

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 10 MARCH 2004

**03/0946/RM: DEVELOPMENT OF HOTEL, LEISURE AND GOLF COURSE
AT ROWALLAN CASTLE, KILMAURS
BY DUFFIELD MORGAN LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

- 1.1** This current application involves the submission of part of the Reserved Matters further to the Outline Planning Permission for Conversion of Castle to Hotel and Leisure Facilities, ancillary accommodation in estate buildings erection of 49 houses, 18 hole golf course and associated landscaping and road improvements at Rowallan Castle and Estate, Kilmaurs (East Ayrshire Council Ref 98/0365/OL). That application was approved by the Scottish Ministers in March 2001, following an extensive Public Inquiry.
- 1.2** Given the history of the site and the relative complexity of the relationship of the various elements of the entire facility there have been protracted discussions and correspondence with the applicants on the most appropriate means to address the reserved matters of the application. This culminated in the submission of this application which involves specifically the formation and layout of the golf course, a maintenance shed, footways and bridges.
- 1.3** The applicant has confirmed that there will be no earth moving works other than in the formation of greens and bunkers. The existing contours of the site will be maintained where fairways are located. There is reference to 6 separate "Areas" within the application site. These are indicative of the possible housing areas which will require to be the subject of a further Reserved Matters submission. Certain remaining elements of the Outline Permission have been agreed as not requiring fresh submission in the context of the outline application due to the particular works having already received either full planning permission or Listed Building Consent and actually having been commenced on site. These elements do not interfere in themselves with the consideration of the reserved matter submission now before the committee and are referred to in the planning history section of the report, Section 6 below.
- 1.4** The submitted details confirm the arrangement and layout of the golf course, (including footways and bridges) landscaping and levels information and the augmentation and improvement of elements of the historic designed landscape. A maintenance shed is proposed to be located within an existing area of

woodland but mainly sited in a hollow which has been used as a tip. It is proposed to infill this area and form a consolidated platform for the building and associated circulation space. The building is steel framed and steel clad. The access to the shed is along an existing part surfaced road from the main surfaced internal road.

- 1.5 It is also proposed to form a new access to the estate to the west of the original entrance and various works to the internal estate roads.

2. RECOMMENDATION

- 2.1 It is recommended that the Reserved Matters application be approved subject to appropriate notification to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and subject to the conditions on the attached sheet

3. CONCLUSIONS

- 3.1 As is indicated in Section 5 of the report the application is considered to be in accordance with the terms of the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Acts 1997 the application should be approved unless material considerations indicate otherwise. The material considerations are addressed in Section 6 of the report and it is not considered that they raise issues of sufficient weight in respect of the scope of this application to overcome the presumption in favour of the development plan.
- 3.2 Should the Committee agree to determine the application in accordance with the application to be notified to the Scottish Ministers for consideration under the Notification of Applications Procedures 1997.

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.

EAST AYRSHIRE COUNCIL

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03/0946/RM: DEVELOPMENT OF HOTEL, LEISURE AND GOLF COURSE AT ROWALLAN CASTLE, KILMAURS BY DUFFIELD MORGAN LTD

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 application for reserved matters which is to be considered by the Development Services Committee under the scheme of delegation because it is to be notified to the Scottish Ministers.

2. APPLICATION DETAILS

- 2.1 **Site Description:** The application site includes the more recent building, known as the "Lorimer" House which is set within its substantial grounds to the north of Kilmarnock. Part of the grounds are recorded as being an Historic and Designed Landscape and the grounds are substantially covered by a Scottish Wildlife Trust (SWT) Wildlife Site. The Lorimer House is a category 'A' Listed Building and there are a number of other ancillary estate buildings that are recorded as Category 'B' Listed Buildings including the gatehouse and stables.
- 2.2 The original Rowallan Castle is a category 'A' listed building and Scheduled Ancient Monument which sits within its own scheduled area to the south east of Lorimer House. The estate of Rowallan is characterized by its avenue approach to the mansion house, various plantations and shelter belts, formal garden and parkland.
- 2.3 **Proposed Development:** This current application involves the submission of part of the Reserved Matters further to the Outline Planning Permission for Conversion of Castle to Hotel and Leisure Facilities, ancillary accommodation in estate buildings erection of 49 houses, 18 hole golf course and associated landscaping and road improvements at Rowallan Castle and Estate, Kilmaurs (East Ayrshire Council Ref 98/0365/OL). That application was approved by the Scottish Ministers in March 2001, following an extensive Public Inquiry.
- 2.4 Given the history of the site and the relative complexity of the relationship of the various elements of the entire facility there have been protracted discussions and

correspondence with the applicants on the most appropriate means to address the reserved matters of the application. This culminated in the submission of this application which involves specifically the formation and layout of the golf course, a maintenance shed, footways and bridges.

- 2.5** The applicant has confirmed that there will be no earth moving works other than in the formation of greens and bunkers. The existing contours of the site will be maintained where fairways are located. There is reference to 6 separate “Areas” within the application site. These are indicative of the possible housing areas which will require to be the subject of a further Reserved Matters submission. Certain remaining elements of the Outline Permission have been agreed as not requiring fresh submission in the context of the outline application due to the particular works having already received either full planning permission or Listed Building Consent and actually having been commenced on site. These elements do not interfere in themselves with the consideration of the reserved matter submission now before the committee and are referred to in the planning history section of the report, Section 6 below.
- 2.6** The submitted details confirm the arrangement and layout of the golf course, (including footways and bridges) landscaping and levels information and the augmentation and improvement of elements of the historic designed landscape. A maintenance shed is proposed to be located within an existing area of woodland but mainly sited in a hollow which has been used as a tip. It is proposed to infill this area and form a consolidated platform for the building and associated circulation space. The building is steel framed and steel clad. The access to the shed is along an existing part surfaced road from the main surfaced internal road.
- 2.7** It is also proposed to form a new access to the estate to the west of the original entrance and various works to the internal estate roads.

3. CONSULTATIONS AND ISSUES RAISED

- 3.1** East Ayrshire Council’s Roads and Transportation Division has confirmed that they have no objection to the road improvements and new access as detailed in the application. This response is based solely on the explicit contents of this application, and the acceptance of the historic consents for the use of the Lorimer House as a hotel with leisure wing and ancillary accommodation. They have advised informally that depending on subsequent Reserved Matters’ submissions, in particular in respect of the housing elements, further works may be necessary to the internal roads.

Noted. The phasing of these works can be addressed by means of conditions.

- 3.2 Scottish Environment Protection Agency have advised that in their view all the reserved matters should be considered as a whole as the other outstanding matters combined with extant permissions may combine to make the servicing of later elements unviable.

Noted. This aspect is noted but it is however considered that given the scope of this application, the submitted reserved matters can be considered and appropriate conditions attached to secure an appropriate drainage management scheme for the elements of this application.

- 3.3 Scottish Water has not objected to the proposal but have confirmed that they would prefer to have the entire scheme including the houses assessed as a single application. They have confirmed that the developer should contact their office to discuss how the proposal will be serviced.

Noted. Several elements encompassed by the March 2001 Outline Consent are separately already granted and are therefore not covered by submissions currently before the Council. In the context of the planning application process it is not therefore necessary to require the comprehensive approach sought by Scottish Water. They will nevertheless have it in their power to achieve appropriate arrangements through the exercise of their regulatory authority. A note attached to any consent can alert the applicant to the need to contact Scottish Water.

- 3.4 Scottish Natural Heritage have responded confirming that they have no objection to the golf course and related elements as proposed. They have however identified a number of issues in connection with the application.

The golf course should be designed on the basis of an agreed design brief dated May 2000 that was prepared with the intention to secure the most valuable aspects of the Designed Landscape at Rowallan. Their comments confirm areas where they are satisfied with the submission but raise the following issues:

The length of hole 5 is such that the green penetrates the contemporary boundary of the Holmpark Plantation.

Noted. The exact length and orientation of this hole can be re-assessed by means of a condition if the Committee is of a mind to approve the application.

The hedgerow running parallel to the main vista should be incorporated. It will be lost due to the scale of planting.

Noted. This can be addressed by means of condition.

Finally an updated ecological assessment of the application site should be carried out. In particular, it shall address the impact of the development in respect of badgers.

Noted. This aspect can be addressed by means of a condition if the Committee is of a mind to approve the application.

3.5 West of Scotland Archaeology Service as East Ayrshire Council's advisors on archaeological matters have advised the following :

That the current submission is irrelevant to the consideration of the current reserved matters application and that the conditions attached to the issued outline planning permission are in their view not the most competent means of addressing potential issues of archaeological interest.

In an effort to bring the matter to a more positive useful conclusion they have confirmed that they would be satisfied with the use of an alternative condition as a means of addressing their concerns as follows:

“No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant agreed by West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the planning authority with the West of Scotland Archaeological Service.”

3.6 The Garden History Society have specifically objected to the application on the grounds that the submission is inadequate in addressing the conditions attached to the outline planning permission. They raise a number of areas where they consider the submission is lacking as follows:-

- the lack of a historic landscape assessment;
- the absence of a tree survey;
- the lack of screen planting;
- the absence of car parking details;
- the absence of lighting details.

The above matters have been discussed with the applicant who has responded on a number of points and these have been relayed to the Society for their updated comment. Specifically he has responded confirming that issues of landscape management and landscaping were

fully researched historically and considered at the Public Inquiry which resulted in the approval of the outline application. This response is noted but it is considered prudent to seek an updated landscape assessment by means of a fresh condition.

The applicant specifically confirms that there are no trees to be felled, again referring to other historic submissions some of which are not directly related to any planning permission. In this respect whilst the applicant's position is noted it is again considered appropriate given the long term nature of the proposed development to seek an updated management plan for the various policies in the application site.

The screen planting is detailed in the layout for the golf course.

There are no plans for lighting to the internal roads to serve the hotel and golf course.

Parking details have been confirmed as being in accordance with historic extant consents (see Section 6 below).

The Society note the submission of the design brief for the golf course but confirm that for their purposes it is inadequate. In respect of these comments it is considered prudent to concentrate on the comments of the statutory consultee for such matters; see Scottish Natural Heritage's response above para 4.

- 3.7** East Ayrshire Council's Community Services Department have been requested to offer comment on the landscaping details that have been provided and confirmed that they have no objection to the proposal. They have advised on the appropriate girth of proposed trees to ensure a more immediate visual benefit.

Noted.

- 3.8** The Coal Authority has not advised of any ground stability issues that could impact on the proposal.

Noted.

- 3.9** The Scottish Wildlife Trust has advised that they have no objection to the proposed development.

Noted.

- 3.10** Transco has advised of the position of their high pressure pipelines within the confines of the application site. The pipelines are not within the areas affected by building works associated with this application. Their guidance in respect of

these and related matters has been submitted and this will be forwarded to the applicant.

Noted.

- 3.11 Historic Scotland has advised that in their view a number of issues are outstanding or not presented in an appropriately detailed form to permit the necessary assessment of the application in terms of its impact on the designed landscape or the setting of the Listed Buildings in the estate. This now relates to shortcomings in the submission when compared with the specifics of the conditions attached to the Outline Planning Permission.

In terms of the golf course, the layout has been arrived at through discussions with SNH and their comments are related above, para 4. Historic Scotland confirm that they are unable to comment on the extent to which the golf course submission accords with the design brief because they were not involved in its preparation, and whilst their general comments are noted they have not recorded a specific objection to that element.

They confirm significant adverse concerns in respect of certain of the housing areas as indicated in the layout and have formally objected on the grounds of insufficient information.

The applicant has confirmed that housing does not form part of this submission. These areas therefore are not being assessed as part of this application. The full details of reserved matters of proposed housing areas will require to be assessed at a future date and their acceptability or otherwise confirmed at that time. The adverse comments of Historic Scotland in this particular regard are therefore not considered to be material to the reserved matters of this application.

The issues pertinent to the scope of this application raised by Historic Scotland have been assessed and are noted. It is considered reasonable given the circumstances of the site and acknowledging Scottish Natural Heritage's endorsement of the document to address the matters deemed to be outstanding by means of conditions. This preferred route has been put to Historic Scotland who have confirmed that they consider that they have no alternative other than to object to the proposal on the grounds that there is insufficient information provided with and in support of the application.

- 3.12 The Stewarton and District Community Council has not responded at the time of writing this report.

Noted.

4. REPRESENTATIONS

4.1 In addition to the objections from the Garden History Society and Historic Scotland a further letter of objection has been submitted by a resident who lives adjacent to the application site. The grounds of objection are as follows:-

4.2 My property abuts the site on its southern boundary and would require protection from stray golf balls.

Noted. This aspect can be addressed by means of a condition attached to any planning permission.

4.3 The physical works on the areas adjacent to my boundary may result in drainage problems impacting on my property.

Noted. This concern can be addressed by means of a condition attached to any planning permission.

4.4 The indicated housing clusters have not been justified against the terms of the issued outline planning consent and there is no phasing information on these matters. My client is particularly concerned with the impact of areas D and E.

Noted. The housing clusters, indicated as areas A – E, are not being assessed as part of this application. The points raised are noted but should be properly addressed to a future formal submission on these matters. The phasing submission with the application before the Committee is in the form of a statement and confirms that the hotel (now substantially completed), golf course (commenced) and clubhouse will be under construction prior to the commencement of the first group of houses. Club share houses, understood to be in indicative area F, would be commenced on the completion of the golf course. The terms of the condition relating to phasing are clear however given the history of the site and the scope of extant consents at Rowallan it is considered that the submission in this respect is acceptable.

4.5 Areas of woodland that could act as visual screens are thin and poorly maintained.

Noted. These areas can be addressed by means of a condition securing the appropriate landscaping and management of the application site.

4.6 No archaeological or drainage survey has been submitted.

The comments of the relevant agencies on these aspects are referred to above in Section 3 and can be addressed by conditions.

- 4.7 The objector also questions through his agent the validity of the reserved matters submission given the conditional requirements of the outline permission.

This aspect is noted. However given the history of the site and the number of extant, that is commenced and still effective, consents which are in place and compatible with the provisions of the outline permission, it is considered appropriate that this submission addresses those proposals not hitherto consented. In respect of any part of the submission where further information would be beneficial, it is considered that this can be addressed by conditions.

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 purpose 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 of the Structure Plan confirms that, in providing for new development, care will be taken to conserve certain features including historic landscapes.

The impact of the application on this aspect has been assessed and on the basis of the information provided it is considered that the development can be supported as having no detrimental impact on the designed landscape of Rowallan Castle. The development has been prepared to accord with an agreed design brief and is considered to accord with its parameters. There are issues that remain unresolved but it is considered that these can be addressed by means of conditions if the Committee is of a mind to approve the application.

- 5.3 Policy E20 confirms that proposals considered to have a detrimental affect on heritage resources shall not conform to the structure plan. These heritage resources include listed buildings and historic gardens and designed landscapes and archaeological locations.

The principle of the golf course has been approved and the information within the application has been assessed against the above considerations and found to be acceptable, again subject to the attachment of appropriate conditions.

In terms of the strategic development guidelines the application is considered to accord with the terms of Policies G1, G2 and G5.

East Ayrshire Local Plan

In respect of the Adopted East Ayrshire Local Plan the relevant policies are as follows:-

- 5.4 The application is considered to accord with the strategic Policy SD3 which confirms the Council's position in terms of development proposals within the Rural Protection Area. Indeed, the principle of residential development is enshrined in the associated Outline permission.
- 5.5 Policy IND 6 lists the criteria against which business proposals will require to be justified and the proposal is considered to accord with provisions (i), (iii), (iv), (v) and (viii) of that policy.

The environment section of the Local Plan confirms under various policies the Council's position in respect of applications that have implications for built heritage resources involved with this application. Specifically policies ENV 1, 2, 3,4 and 5 are considered to be relevant.

The application has been assessed against the terms of these policies and on balance is considered to be compliant with policy. It is acknowledged that certain aspects remain to be completely clarified in particular respect of the landscape management of the grounds within the application site and the future management of these grounds. It is considered that, notwithstanding certain comments from consultees, this reserved matters application can be approved subject to conditions clarifying the outstanding issues. There is acceptance from Scottish Natural Heritage that the majority of the golf course layout as detailed in the submitted layout accords with the terms of the relevant brief. This brief as referred to above was agreed with the specific intention of accommodating the golf course whilst minimizing the detrimental impact on the designed landscape. Historic Scotland concedes that they are not in a position to comment on this aspect.

In light of the above, the reserved matters submission currently before the Committee is considered to accord with the terms of the Development plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

- 6.1 The other principal material considerations relevant to this application are the consultation responses, the letters of objection, the impact of the development on

the amenity of the area and in particular the heritage resources as referred to above, and the planning history of the site.

Consultation Responses

- 6.2** The consultation responses are addressed in Section 3 of the report and in terms of the layout and orientation of the golf course it is considered that they do not raise issues of such significance that would indicate that the application should be refused. There are considerations which can be addressed by means of conditions if the Committee is of a mind to approve the application. The issues of a landscape management plan and historic landscape assessment, whilst noted as a reserved matter, are capable of being addressed by means of conditions attached to any reserved matters consent.
- 6.3** It is acknowledged that the endorsement of the golf course layout as according with the agreed design brief is critical and is considered to be sufficient confirmation that the golf course can be accommodated with no significant detrimental impact on the recorded heritage resources within the Rowallan Estate.

Letters of Objection

- 6.4** These are noted but again on examination are not considered to raise issues of such significance in connection with the scope of this current application to warrant a decision to refuse the application. It is noted that there are several areas that require the submission of further details or clarification, for example the provision of a screen along certain boundaries or holes of the proposed golf course. It is considered that these can be addressed by means of conditions that will require discharging at a date prior to the commencement of use of the golf course. The issues raised in respect of the indicative housing area are noted but are not the subject of this application.

The Impact on the Amenity of the Area and the Heritage Resources

- 6.5** These aspects have initially been assessed in the consideration of the outline application and deemed to be acceptable subject to the purification of a number of conditions. At this time a number of matters remain to be clarified but given the comments on the golf course from the SNH it is considered that the application can be approved and appropriate measures sought by condition to further reduce the impact of the golf course, and assist in its assimilation into the wider landscape and within the designed landscape. Specifically these outstanding matters relate to:
- The submission of an updated detailed landscaping plan to include various elements as listed in the condition attached to the outline application.

- The submission of a historic landscape assessment.

Planning History

- 6.6** There is an extensive planning history to this site encompassing a number of planning permissions and listed building consents certain of which have commenced on site. This aspect informed the findings of the Inquiry and the scope of the resultant outline planning permission. Whilst the terms of the outline consent are clear it is considered that, consequent to the further assessment of the history of the site there is no necessity to make a reserved matters submission for particular elements. The elements having the benefit of an extant consent are:-
- the change of use of 'Lorimer house' to form a hotel;
 - a large leisure wing to the west of the existing 'Lorimer house';
 - the conversion of two gamekeepers cottages to form ancillary hotel accommodation;
 - alterations and extension to stables to form ancillary hotel accommodation; and
 - the change of use of the engine house to form hotel accommodation.
- 6.7** Additionally applications for Planning Permission and Listed Building Consent have been considered encompassing the formation of a golf clubhouse and associated restaurant at the category 'B' Listed gardener's cottage complex to the south of Lorimer house. The planning permission has been issued and Historic Scotland has determined not to have the Listed Building application referred to them for formal consideration (EAC Ref 03/0026/LB). Consequently it too, will have been issued by the date of this Committee. A further application for listed building consent for works to 'Lorimer' house has also been considered by Historic Scotland and again they have determined not to have the application referred to them (EAC Ref 03/0956/LB). It also will have been issued by the date of this Committee.
- 6.8** Finally there was a requirement to conclude a Section 75 Agreement under the Town and Country Planning Acts to secure measures both outwith the application site of the outline application (98/0365/OL) or the scope of appropriate valid conditions. These extend to:-
- Phasing of the entire development to ensure the hotel, leisure and golf course are implemented prior to the development of the first houses (excluding 2 show houses).

- That there be only 35 new houses, the remaining 14 being club share units.
- The submission of a landscape management plan and the management of the estate and housing areas in general.
- The provision of off site road and junction improvements to the B751, B7038 and the unclassified Tannacrief Road.
- The submission of design briefs for the housing and the leisure wing.

The appropriate conclusion of the above obligations has been the subject of ongoing correspondence and discussions with the Council. Again as a consequence of the history of the site and the applicant's intention to implement extant consents, certain obligations for example the design brief for the leisure wing will not be pursued.

7. FINANCIAL AND LEGAL IMPLICATIONS

- 7.1** There are no financial or legal implications for the Council in determining this application.

8. CONCLUSIONS

- 8.1** As is indicated in Section 5 of the report the application is considered to be in accordance with the terms of the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Acts 1997 the application should be approved unless material considerations indicate otherwise. The material considerations are addressed in Section 6 of the report and it is not considered that they raise issues of sufficient weight in respect of the scope of this application to overcome the presumption in favour of the development plan.

- 8.2** Should the Committee agree to determine the application in accordance with the recommendation of this report, the objection from Historic Scotland will require the application to be notified to the Scottish Ministers for consideration under the Notification of Applications Procedures 1997.

9. RECOMMENDATION

- 9.1** It is recommended that the Reserved Matters application be approved subject to appropriate notification to the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and subject to the conditions on the attached sheet.

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

LIST OF BACKGROUND PAPERS

1. Application Forms /Plans
2. Statutory Notices and Certificates
3. Consultations Responses
4. Letters of Objection
5. Approved Ayrshire Joint Structure Plan
6. Adopted East Ayrshire Local Plan
7. Previous Applications: 98/0365/OL; KL/W/FL/88/225; KL/W/LB/225C; 97/0706/FL; 97/0787/LB; 97/0876/FL; 03/0044/FL

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

Implementation Officer: Alan Neish

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0946/RM

Site of Proposal:	Rowallan Castle KILMAURS KILMARNOCK KA3 2LP
Nature of Proposal:	Proposed Development of Hotel, Leisure and Golf Course
Name & Address of Applicant:	Duffield Morgan Ltd Rowallan Castle Kilmaurs KILMARNOCK KA3 2LP
Name & Address of Agent:	Robertson Design Corner House Elmbank Road LANGBANK PA14 6YT

DPOs Reference: IW/MMM/SA

The above RESERVED MATTERS 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 30 October 2003 and the amended layout plan received by the Planning Authority on 05 December 2003.

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

2. Within three months from the date of this permission a detailed landscape plan to include the following shall be submitted to and approved by the Planning Authority and thereafter implemented as approved:-

- (i) a detailed tree survey of the proposed development areas to indicate the location, height and species of any trees which will require to be felled in order to permit the proposed development;
- (ii) details of proposals for the replacement of trees felled in order to permit the proposed development;
- (iii) details of new tree, hedgerow and screen planting to be introduced into Rowallan Estate as a result of the proposed development, including the time-scales for planting such trees, hedgerows or screening;
- (iv) details of the measures to be taken for the protection of all trees during construction works, including, in particular, measures to be taken in relation to the excavation, construction and improvement of internal roads designed to serve the proposed development;
- (v) confirmation that chestnut pale fencing will be placed and maintained around trees to be retained in proximity to any development works. Such fencing shall enclose either the area described by the limits of the spread of branches of any tree or a radius of 5 metres from the tree trunk, whichever is the greater. There shall be no storage, site structure, parking or other operations permitted within such enclosed areas; and
- (vi) an assessment of the Historic Garden and Designed Landscape, including illustrative and map documentation and a survey of field characteristics of all past periods of use as such, including built features, planting layouts and surviving species.

REASON In the interests of preserving and improving the designed landscape at Rowallan Estate and the setting of the 'Lorimer' house, a Category A Listed Building.

3. Details submitted in pursuance of condition 2 above shall be submitted at a scale of 1:1250 and provide for the retention and augmentation of the hedgerows identified as the Gardrum Mill area and that in the north of proposed planting area 16 as detailed in the layout plan Job No 614.

REASON In the interests of preserving and improving the designed landscape at Rowallan Estate and the setting of the 'Lorimer' house, a Category A Listed Building.

4. Details submitted in pursuance of condition 2 above shall provide for the management and retention of the *Hygrocybe calyptiformis* (pink meadowcap) fungi present to the south west of the 'Lorimer' house. Details shall be submitted for the

approval of the planning authority in consultation with SNH and thereafter implemented as approved.

REASON In the interests of protecting a species identified in a UK Biodiversity Action Plan.

5. Within two months from the date of this permission a programme for the ecological assessment of the application site shall be submitted to for the approval of the Planning Authority and thereafter all approved mitigation measures shall be implemented in accordance with the terms of the programme. Said programme shall make particular provision for the retention of any badger population identified on site.

REASON In the interests of protecting species covered by the Wildlife and Countryside Act 1981.

6. Notwithstanding the terms of Condition 9 in Outline Planning Consent Ref No: 98/0365/OL, archaeological interests in the site shall be addressed such that no development shall take place within the site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant agreed by West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in conjunction with the West of Scotland Archaeological Service.

REASON In the interests of recording/preserving architectural resources.

7. Notwithstanding the details of the golf course hereby approved, the holes Nos. 13, 16 and 18 shall not include any water hazards or earthworks. Any bunkers to be provided in these holes shall be of a grassed finish. Additionally, the orientation of hole 5 shall be amended such that it does not breach the boundary of the Holmpark Plantation.

REASON In the interests of preserving and improving the designed landscape at Rowallan Estate and the setting of the 'Lorimer' house, a Category A Listed Building.

8. Notwithstanding the details of the plans hereby approved further details of the treatment along the boundaries of the application site identified in green on the approved layout plan, annotated job no. 614, shall be submitted to for the approval of the Planning Authority and thereafter implemented in accordance with those details as approved. Said details shall include measures for the protection of the immediately adjacent land properties from stray golf balls.

REASON In the interests of public safety /residential amenity.

9. Notwithstanding the details on the plans hereby approved further details shall be submitted to for the approval of the Planning Authority confirming the final positioning, area and depth of the golf course water features as detailed in layout Drawing Job No 614. These shall be implemented as approved.

REASON In the interests of amenity.

10. Notwithstanding the details on the plans hereby approved, final details of the surface treatment of the site for, and access to, the maintenance shed shall be submitted for the approval of the Planning Authority and implemented thereafter as approved. Said details shall include clarification of the infill medium being of an inert nature.

REASON In the interests of visual amenity and public health.

11. Notwithstanding the plans hereby approved details/samples of the external finishing materials to be used on the maintenance shed shall be submitted to and approved by the Planning Authority before any development commences on the site and thereafter implemented as approved.

REASON In the interests of visual amenity.

12. Prior to the commencement of development, details of the means of surface water drainage management for the proposed development shall be submitted to for the approval of the Planning Authority and shall thereafter be implemented as approved. Said details shall provide for mitigation measures to prevent any surface water inundation of adjacent properties and details of when such measures are to be implemented.

REASON In the interests of amenity and public health.

13. The roads details on drawing No 0261/01, 02, 03B, 04B, 05B, 06B, 07A, 08A shall be completed to the satisfaction of the Planning Authority prior to the commencement of use of the hotel, golf course or leisure wing.

REASON In the interests of road safety.

14. Prior to the commencement of development, details shall be submitted to and approved by the Planning Authority of the layout and construction of internal roads, including phasing of provision of passing places, low kerbs, low level lighting and internal junctions, all of which shall be designed in accordance with East Ayrshire Council Roads and Transportation Guidelines and in consultation with Historic Scotland and Scottish Natural Heritage. These details shall be implemented as approved and shall also be designed so as to ensure minimal impact on any natural or heritage

resources within Rowallan Estate and, in particular, impact upon existing trees or structures.

REASON In the interests of amenity and the preservation of a designed landscape.

15. Prior to commencement of development, details shall be submitted to and approved by the Planning Authority indicating the provision to be made for temporary car parking to serve all of the development site in the event of a major event. Such details shall thereafter be implemented as approved.

REASON In the interests of the amenity and preservation of a designed landscape.

16. This approval relates solely to the provision of a golf course and associated works, maintenance shed and landscaping. Details of the development of the six areas annotated A to F on the site layout plan are not hereby approved and will require the separate planning approval of the Planning Authority.

REASON To enable the Planning Authority to retain control over future development.

NOTE TO APPLICANT:

The developer is advised to make early contact with Scottish Water (Tel: 0845 601 8855) to discuss how the proposal will be serviced in terms of both foul and surface water drainage.

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