Building. The mansion was originally a classical Georgian mansion designed by John Adam around 1760 and was extensively remodelled by Hew Montogomerie Wardrop in 1887. The outstanding red sandstone addition by Wardrop now forms the principal front elevation to the west. The rear elevation to the east remains as styled by Adam. Unfortunately since the closure of the hospital the mansion has fallen into a state of disrepair. The developer has advised that the internal damage to the building makes a survey of the interior and its features in situ impossible. In any case it is believed that there is little of the original interior remaining which would be suitable for restoration. There are few window frames remaining and the damage to the roof has resulted in some of the dormer fenestration to the front being set askew.
- 2.5** The former hospital site also includes an area of clearing approximately 100 metres north of the mansion house which was the location of infectious diseases wards and is separated from the mansion house by a variety of mature trees and a belt of fir trees forming the south boundary of the clearing. To the west of this is a dense patch of rhododendron bushes and beyond a variety of woodland stretches westward to the B705 to form the north boundary of the application site.
- 2.6** There is a walled garden 130 metres southwest of the mansion house. A rhododendron lined path forms a walk from the house to the walled garden. The former gardener's cottage is on the south side of the wall and is itself a fine example of the period in which the mansion was built. This building however does not form part of the listing and has lapsed into a ruinous shell.
- 2.7** It is the grounds in which the mansion is set which contribute to the character of the development site. The environs of the house have been identified by the Garden History Society as having value but are not included in the Inventory of Historic Gardens and Designed Landscapes. The woodland is a designated Ancient Woodland and has the benefit of a blanket Tree Preservation Order. The southern area of woodland is also included within the River Ayr : Damhead to Nether Heila Provisional Wildlife Site. Such designations demonstrate the site's value in terms of providing a rich and diverse habitat for a variety of flora and fauna.
- 2.8** **Proposed Development:** It is proposed to refurbish the mansion house to form fourteen flatted units. The developer intends to reinstate the building to its former external appearance. The structure of the building appears sound with the principal walls remaining plumb. It is intended to reinforce the shell of the building and replace the window frames and external doors so that they are replicas of the original features. The details of the refurbishment programme are currently under consideration (Planning Ref : 03/0410/LB).
- 2.9** In order to offset a substantial proportion of the cost of refurbishing the mansion the developer has applied for outline consent to erect an enabling residential development. Permission is sought in outline only and layout of the site is purely

indicative at this stage. The applicants have however submitted development costings which indicate that 94 new build dwellings would be required to facilitate the refurbishment.

- 2.10** The developer has stated that the proposed residential development is to meet the executive demand within the housing market. The units would primarily be large detached units each set within a generously sized feu so that the mature landscape structure can, in the main, be retained. It is intended to form enclaves of house units and a courtyard development is also proposed. The overall layout, albeit indicative at present, intends to ensure that the magnificent frontage of the mansion house has an open aspect and hence an open landscaped area is left as a central feature. A sizeable water feature would also be located within this central area and would function as an attenuation pond for surface water drainage.
- 2.11** Given the site's former use as a hospital there is an existing but elderly infrastructure. This is believed to be somewhat outdated and has limited re-use potential. It is intended to use the existing entrance to the site and an indicative internal road layout is inclusive of the proposed site layout.
- 2.12** The principal behind the proposed new build units is that this development is required in order to unlock the potential for refurbishing the mansion. This is intended by the developer to be based on the minimum amount of development required to enable the reinstatement of the house in order that the Grade B building remains an important part of East Ayrshire's built heritage.
- 2.13** The application is accompanied by refurbishment and other financial costings, anticipated sales revenue figures, an ecological survey and a tree survey. Recently the Division has been provided with full drawings of the refurbishment works themselves. The Division is separately considering a Listed Building application in relation to such details which is currently out to consultation. Any decision on this Outline application must be integrated with the progression of the Listed Building application. In particular it would be essential that the refurbishment works to the Listed Building are acceptable and approved and then appropriately phased relative to the new build enabling development.

### **3. CONSULTATIONS AND ISSUES RAISED**

- 3.1** Following the revision to the proposed scheme to include ninety four new build units the various consultees received the amended plan to enable them the opportunity to comment further.
- 3.2** Ayrshire Joint Structure Plan Team has advised that the site lies outwith any settlement boundary and therefore within the "rural protection" policy area. To conform to Structure Plan policy the proposal would require to be consistent with the criteria listed in Policy G5. The proposal would appear not to conform to

these criteria and must therefore be judged as contrary to the current development plan.

***A full assessment of the proposed development against relevant development plan policies has been made under Section 5 of this report. This assessment concludes compliance with Structure Plan policy.***

- 3.3 East Ayrshire Council's Department of Education and Social Services has no objection to the proposed development.

***Noted.***

- 3.4 East Ayrshire Council's Environment Health Division undertook a site visit and the following observations were made :

- there are three partly demolished buildings still standing on the site
- the rubble from the demolished buildings is still present on site
- a burnt out van is present on the site at the main entrance
- underground pipe work is present in various locations
- damaged lagged pipe work is present amongst surface rubble

After analysing samples of the lagging the Environmental Health officer has advised that the presence of asbestos in underground pipe work has been unconfirmed as the extent of pipe work lagged with asbestos is unknown and it is highly likely that the original pipe work that is inaccessible (due to its location under buildings etc) will be lagged with asbestos. Suitable measures therefore need to be taken to identify the extent of pipe work underneath the site and a methodology for the safe removal of pipe work lagged with asbestos cement developed. Because the asbestos is present in relatively inaccessible areas and it remains undisturbed the risk of exposure to asbestos fibres in the air will be low. However any works carried out to excavate these areas and resultant disturbance of lagging material would increase the possibility of the release of asbestos fibres into the air and exposure to workers and the general public.

***The developer is aware of the presence of both the confirmed locations of asbestos and that there is an unknown quantity of pipe work lagged with asbestos cement contained within the site. The removal of asbestos has been costed into the financial report provided by the developer. A methodology statement has been requested and it is considered acceptable to impose this as a suspensive condition if the Committee are minded to approve the application.***

- 3.5 East Ayrshire Council Roads and Transportation Division has no objection to the proposed development subject to the following conditions:

- (i) access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996 Roads and Bridges Volume 6 TD 41/95 will be required on the B705 Mauchline to Catrine road to access the site in the interests of road safety
- (iii) improved street lighting will be required at the junction with the B705
- (iv) junction visibilities of 4.5m by 160m are required to the right hand side on exit and 4.5m by 120m to the left hand side on exit at the junction with the B705
- (v) all internal roads to be traffic calmed
- (vi) junction visibility splay areas of 4.5m by 35m will be required at all internal road junctions
- (vii) the developer is required to upgrade the rural footway adjacent to the B705 that links Mauchline with the site as part of the construction consent
- (viii) the developer should provide improved public transport facilities to serve the development

***These requirements in the interests of road safety can be met through the appropriate imposition of suspensive conditions if the Committee are minded to approve the application.***

Following reconsultation the Roads Division has advised that given the scale of the proposed development the developer should submit a Transport Assessment in support of the application. This should consider :

- (i) the impact of likely traffic generated onto the surrounding road network
- (ii) improved pedestrian links from the site to Mauchline
- (iii) public transport and cycle facilities

***The developer has been advised of this requirement and it is considered acceptable to receive this as part of the submission for the approval of reserved matters should the Committee be minded to grant approval of the current application.***

**3.6** The Council's Department of Community Services has no objection to the proposed development.

***Noted.***

**3.7** Scottish Water has advised that there is an existing public water main located in the street adjacent to the site which may be suitable to provide a supply to the proposed development. Record drawings show that there is water apparatus located within the development site that may be affected by the application. There is a public sewerage system to which a connection may be made from the proposed development but the applicant must contact Scottish Water Developer Services to discuss. A totally separate drainage system of foul and surface water sewers will be required. This development will involve the provision of sewers

which may become vested in Scottish Water and the layout and specification of these sewers must be agreed, in writing, by Scottish Water, prior to their construction. It is recommended that the applicant must consider the implementation of a Sustainable Urban Drainage systems (SUDs) within the proposed drainage design.

Following reconsultation Scottish Water has advised that they object to the application whereby the proposed development drains to the public sewerage system. This is due to the cost of providing infrastructure to serve the development being outwith Scottish Water's "reasonable cost" obligation.

***The developer shall be required to provide a full working specification of the proposed drainage design along with written confirmation of its acceptability from Scottish Water as part of the submission for approval of Reserved Matters should the Committee grant outline planning permission.***

- 3.8 Scottish Environment Protection Agency (SEPA) has no objections in principle provided that the drainage arrangements are to their satisfaction. In this regard all foul drainage is to be connected to the existing public sewer and a suitable SUDs is selected and installed to treat and minimise the surface water leaving the site.

SEPA had no additional comments to make following reconsultation.

***The proposed method of SUDs will require to receive the written approval of SEPA and should form part of the submission for the approval of Reserved Matters, should the Committee grant outline planning permission.***

- 3.9 East Ayrshire Council's Arboricultural officer has raised concern for the present woodland surrounding the site. This is an Ancient Woodland, which has been there prior to 1750 when records began. Due to the history of the woodland there is a good bio diversity of flora and fauna within the site with only a small area of coniferous planting near the existing entrance. The woodland is large enough to retain a sustainable habitat for wild animals within the environment. The wood will also give substantial shelter to many of the proposed houses within the non wooded area of the site. The ancient woodland should be protected from development in this instance, as there is sufficient open space available within the site. With regard to the walled garden area there is no objection to developing this area.

Upon receipt of the Tree Survey report the Council's Arboricultural officer recommended the retention of Tree No. 170, a Cedar deodara. He also advised that the recommendations within the report are accurate and he is in agreement with the points.

***The developer has undertaken a Tree Survey and this report shall enable a full assessment of the development in the context of the Ancient Woodland in order that the houses may be positioned so as to minimise their impact on the designated area as well as those areas protected by the Tree Preservation Order. The site layout at present is indicative and therefore a full assessment of the development's impact upon these designations shall be made at the Reserved Matters stage should the Committee be minded to approve the application. There is considered to be sufficient space within the site to accommodate a sizeable residential development without a significant detrimental impact on the trees. Given that the Tree Survey report is found to be accurate the finalised site plan to be submitted for the Reserved Matters should take full account of the recommendations contained in the report and as found to be reasonable by the Council's Arboricultural officer.***

- 3.10** East Ayrshire Council's Access Officer has advised that the implementation of the Council's Outdoor Access Strategy for Zone E : Ayr River Valley includes a long distance route along the valley of the River Ayr. Part of this route is anticipated to follow the river within Ballochmyle Estate. The developer should therefore liaise with the Outdoor Access Unit. Additionally the developer should ensure that the network of paths from Catrine to Mauchline, including the Ballochmyle Estate, is maintained and improved for the benefit of the communities of Mauchline and Catrine and also the future residents of the housing development. It should also be noted that proposed new Land Reform legislation may permit open access to the countryside and so every endeavour should be made early on to ensure this access is managed well.

The Access Officer has advised that the above comments remain the same.

***An appropriate suspensive condition to ensure the development takes account of the Access Strategy can be imposed on the consent should the Committee be minded to approve the application.***

- 3.11** Scottish Natural Heritage support the principal of enabling development in this case, as a means of securing the long term conservation and enhancement of Ballochmyle House and its associated designed landscape, including significant areas of mixed and semi-natural woodland. Given that the application could have adverse impacts on important natural heritage interests Scottish Natural Heritage (SNH) object to the proposed development unless it is made subject to the following matters :

- (i) modification of the site layout, and possibly a reduction in the number of housing units proposed, to exclude housing units, including their associated gardens, from the principal areas of mature woodland forming the periphery of the site;
- (ii) production of a complete tree survey;

- (iii) the production of an estate management plan to cover the conservation and enhancement of the historic gardens and designed landscape, its associated woodland, and public access provision therein.

SNH have emphasised in their most recent response the unwelcome change in the number of dwellings and the extent to which that could affect areas of ancient woodland. The loss of any such woodland would be contrary to the aims of the Ayrshire Local Biodiversity Action Plan. Enclave housing within the woodland would be unacceptable and the layout should be amended. A detailed estate management plan should be the subject of a legal agreement.

They have advised that a management plan should incorporate :

- a full appraisal of existing site conditions including landform, key features and key views, how they relate to each other in the context of the designed landscape, their historic/cultural importance and the landscape experience;
- a landscape and visual assessment including consideration of the effect of the development upon individual landscape elements/features/views as well as the effect upon the general landscape character and quality of the surrounding area;
- a full tree survey;
- a plan, informed by the above, of proposed tree planting and any other associated landscape works to provide compensation necessary for maintaining tree cover and to include the new tree/shrub planting associated with the new approach and the setting of the mansion house;
- measures to conserve and manage the woodland associated with the designed landscape;
- measures to conserve/enhance other historic features eg. the walled garden;
- an appraisal of existing and historic footpaths and public access provision, and measures to enhance and restore the potential for public access for informal recreation throughout the estate.

***The site layout at present is indicative only and therefore a full assessment of the landscape and visual impact as well as the Tree Survey are not under consideration at this stage. A Tree Survey has however been undertaken and the developer has been advised that a Landscape Impact Assessment as well as an Estate Management Plan shall be required to be submitted as part of the Reserved Matters. A suspensive condition can be imposed to secure these items should the Committee be minded to approve the application.***

- 3.12** Scottish Wildlife Trust has advised that the recommendations in the Ecological Survey report adequately safeguard the Provisional Wildlife Site and take

account of the presence of bats. Hence the Trust has no objection to the proposed development provided the developer implements the relevant recommendations contained in the Ecological Survey report.

Following the reconsultation the Trust has advised that their comments still stand.

***The developer has been advised of this requirement and it is considered acceptable to ensure these matters are thoroughly addressed and dealt with appropriately through the Reserved Matters application. This can be secured through the imposition of a suspensive condition should the Committee be minded to approve the application.***

- 3.13** The Garden History Society has advised that they are yet to be convinced that development on this scale is the minimum required to “enable” the restoration/conversion of the mansion house. They remain concerned by the extent of policy woodland which will be lost to residential development in the western extremity of the site, and are unhappy with the intention to give access to the north eastern part of the site by way of a new road running close to the main front of the mansion house, when this could be avoided by using the line of the former access road along the northern edge of the park. The proposal still has the appearance of being led by the desire to accommodate as many houses as possible in the space concerned. They would prefer to see a proposal which begins with a thorough analysis of the landscape, and its capacity to absorb development.

The Society had an opportunity to comment further upon receipt of the Ecological Survey and advised that there was still no real attempt being made to analyse or understand the design of the landscape, the setting of the mansion and the existing network of drives and paths. They have stated that there needs to be a clear statement of how any new housing is intended to relate to the landscape, of the nature and extent of public access which is planned, and of how the ongoing management of the woodland is to be arranged and funded. To conclude the Society has advised that it is likely to continue its opposition to residential development at Ballochmyle unless and until the applicant is seen to take greater account of the historic landscape, and to produce a comprehensive landscape management plan for the site as a whole. There is no reason why such a plan should not include some of the proposals and recommendations for habitat management and enhancement which have been set out in the Ecological Survey.

The Society has stated that their utmost concern is the extent of the built development which will result in the loss of a significant proportion of the surviving policy woodland, and its replacement with what amounts to little more than a suburban housing development. The increase in the number of new house units seems likely to exaggerate this loss. The new plans still show no serious attempt being made by the applicant to develop a new and appropriate

landscaping setting, albeit at a reduced scale, for the mansion house. They conclude by saying that while the Garden History Society wishes to see the mansion house at Ballochmyle restored, it cannot support a proposal which, in its judgement, will have an unacceptably damaging impact on the character and integrity of what remains of the historic landscape, and on the setting of Ballochmyle House. Accordingly, they are minded to maintain their objection to the proposal on the same grounds as before.

***Albeit the landscape in which Ballochmyle House is set has all the attributes of a Designed Landscape it does not bear the formal designation and therefore cannot be considered under such premise. However, this does not lessen the need for the proposed development scheme to take full and sympathetic account of how the proposed development impacts on the landscape as well as on the woodlands. A tree survey has been submitted which can form the basis for the assessment of detailed development proposals within the site. It is noted that a substantial hospital operated for many years within the site and it is therefore considered acceptable to have full regard to the landscape and woodlands at the Reserved Matters stage should the Committee be minded to approve the application.***

- 3.14 Historic Scotland has informally advised that they oppose the scheme on the basis of the scale of the proposed development and its impact on the setting of and approach to Ballochmyle House. They also advise that the submission does not have sufficient detail to properly assess the impact of the proposed development.

Following reconsultation the Inspectorate advises it is disappointed to see a scheme which still proposes a large number of houses for the grounds and which does not leave the historic house with a convincing setting. They understand that in the light of the reconsultation on 03/0410/LB that the applicants are likely to be putting together a scheme for the refurbishment of the house and that cost may be forthcoming in the near future. Although it is appreciated these costs are likely to be high, the initial reaction is that the scale of development seems still to be excessive in extent, and appears to make no attempt to recognise its historic context. The repair and re-use of Ballochmyle House is obviously the critical element at the centre of any enabling development proposal. Without the presence of the listed building, development on this site would presumably not be justified. If the level of development proposed is so excessive that the setting of the house is effectively lost the Council should consider whether the preservation of the house is still justified at this cost to the local environment. The Inspectorate considers it essential that the Council considers whether the house and land should in fact have a nominal value, nil value, or a negative value if it is demonstrated that the currently proposed level of development is required for restoring the building. An appraisal of any restoration proposals for the wider landscape will be a fine balance of what features and spaces of quality can or should be retained or restored, and the amount of development required to

achieve this. The Council should be mindful of this when considering the overall costs of the development, and should determine whether the Council has any financial responsibility in this respect that might reduce the developer's outlay on preparation for the enabling development.

The Inspectorate has concluded by saying that because (as they understand) the development of housing at Ballochmyle is permissible on the basis of the restoration of the listed building they think it would be extremely unwise of the Council to determine an application (even in outline) for houses until the restoration costs of the house have been submitted for analysis. Until the developer has decided it would prefer to re-submit a much reduced enabling scheme that is sensitively derived from the historic context, they would strongly recommend that the Council appoints a consultant to scrutinise the figures for the overall development.

***The integrity of Ballochmyle House is utmost in the consideration of this application, indeed its conservation is at the core of the policy against which the proposal is being assessed. However, the impact of the development on the setting of the mansion house is a primary consideration and the site layout must take full account of this and ensure that the mansion house retains its function as the dominant building within the Estate. The indicative site layout does demonstrate that this can be accounted for by illustrating an extensive area of open space to the fore of the mansion house. The details of the proposed refurbishment are currently under consideration as described in Para 2.7.***

***The Council has indeed appointed the services of an external consultant who has commented on the refurbishment costs as well as the new build costs and examined these in the context of the policy which is to ensure only the minimal amount of development necessary is permitted. The consultant concluded that, in broad terms, the costings are realistic; (see paragraph 5.8 below) It is therefore considered that the concerns raised by Historic Scotland have been addressed through this process.***

- 3.15 The Scottish Civic Trust has objected to the proposed development on the basis that the applicant has failed to provide any supporting documentation regarding enabling development.

***During the period the application has been under consideration, additional information in respect of the enabling development has been provided. As previously stated the enabling development forms the basis of this application and as such has been the central issue during consideration of the application. Scottish Civic Trust inevitably has the integrity of the mansion house at the root of their concern and it is therefore considered appropriate that they are given the opportunity to comment upon receipt of an application for Reserved Matters. They have also been consulted on the***

***application for Listed Building consent but to date have not yet responded. Re-consultation for the Listed Building consent application shall be undertaken upon receipt of further details as requested and which are due to be submitted in the foreseeable future.***

- 3.16 The Architectural Heritage Society of Scotland state that the application is not of an acceptable format but they have made a formal official request that a blanket TPO should be placed on Ballochmyle Estate immediately.

Following reconsultation the Society advised that they could not comment on the application due to insufficient information. They have also stated that there appears to be no indication or guarantee that the restoration/development of Ballochmyle House will be carried out first.

***A Tree Preservation Order has now been placed on woodland in the grounds of Ballochmyle Estate. The Architectural Heritage Society also have the mansion house at the root of their concern and therefore shall be afforded the same opportunity to comment as the Scottish Civic Trust. The developer has been advised that the development including the refurbishment of the mansion will have to be phased to ensure that the mansion is wind and weather tight prior to any works commencing on site in relation to the new build.***

- 3.17 West of Scotland Archaeology Service has advised that the application raises no substantive archaeological issues.

***Noted.***

- 3.18 East Ayrshire Council's Business Development Unit has advised that as the development is purely of a residential nature the Division would not seek to offer any particular comments other than to welcome the employment opportunities that will be created during the construction period.

***Noted.***

- 3.19 Scottish Power has no objection to the proposed development and following reconsultation their response remains the same.

***Noted.***

- 3.20 Transco has requested that their information pack is passed to the contractor on site and following reconsultation they have advised that they will contact the developer prior to the intended start date.

***Noted.***

- 3.21 The Coal Authority, British Telecom, Mauchline Community Council and Catrine Community Council have all been consulted but no response had been received at the time of writing this report.

***Noted.***

#### **4. REPRESENTATIONS**

- 4.1 This application has attracted two letters of representation from a third party. The objections to the proposed development are as follows.
- 4.2 The proposed access is still dangerous and nothing has been done about this. It would appear sensible to us to have the roundabout formed internally in the development area put on the main road to allow for reasonable access to the development site. The road at this point is dangerous and access from our property on the other side of the road will be made very difficult due to the number of users coming from the Ballochmyle Hospital site. The sawmill is used for commercial purposes and has constant visiting traffic. The access arrangements have to be radically altered and this does not appear to have been addressed at all.

***The access as existing and as proposed has previously been used by the hospital and the Roads Division has not indicated that it is likely to be unacceptable for the proposed development. A Transport Assessment shall be required under the submission of Reserved Matters so that appropriate road safety measures may be implemented to address any road safety issues. The Assessment will require to take into account existing accesses which are likely to be affected by the proposed development.***

- 4.3 The proposed development is a vast overdevelopment of what is now a largely rural site without nearby facilities and will be totally inappropriate to the character of the area.

***The current application is in outline only. However, it is not considered that the proposed 94 units on a site of this area, albeit there are physical landscape constraints, would represent overdevelopment. The site, although set in a rural location, is primarily a brownfield site and there are services and facilities in the neighbouring settlements of Mauchline and Catrine which are both within walking distance of the site. The site was of course previously occupied by a substantial hospital complex.***

- 4.4 Ballochmyle Estate has access through the proposed site for agricultural and timber operations and for any other purpose. Appropriate access arrangements have to be provided and the outlining planning consent would remain unsuitable for operations of this sort.

***Existing access arrangements are a legal matter for the applicant/landowner and the third party to resolve and do not form a material planning consideration in the determination of this application.***

- 4.5 In addition to the letters from a third party the Scottish Civic Trust and Garden History Society have also stated their objection to the proposed development and the reasons for this are outlined in Section 3 of the report.

## **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

- 5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

### Ayrshire Joint Structure Plan

- 5.2 Policy E1 states that in providing for new development, particular care shall be taken to conserve those features that contribute to local distinctiveness including :

- A the settings of settlements and buildings within the landscape;
- B the patterns of woodland, fields, hedgerows and tree features;
- C the special qualities of rivers, estuaries and coasts;
- D historic landscapes; and
- E skylines and hill features, including prominent views.

***Ballochmyle Estate has a well established woodland around its periphery and this has recently been recognised through the designation of a blanket Tree Preservation Order. This mature woodland has inevitably established itself to provide a natural wildlife habitat which also has been designated in part as a Provisional Wildlife Site. It is therefore paramount that any development within the site does not have a detrimental impact on these designations in the interests of conserving the diverse natural heritage. The developer has submitted a Tree Survey report for consideration by the Council's Arboricultural officer and a Landscape Impact Assessment is to be submitted as part of the application for Reserved Matters. The indicative site layout as presently submitted is respectful of the setting of the mansion house so that it is not affected by the proposed new build units. It is considered that the proposed development does take account of the special characteristics of the site in which it is located and therefore is compliant with Policy E1.***

- 5.3 Policy E2 advises that in Sensitive Landscape Areas the protection and enhancement of the landscape shall be given prime consideration in the determination of development proposals.

***The proposed development is located within the grounds of Ballochmyle House which is set within a high quality landscape located in a Sensitive Landscape Area and therefore must be afforded the appropriate level of protection. The proposed development of residential units will have a significant amount of screening by virtue of the fact it is located within an area of reasonably high density woodland. Hence it is considered that the proposed development, specifically the new build units, will not have any significant impact upon the existing physical landscape and therefore is not contrary to the spirit of this policy. In addition, it should also be noted that the site is identified in the Adopted Local Plan as a development opportunity for a mixed development comprising residential, industrial or business, leisure or recreation and tourism related uses.***

- 5.4 Policy G1 states that any proposed development outwith settlement boundaries shall not conform to the structure plan except :

- A where it specifically accords with other policies in the structure plan;
- B in locations identified in local plans for that specific development purpose; and
- C where the proposed development meets appropriate development criteria as defined by the structure and local plan.

***The proposed development is outwith the settlement boundary. However it is identified in the Local Plan as a development opportunity site hence recognising that the site is appropriate for development and thus complying with part B of the above mentioned policy. It is also compliant with other structure plan policies and meets the appropriate development criteria therefore not breaching Policy G1.***

- 5.5 Policy G3 states that in the Sensitive Landscape Character Areas development shall not conform to the structure plan except where it would :

- A protect and maintain, enhance or restore the scenic beauty, natural systems, wildlife and cultural heritage; and
- B promote the social and economic well-being of communities.

***The proposed development is located within a designated Sensitive Landscape Character Area. The diverse woodland which has developed around the former hospital site has established a wildlife heritage which the policy would serve to protect. The consultation process has highlighted a variety of flora and fauna which do require specific protection and it has been determined that this protection will be sought and secured***

***through implementation of the recommendations set out in the Ecological Survey undertaken and submitted by the developer. Being located between the settlement of Catrine and the larger settlement of Mauchline it is considered that residential development on the Ballochmyle site will have short term employment benefit during the construction phase and in the longer term will contribute to the social and economic well being of both of these communities through retail activity as well as helping to support the localised network of services such as public transport and community facilities.***

**5.6** Policy G5 states that outside settlements within the Rural Protection Area development proposals shall conform to the structure plan only where the development :

- A has a demonstrated site specific locational need;
- B can be justified in terms of social and economic benefit to the community;
- C contributes to rural land diversification; or
- D provides for the operational needs of agriculture and forestry.

***The proposed residential development is site specific to Ballochmyle as it is an enabling development scheme for the refurbishment of the Listed mansion house at Ballochmyle Estate. Additionally, as stated in para 5.5 it is considered that the proposed development will be of benefit to the existing local communities. Therefore it is considered to be compliant with Policy G5.***

East Ayrshire Local Plan (2003)

**5.7** The site of Ballochmyle Hospital has been designated in the Local Plan as Site 063M and the plan states that the Council will encourage and support the sympathetic redevelopment of the site for an appropriate mixture or combination of the following uses :

- (i) Residential use (limited to low density, high amenity, executive style housing);
- (ii) Industrial or business use (falling within Class 4 of the Use Classes Order);
- (iii) Leisure or recreational uses (eg. golf course, sports centre etc); and
- (iv) Tourism related uses (eg. hotel development).

Additionally the proposal states :

“Ballochmyle House should be retained and, if possible, redeveloped and brought back into active use as an integral part of any redevelopment proposals

for the overall site and the Estate Woodlands managed for recreational purposes with access afforded to the general public”.

***The proposal is to develop the site for residential purposes only and therefore it does not accord with this policy’s requirement to provide an appropriate mixture or combination of uses. However, it is proposed to refurbish the mansion house for its conversion into fourteen flatted units, hence bringing Ballochmyle House back into use. The developer has been advised of the requirement to submit an Estate Management Plan which shall take account of the Council’s Access Strategy so that members of the public as well as residents of the site can have access through the site. It is considered that the basic principle of what is being proposed does accord with this element of the development opportunity site. However, the application is being proposed by the applicants as an enabling development, not as one compliant with Policy Rural Area 2 that advances the ‘mixed’ development of the site.***

- 5.8 The application has been made on the basis of an enabling development to assist in the refurbishment of Ballochmyle House and therefore Policy RES8 applies. The terms of this policy state that where a proposal relates to the conversion of a large residential or institutional listed building located within its own grounds to a sympathetic alternative use, an associated but limited enabling development of new build housing may be considered acceptable by the Council, subject to all of the following criteria being met :

- (i) funds raised from the sale of the enabling development are channelled into the conservation of the building to which the development relates;

***the developer has provided a financial breakdown of the revenue to be accrued from the sale of the new build units, (94 are said to be required), as well as the flats against the costs of refurbishing the mansion house and the construction of the new build units including an appropriate share of infrastructure costs to both. The developer is aware that revenue from the new build units must be fed into the refurbishment costs and that this is would be the subject of a Section 75 legal agreement;***

- (ii) the new build element does not result in the division and fragmentation of the building and its grounds insofar as management of the area is concerned;

***the mansion house is to be converted as one entity to accommodate fourteen flatted units and the developer is to submit an Estate Management Plan which will include details of a proposed landscaping scheme for the whole application site;***

- (iii) the developer can demonstrate that financial assistance is not available from any other source;

***the developer has submitted a letter from Historic Scotland Grants Department confirming that the refurbishment of the house would not be eligible for financial assistance and this has been clarified more recently by the Planning Division;***

- (iv) the extent of any new build element is restricted to the absolute minimum necessary to unlock the development potential of the building and to facilitate its restoration;

***the refurbishment and new build costs and the applicant's anticipated sales revenue from the new building units have been assessed on the basis of the 'template' agreed by the Development Services Committee in December 2003 to guide the consideration of such applications. The report to that Committee sought to clarify the operation of the "enabling" Policy RES 8. This application was submitted prior to the December 2003 Committee, in September 2002, and consequently does not embrace all the principles in the December report; hence it is before Committee now as an Outline application. The developer's financial analysis indicates that there would be a deficit in the refurbishment of Ballochmyle House even after allowing for revenue generated by the sale of the flats. The agreed Council "template" offers a structure to the assessment of the various costs and incomes associated with enabling development. It is the applicant's contention that 94 new build units are required to enable the refurbishment. The Council has engaged independent consultants to review the costings attributed to the new build and refurbishment elements of the proposal as well as the applicant's claimed sales revenue from the development. In broad terms the Council's consultant has concluded that the costings are realistic and that the income from the new units would, for that size of property, be of the order suggested by the applicant. The consultant has however queried whether the marketing approach for the development is viable; whether there is the demand for the number and value of houses proposed. In terms of planning considerations, however, the marketability of the development is not considered to be material. Should the housing demand not be present and the applicant wishes to re-visit aspects of his scheme, then that process would trigger a fresh planning application which would be considered against policy and the material considerations at that time. Any consent granted at this time would be valid provided it was regulated by conditions and legal agreement such that any marketing review and re-visiting of development principles did not result in development***

***proceeding on site without appropriate refurbishment of the Listed Building.***

- (v) the new build element meets the provisions of all other relevant housing policies;

***the current planning application is in outline only and therefore this cannot be considered at this stage;***

- (vi) the proposed enabling development is located and designed so as to have minimum impact on the architectural and historic interest, character and setting of the historic environment, including any designation of the area as an Historic Garden and Designated Landscape; and

***the indicative site layout under consideration does reflect the need to retain the setting of the mansion house so the proposed new build units have been located to minimise their impact on the listed building;***

- (vii) the design of the enabling development reflects and compliments the style and design of the original building located on the site.

***the application is in outline only and therefore the design scheme for the new build units is not yet known. The developer is however aware that the design is to be of a high standard adopting a style and using materials which are sympathetic to the character of the mansion house.***

If permitted the enabling residential development will be made the subject of an appropriate Section 75 Agreement regarding the phasing of construction and other related design and layout matters.

***The developer is aware that a phasing programme will be required and that this will be secured through the completion of a Section 75 legal agreement. Further details of this are considered in Section 7 of this report.***

***It is considered that the proposed development in its current form does comply with the relevant elements of Policy RES8.***

## **6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS**

- 6.1** The other principal material considerations relevant to the determination of the application are the consultation responses and third party letters of representation.

Consultations Responses

- 6.2** Some of the consultees have objected to the proposed development on the basis of the application as it was submitted. It is acknowledged that at that time the developer had provided minimal information regarding the enabling development and to substantiate the level of development required to unlock the potential of the refurbishment scheme. Additionally, the objections relating to the Ancient Woodland and natural woodland habitat have been raised with the developer who has confirmed that these matters will be thoroughly addressed prior to the grant of any detailed consent. This is considered to be an acceptable arrangement given that the current application is for outline permission only and that a full assessment of these issues cannot be properly made until such time as a set number of new build units and an agreed site layout has been achieved.
- 6.3** In reference to the concerns raised by the built heritage consultees it is recognised that this application does not contain specific details/drawings of the refurbishment. It is understandable that they are concerned about the integrity of the mansion house. However, detailed proposals for the refurbishment are being considered under Planning Ref : 03/0410/LB and these same bodies are the technical consultees for that application. Unless the developer secures Listed Building consent for the mansion house then none of the development proposed on site shall take place. This is because the new build dwellings are permissible only as enabling development for the restoration of the Listed Building which itself must be undertaken to an appropriate standard. By condition and by means of a legal agreement the introduction of new build development would be phased so as to ensure the early retention of the Listed Building and the phasing of its associated final fitting out relative to the implementation of the new build units.
- 6.4** It is therefore considered that the material planning issues as raised by the consultees can be sufficiently addressed and do not indicate that planning permission should be refused.

### Representations

- 6.5** The material planning considerations, namely the assessment of the proposal against the development plan; the compatibility of the proposed development with surrounding land uses; access and impact on local road network and the affect on existing asserted public rights of way through the site, which have been raised by the third party objectors are considered to have been addressed. The matters raised have been assessed and would not merit recommending refusal of the application.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

- 7.1** There are no financial implications for the Council however the application is being recommended for approval subject to the conclusion of a legal agreement

under Section 75 of the Town and Country Planning (Scotland) Act 1997. Such an agreement shall address the following items:-

- a) submission of a programme of initial, essential restoration works to render the listed building wind and water tight; for implementation before any new building dwellinghouses;
- b) submission of a programme of further concluding restoration works; phased relative to progress on the new build dwellinghouses;
- c) the surplus on the sale of the new build units being utilised for restoration of Ballochmyle House;
- d) all restoration works to Ballochmyle House to be subject of Listed Building Consent and implemented only once such consent is granted;
- e) submission of a strategic landscaping scheme, a woodland management plan, both within the context of a Landscape Impact Assessment;
- f) ensured right of access for Planning Division officials to site/premises to enable monitoring;
- g) agreement to the maximum number of new build dwellinghouses.

## **8. CONCLUSIONS**

- 8.1** As indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these have been sufficiently addressed and do not merit refusal of the application.
- 8.2** The application has been made to develop the site for residential purposes in order that the refurbishment of a Grade B Listed Building may be facilitated. It is proposed to refurbish Ballochmyle House to provide accommodation for fourteen flatted units. Therefore at this outline stage, what is being considered is whether or not the costs incurred by the refurbishment are going to be recouped by the sale of the flats, secondly if they are not then what level of development is required to offset the deficit incurred by the refurbishment and thirdly is such level of development capable of being accommodated within the application site.
- 8.3** A breakdown of the refurbishment costs has been provided and assessed and it has been concluded that these are reasonable. The open market value of the flatted units has been assessed against the refurbishment costs and it is

apparent there is a significant deficit. The developer has engaged an indemnified Quantity Surveyor to provide a breakdown of costs for new build units, based upon their indicative proposal of 94 houses. It is considered by the applicant that any fewer units than that will not achieve the refurbishment of the House and the creation of a suitably restored environment within which it can be set.

**8.4** An independent consultant was appointed by the Division to consider the following :

- (i) the costings for the refurbishment of Ballochmyle House are realistic;
- (ii) assumptions about new build, site remediation and infrastructure costs are accurate;
- (iii) applicant's estimates for sale value of new enabling dwellings and the sale value of the flats in the Listed Building, (the completed historic asset), are realistic;
- (iv) is the applicant's marketing approach viable : are 94 new houses at this location, and at the proposed prices, capable of being sold?

***The report provided by the consultant verifies that the cost breakdown as well as the sale values are generally realistic although the report queries whether there is the demand for housing of this type in the numbers proposed. As indicated previously however, the marketability of the houses is not a material planning consideration. In as much as marketability might be said to impact on the ability of the development to secure the listed building, the proposed phasing programme to be enshrined in the legal agreement would require that initial, essential works sufficient to render the building wind and water tight are addressed before implementation of the new build houses.***

**8.5** There are a significant number of detailed considerations yet to be addressed and clarified with regard to the proposed development in full. However, it is the basic principle of what is being proposed that is to be considered under the current application for outline planning permission. It is acceptable that the remaining issues can be suitably addressed under an application for the approval of Reserved Matters.

**8.6** To conclude, it is considered that the proposed development is the minimum level required to unlock the potential for refurbishment of Ballochmyle House and therefore the recommendation in that regard can be favourable. This is of course subject to ensuring the development is phased accordingly to secure the complete refurbishment of the mansion house and subject to satisfactory conclusion of an extensive range of conditions addressing design, siting, road safety and environmental concerns. Some of these matters, as discussed in Section 7, will require also to be subject of a legal agreement.

## **9. RECOMMENDATION**

- 9.1** It is recommended that the application be approved subject to the conditions listed on the attached sheet and that the issue of the decision notice be held in abeyance until the Solicitor to the Council has concluded an agreement with the applicant in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 addressing the points listed in Section 7.1 of the report.

**Alan Neish**  
**Head of Planning and Building Control**  
1 March 2004  
(NM/MMM/SA)  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form, Plans and accompanying supporting information.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).

Anyone wishing to inspect the above background papers should contact Nicola Monroe on 01563 555485.

***Implementation Officer: Dave Morris***

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0757/OL

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Location	Ballochmyle House MAUCHLINE KA5 6QH
Nature of Proposal:	Proposed development of land for residential purposes and refurbishment of mansion house to form flats
Name and Address of Applicant:	Northkirk Ltd 14 Walnut Road KILMARNOCK KA1 2HF
Name and Address of Agent	Thomson McCrea 9 Old Bridge Street AYR KA7 1QA

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DPO's Ref: Nicola Monroe  
PPO's Ref: Hugh Melvin

The above **OUTLINE** application should be granted subject to the following conditions:-

1. The proposed development shall be carried out in accordance with the application form received on 17 September 2002, other than in respect of the number of units indicated, and the amended plan received by the Planning Authority on 19 January 2004, but only with regard to the application site boundary outlined in red and not in respect of the indicative layout, or the remote area of 3 houses hatched in green.

REASON To ensure that the development is carried out in accordance with the approved details.

2. Before any development commences on the site, the further approval of the Planning Authority shall be obtained in respect of the under mentioned matters hereby reserved:-

- (a) The layout of the site including the formation of an area free from dwellings to the north of the listed building;
- (b) The size, height, design and external appearance of the proposed dwellinghouses;
- (c) The means of drainage and sewage disposal;
- (d) Details of the access arrangements;
- (e) The provision for open space and associated maintenance arrangements;
- (f) The provision for car parking;
- (g) The boundary walls/fences to be erected;
- (h) The landscaping of the site and associated maintenance arrangements;
- (i) Existing and finished site levels/floor levels.

REASON This approval is in outline only.

3. Consent is hereby granted in outline for no more than 94 new build dwellinghouses.

REASON Any number in excess of that figure has not been established to be required in terms of Council policy on enabling development.

4. Prior to the commencement of any development on site, the applicant shall submit a phasing scheme for the construction of the new build units hereby approved relative to the refurbishment of the mansion house and shall implement the development in accordance with the scheme as approved. The scheme shall confirm that Ballochmyle House shall be made wind and water tight before any work in relation to the new build dwelling units including associated infrastructure works, commences on site.

REASON The proposal hereby approved in outline only is acceptable in principal purely on the basis of the mansion house being suitably refurbished.

5. The application for the approval of reserved matters shall include a strategic landscaping scheme for the whole application site. This should be respectful of the existing physical landscape characteristics and shall allow for the planting of native indigenous species. The scheme shall allow for extensive landscaping of the area north of the listed building lying between it and proposed new build dwellings.

REASON To secure an appropriate landscaping scheme for the site in the interests of maintaining the rural amenity of the site.

6. The application for the approval of reserved matters shall include a Landscape Impact Assessment highlighting existing features and clearly illustrating the visual impact of the proposed development without the context of the existing landscape.

REASON To enable the Planning Authority to properly assess the visual impact of the development in the interests of visual amenity of the rural environment in which the development is located.

7. The application for the approval of reserved matters shall include an Estate Management Plan for the future management and maintenance of the application site in its entirety. This shall demonstrate how the existing landscape and features are to be integrated into the proposed site layout and landscaping scheme to reflect the original environment of Ballochmyle Estate; and how these various areas of the site are to be maintained.

REASON In order that the special physical characteristics of the landscape can be conserved and maintained.

8. The findings of the Tree Survey report shall be taken into account in the proposed site layout so that the specimens protected by the Tree Preservation Order are wherever possible retained with no development taking place within the spread of the canopy or half the height of the tree whichever is the greater.

REASON To ensure that the Tree Preservation Order is given due regard in the layout of the site and during construction.

9. The application for the approval of reserved matters shall include the submission of a Bat Survey (to be undertaken for further consultation with the Scottish Wildlife Trust and Scottish Natural Heritage). The survey shall assess the level of bat activity on site and in the Listed Building and, having taken account of the bat roosting season, shall illustrate how the species is to be afforded the required level of protection throughout the construction period.

REASON In the interests of safeguarding the bat as a protected species.

10. The application for the approval of reserved matters shall include appropriate measures for the safeguarding of barn owls located within the mansion house. This shall pay particular attention to their protection during the breeding season and shall be in accordance with guidance which the developer should seek from Scottish Natural Heritage.

REASON In the interests of safeguarding the barn owl as a protected species.

11. The application for the approval of reserved matters shall take full account of, and secure the implementation of, the recommendations as set out in the Ecological Survey for Ballochmyle by the Natural Resource Management Consultancy and submitted to the Planning Authority on 06 December 2001.

REASON To ensure that the ecological importance of the site as a whole is preserved in the interests of protecting the natural heritage of the rural environment.

12. The site layout to be submitted as part of the application for the approval of reserved matters shall take account of the Council's Access Strategy and the extent of existing footpaths in public use extending through the site and this shall be clearly illustrated on the submitted plans to the satisfaction of the Head of Planning and Building Control.

REASON To ensure that the public path network through Ballochmyle Estate can be successfully implemented.

13. The application for the approval of reserved matters shall include details of a method of Sustainable Urban Drainage systems (SUDS) to be utilised by the development, as well as foul drainage, both of which shall be to the satisfaction of Scottish Water and Scottish Environment Protection Agency.

REASON In the interests of public health and safety.

14. The application for the approval of reserved matters shall include a programme for the future management and maintenance of the areas of public open space, all landscaping outwith the individual house plots, all public areas and the Sustainable Urban Drainage Scheme.

REASON To ensure that the developer confirms the responsibility for these items prior to the development commencing.

15. The dwellinghouses hereby approved in outline only shall be of a traditional design and constructed using materials sympathetic to the Grade B Listed Building mansion house and the rural environment and in compliance with the Council's agreed Design Guidance for new houses in the countryside.

REASON To ensure that the houses to be built are sympathetic to the area in which they are located.

16. The application for the approval of reserved matters shall include a Transport Assessment to be submitted for further consideration and approval by the Head of Planning and Building Control in consultation with the Transportation and Roads Division. Any conclusions within the TIA relative to the provision and phasing of transport infrastructure enhancements shall be implemented as approved and in accordance with an agreed phasing schedule.

REASON To enable the Roads Division to assess the full impact of the proposed development on the road network and to consider road safety measures to be implemented.

17. Access to the site will require to be taken via internal roads which comply with the Roads Development Guide 1996.

REASON In the interests of road safety.

18. Prior to the occupation of the first unit to be completed on the site the developer shall form a lane to the requirements of the Design Manual for Roads and Bridges Volume 6 TD 41/95 which will be required on the B705 Mauchline to Catrine road to access the site.

REASON In the interests of road safety.

19. Prior to the occupation of the first unit to be completed on the site the developer shall provide improved street lighting at the junction with the B705 to the satisfaction of East Ayrshire Council's Roads and Transportation Division.

REASON In the interests of road safety.

20. Prior to the occupation of the first unit to be completed on site the developer shall form junction visibilities of 4.5m by 160m on the right hand side on exit and 4.5m by 120m on the left hand side on exit at the junction with the B705 and these splay areas once formed shall be maintained in perpetuity and kept free from any obstruction greater than one metre in height.

REASON In the interests of road safety.

21. The application for the approval of reserved matters shall include details of traffic calming measures for the internal road network. These details shall be implemented in accordance with a phasing programme to be submitted to and approved by the Planning Authority.

REASON In the interests of road safety.

22. Prior to the occupation of the last unit to be completed the developer shall form junction visibility splay areas of 4.5m by 35m at all internal road junctions and the developer shall ensure that these splays once formed are maintained in perpetuity and kept free from any obstructions greater than one metre in height.

REASON In the interests of road safety.

23. The developer is required to upgrade the rural footway adjacent to the B705 that links Mauchline with the site as part of the Roads Construction Consent.

REASON In the interests of pedestrian safety.

24. The application for the approval of reserved matters shall include details of how the developer proposes to provide improved public transport facilities to serve the development.

REASON In the interests of the residents who wish to use public transport.

25. Prior to the commencement of any development on site, there shall be submitted to and approved by the Planning Authority a methodology statement addressing the collection and removal of asbestos cement contained within the site. This asbestos, thought primarily to be located in the vicinity of underground heating pipes, shall thereafter be treated in accordance with the details in the statement as approved.

REASON In the interests of public health.

26. Any details on the submitted plans in terms of the layout of the site are not hereby approved and will require to be agreed as part of the reserved matters submitted further to Condition 1 above.

REASON To ensure that the development is carried out in accordance with the approved details.

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