

EAST AYRSHIRE COUNCIL

COUNCIL MEETING - 3 DECEMBER 2009

DECISION OF SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 19 NOVEMBER 2009 RELATING TO PLANNING APPLICATION NO 09/0478/OL: RESIDENTIAL DEVELOPMENT (770 UNITS) WITH THE PROVISION OF ASSOCIATED SHOPS, WORKPLACES, ASSOCIATED INFRASTRUCTURE, COMMERCIAL SPACES, COMMUNITY FACILITIES AND OPEN SPACE ON THE LANDS OF KNOCKROON FARM, AUCHINLECK ROAD, CUMNOCK BY THE PRINCE'S CHARITIES FOUNDATION

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Council of the recommendation of the Special Southern Local Planning Committee held on 19 November 2009 regarding the above planning application, and for Council to determine the application for planning permission in principle in terms of the Scheme of Delegation on the ground that the application proposes a major development which is significantly contrary to the Development Plan.

2. BACKGROUND

- 2.1 East Ayrshire Council at their meeting held on 25 June 2009, agreed amendments to the Scheme of Delegation and Administration to meet the requirements associated with the Government's proposals to modernise the planning system in Scotland.

- 2.2 Key changes, effective from 3 August 2009, included:-

- Local Planning Committees would determine all applications for major development with the exception of national developments as specified in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and major developments that are significantly contrary to the Local Development Plan. However, where required to do so, Local Planning Committees will hold Hearings on these applications and make recommendations to the Council, but only the Council can make the decisions.

3. APPLICATION NO 09/0478/OL: THE PRINCE'S CHARITIES FOUNDATION: LANDS OF KNOCKROON FARM, AUCHINLECK ROAD, CUMNOCK

- 3.1 The application is for planning permission in principle for the construction of 770 residential units with the provision of associated shops, workplaces, associated infrastructure, commercial spaces, community facilities and open space at the lands of Knockroon Farm, Auchinleck Road, Cumnock, by the Prince's Charities Foundation. It is deemed that under the Scheme of Delegation the proposed development represents a major application in terms of the Town and Country Planning (Hierarchy of Development) (Scotland)

Regulations 2009 which is significantly contrary to the Development Plan and as such is for Council to determine.

3.2 Pre-Determination Hearing

3.2.1 A meeting of the Southern Local Planning Committee held a Pre-Determination Hearing on 19 November 2009 to consider the report dated 11 November 2009 by the Head of Planning and Economic Development (the report is attached as Appendix 1).

3.2.2 Members of the Southern Local Planning Committee were advised that the objection from SEPA indicated on the report by the Head of Planning and Economic Development had been withdrawn; that 3 letters of objection from 6 signatories had been received, details of which were contained within the report by the Head of Planning and Economic Development; that with regards to the conditions attached to the Head of Planning and Economic Development report, that no condition had been omitted and that the numbering would require to be amended; and of an amended recommendation of the Head of Planning and Economic Development which now read:

“to endorse the view of the Head of Planning and Economic Development in that the application be referred to full Council with a recommendation for approval subject to the conditions indicated on the sheet attached to the report and subject to further recommendation that full Council do not issue the Decision Notice until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) with the application in respect of the matters detailed in Paragraph 8.10 of the report by the Head of Planning and Economic Development.”

3.2.3 The Committee then heard Mr Andrew Patrick in respect of his objections and those of Mrs Isobel Patrick which are contained within Section 4 of Report attached as Appendix 1. The Members did not ask questions of Mr Patrick. The members then heard Mr Mark Greaves, Mr Alistair Wood and Mr John Thomson, representatives from the applicant, in support of the application and in response to the points raised by the objector. Members of the Southern Local Planning Committee asked questions of the applicant, all in accordance with the relevant Hearing Procedure.

3.2.4 During questions by the Members, the main issues raised with the applicant related to the provision of school facilities including community facilities together with local community engagement in the development.

3.3 Recommendation by Southern Local Planning Committee

3.3.1 Having heard the Pre-Determination Hearing, the Southern Local Planning Committee agreed:

- (i) to endorse the view of the Head of Planning and Economic Development that the application be referred to full Council with a

recommendation for approval, subject to the conditions indicated on the sheet attached to the report considered by the Local Planning Committee; and

- (ii) subject to a further recommendation that full Council do not issue the Decision Notice until the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) with the applicant not only in respect of the matters already detailed in Paragraph 8.10 of that report, but also in relation to the inclusion in the Section 75 of an additional Head of Agreement establishing a local Community Liaison Group and, that the Development Advisory Group referred to within Paragraph 8.10(ii), of that report, include representatives from East Ayrshire Council's Department of Educational and Social Services.

4. FINANCIAL /POLICY/COMMUNITY PLANNING IMPLICATIONS - Nil.

5. LEGAL IMPLICATIONS

5.1 Prior to the determination of this planning application, a pre-determination hearing required to be heard by a committee of the Authority, in this case the Southern Local Planning Committee.

5.2 As a consequence, this planning application now requires to be determined by Council in terms of Section 56 of the Local Government (Scotland) Act 1973 (as amended) given that it comprises a major development that is considered contrary to the development plan.

6. RECOMMENDATION

6.1 It is recommended that Council determine the planning application giving consideration not only to the terms of the report by the Head of Planning and Economic Development referred to in Appendix 1 but, also the recommendation by the Southern Local Planning Committee as detailed in Paragraph 3.3.1, above.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

27 November 2009
LY/SR

LIST OF BACKGROUND PAPERS

NIL

Any person wishing further information on this report should contact Lynn Young, Administrative Officer, on Tel No (01563) 576283.

Implementation Officer: Lynn Young, Administrative Officer.

EAST AYRSHIRE COUNCIL

SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE: 19 NOVEMBER 2009

09/0478/OL: RESIDENTIAL DEVELOPMENT (770 UNITS) WITH THE PROVISION OF ASSOCIATED SHOPS, WORKPLACES, ASSOCIATED INFRASTRUCTURE, COMMERCIAL SPACES, COMMUNITY FACILITIES AND OPEN SPACE ON THE LANDS OF KNOCKROON FARM, AUCHINLECK ROAD, CUMNOCK

APPLICATION BY THE PRINCE'S CHARITIES FOUNDATION

Report by Head of Planning and Economic Development

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning Permission in Principle is sought for construction of 770 residential units with the provision of associated shops, workplaces, associated infrastructure, commercial spaces, community facilities and open space. The applicant envisages that the non-residential uses may include retailing (Class 1), restaurant (Class 3), public house (Sui Generis), office space (Class 4) and community facilities (Class10). It is not intended that the proposed Knockroon development be a separate place, but that it forms an extension to the town of Cumnock. Due to the scale of the development it is intended that it be phased over approximately 25 years, primarily to accord with the provisions of both the existing and emerging development plans for the area.

1.2 In support of this planning application, it is accompanied by a comprehensive series of supporting documents comprising of:

- (i) **A Planning Statement:** This document assesses the proposed development in the context of the existing development plan, the emerging development plan and national planning policies and associated guidance.
- (ii) **An Environmental Statement:** This document considers the likely environmental impacts associated with the proposed Knockroon development and covers a wide range of issues. The document seeks to identify those issues, quantify the impacts and presents mitigation where appropriate to minimise adverse impacts.
- (iii) **A Transport Assessment:** This document assesses the potential impacts on the existing road network infrastructure as a result of traffic generated by the proposed development. It also examines the accessibility of the development site by sustainable modes of travel.
- (iv) **A Design Statement:** This document sets out the principles of design that will be used to deliver the vision of the Masterplan, covering street design, landscape structure, building height and land use, through to the architectural elements such as the design of individual buildings and their details, their relationship to the street and construction materials.

- (v) **The Knockroon Masterplan Report:** This document sets out the framework for the Knockroon development and resulted from the intensive and collaborative EbD process that engaged with relevant stakeholders and local communities.
- (vi) **A Register of Typologies:** This document is a comprehensive study of the best urban, architectural and landscape typologies of relevant Scottish towns, with a focus on Ayrshire. This study was used as a design tool in the EbD process and presents evidence of design components that acknowledge and work well with the history, climate and culture of the area.
- (vii) **A Sustainability Statement:** This document provides details of how sustainability will be incorporated into the design of the proposed development. In particular it provides a comprehensive report detailing relevant planning legislation and guidance, and outlining the full sustainability and energy strategy for the Knockroon Development.

1.3 Although the application is in principle only, these supporting documents are fundamental to the development and implementation strategy for the Knockroon development. As a consequence, the precise terms and locations of the design aspects mentioned hereafter may be subject to variation over time as the relationships between established areas assessed; nevertheless the development will proceed in compliance overall with these principles. It is intended that the site be developed into a single neighbourhood divided into urban quarters, centred upon a market square (to be known as Adam Square) at the heart. Blocks within development phases will vary in shape and size to provide a series of interesting and diverse urban spaces. The approximate maximum length of a block will be around 100 metres, punctuated by urban spaces such as junctions, a square or a green. Larger blocks will be broken down in scale by closes, alleys and lanes, forming an intricate series of informal spaces and atmospheres. The block adjacent to Broomfield playing fields is to be reserved for community and educational uses, potentially with a grouping of smaller buildings with a direct connection to the park and playing fields.

1.4 All structures will be designed to be adaptable, with ground floors able to accommodate retail and small office uses in appropriate locations. The applicant envisages that the maximum height of any building will be three storeys and all buildings within Knockroon will be between one and three storeys. Decisions about individual buildings will be made in relation to topographical considerations and the importance of creating street-building height ratios forming good enclosures. Buildings around the focal point of Adam Square will be two or three storeys in height with residential use above and a variety of commercial uses below. Buildings located around a "village green" (Underwood Green) will be two to three storeys in height, with the majority of three storey buildings being located along the westerly edge. The two to two and a half storey buildings will be located along the easterly edge, in line with the topography which falls gradually towards the west. To the northerly edge of the green is a lane bordered by one and one and half storey buildings, whilst the southerly edge is a secondary road edged by two and two and half storey buildings. In general, one storey buildings will be located within the closes and mews with a three storey corner at the entrance to Knockroon travelling from Cumnock helping create a landmark.

1.5 The Knockroon development is to be made up in the main of good quality, private housing with the potential for either developing shared and co-ownership

projects or possibly a care home for the elderly. The Design Statement accompanying the application details some key features of the proposed housing for the development. It is the intention to provide a range of housing over a wide variety of price scales and sizes that suits all segments of the population. The majority of buildings will be designed to be subdivided to form a family home, maisonette or smaller flat, reflecting changing demographics and needs over the long term. The predominant typology is expected to be terraced houses with a mixture of tenements, semi-detached and detached houses completing the development.

1.6 Public green spaces will be accommodated within the Knockroon development at Underwood Green, as referred to above, and at High Green, which will also form a key component of the Sustainable Urban Drainage system (SUDs) that will be required for the site. Existing woods will be conserved and footpaths enhanced, encouraging walking and recreation, with the re-establishment of connectivity to Dumfries House and Estate.

1.7 It is intended that Knockroon will have good public transport options and will be linked to connecting pedestrian and cycle routes. The road layout will be constrained with the initial role of streets as the public realm for residents of Knockroon and it will be possible to meet a high proportion of daily needs on foot, rather than relying on the private car. With 770 residential units proposed, it has the potential capacity to accommodate approximately 2477 residents.

1.8 In summary, the Knockroon development will provide a highly functional, well designed and highly sustainable community to live in. The community will include a range of features including walkable neighbourhood areas, good permeability and safety for pedestrians and cyclists, good connectivity to existing transport routes, mixed uses for development, retail provision and mixed tenure homes.

2. RECOMMENDATION

2.1 It is recommended Local Planning Committee endorses the view of the Head of Planning and Economic Development that the application be approved subject to the conditions indicated on the attached sheet.

2.2 It is recommended that if the Local Planning Committee concludes that the application should be approved in terms of 2.1 above, then the application should be referred to the Full Council for determination.

2.3 It is further recommended that, should the Full Council also agree with this recommendation, the issue of the decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Paragraph 8.10 of this report

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is considered to be a significant departure from 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 refused unless material considerations indicate

otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application. Of particular significance is the Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications) 2009, which identifies the application site as a Strategic Expansion Site and housing development opportunity in the local plan alteration. Additionally, since there are no outstanding objections to the local plan alteration relevant to this site, greater weight can be attached to this plan in the determination of this outline (application for planning permission in principle).

3.2 Furthermore, it is considered that in general, the other material considerations relevant to this application as described in Section 6, are also supportive of the proposed development. While acknowledging that the objectors will be affected by the significant change that the Knockroon development will bring to the locality, it is considered that the objections raised are not of sufficient weight to justify refusal of the application since the development will result in over-riding benefits to the wider communities of Cumnock and Auchinleck.

3.3 In identifying this site in the Alteration to the Local Plan, the Council has also acknowledged that *'a new neighbourhood is proposed which would incorporate housing of mixed types and sizes, local shops and workplaces for people wishing to start new businesses'*. It also notes that *'the site can accommodate some 770 housing units based on a higher density of development than originally proposed in the finalised local plan'*. The plan also accepts that the construction period would extend over a period of 20-25 years and in these circumstances *'much of the capacity of the site will be programmed for development post 2025, thus avoiding any conflict with the provisions of the Ayrshire Joint Structure Plan'*. The plan further states that *'the Knockroon development will create a new residential area of the highest quality which will in future be held up as an example of successful place-making and that the development will act as a catalyst for the regeneration of the wider area including Cumnock Town Centre, the town as a whole and surrounding communities'*.

3.4 The Knockroon development will result in significant changes to the landscape character of this area between Cumnock and Auchinleck, but the phasing of development over time will allow for appropriate transition from a rural landscape to one of high quality built environment.

3.5 In terms of socio-economics, the Knockroon development will provide considerable benefits, primarily in the construction phases of the project that will create up to 100 new jobs. The linkages of the Knockroon site with Dumfries House and Estates are also anticipated to encourage visitors to the area with benefit accruing to the local economy by use of local services and businesses. The Knockroon development, along with other key initiatives such as the Cumnock Town Centre Redevelopment project and the Cumnock CARS Scheme, is seen as a prime catalyst for the regeneration of the communities of Cumnock and Auchinleck.

3.6 While it is acknowledged that the Knockroon development will take place in a phased manner over a period of 20-25 years, it is usually general practice to grant planning permission in principle (PPP) for a standard period of three years, during which period, all matters specified in conditions of the PPP consent (previously referred to as the Reserved Matters) require to be approved, with work commencing within 2 years of the approval of these matters. The Planning Authority does however

have powers conferred under Section 21 of the Planning etc. Act 2006 to grant consent for a shorter or, more appropriately in this case, a longer timescale provided that there are justifiable reasons for doing so. In order to address the indicative phasing of the delivery of the Knockroon development, planning permission in principle would require to be granted for a period not less than 15 years.

3.7 Equally however, there should be appropriate safeguards to ensure that if, for whatever reasons, the delivery of the Knockroon development is significantly delayed or development is contracted, there is no resultant significant impact on the effective housing land supply to meet future demands.

3.8 This outline application (application for planning permission in principle) is accompanied by a wide range of supporting documents but it is clear from the consultation responses that there are a number of significant matters that would require to be addressed following any grant of PPP, which would necessitate further discussion and agreement between the applicant, the developer and relevant consultees and stakeholders. In this regard it is considered that a Development Advisory Group be established for the Knockroon site comprising primarily of representatives from the applicant (PFBE), the developer(s), the Planning Authority, the Roads Authority, SEPA, Scottish Water and other appropriate stakeholders relevant to the issues to be addressed. This would in many ways echo the successful approach previously taken under the EbD process and associated workshops. This can be secured by means of an obligation in Section 75 Agreement.

3.9 Essential to the success of the Knockroon development is the delivery of the high quality design principles specified in the Knockroon Masterplan, the associated Design Statement and the Register of Typologies. If the Knockroon development is to achieve the status of a Scottish exemplar similar to the successful Poundbury development in Dorset, it is considered that the principle design details contained within the aforementioned documents should be enshrined within a Design Code, to be agreed between the applicant and the Planning Authority, that could be adopted as Supplementary Planning Guidance to provide a more formal mechanism to ensure commitment to, and delivery of, the vision for the new Knockroon neighbourhood.

3.10 In respect of all relevant matters and material considerations to be taken into account, it is considered that the proposed development is generally consistent with structure plan and the emerging local plan, and that there are no significant environmental or community concerns regarding the proposal that cannot be addressed by appropriate planning conditions or legal obligations. Consequently it is considered that the application should be approved but subject to the following obligations that should be secured through a Section 75 Agreement under the town and Country Planning (Scotland) Act 1997 covering the following matters:

Section 75 Agreement

(i) The production of a Design Code derived from the design principles contained within the Knockroon Masterplan, the Design and Sustainability Statements and the Register of Typologies that accompany the planning application. The Design Code shall be the subject of discussion and agreement between the applicant and the Planning Authority and once agreed, shall be adopted as Supplementary Planning Guidance to guide implementation of the Knockroon development phases and to ensure consistency of quality and design within the new neighbourhood.

(ii) The establishment of a Development Advisory Group for the Knockroon site comprising primarily of representatives from the applicant (PFBE), the developer(s), the Planning Authority, the Roads Authority, SEPA, Scottish Water and other appropriate stakeholders relevant to the requirement to address matters highlighted within the consultation responses and those matters specified in conditions in the grant of planning permission in principle. It is anticipated that this group would continue to have a continuing role in the delivery of the phased development of Knockroon.

(iii) The commitment of the applicant to provide retail, commercial and work spaces and associated community facilities, unspecified at this time, for the proposed Knockroon development. The nature of non-residential mixed use spaces / facility/ facilities to be provided within the development, including the location and timescale for delivery, shall be the subject of discussion and agreement with the proposed Development Advisory Group, and prior to the submission of the first application for matters specified in conditions for determination by the Planning Authority.

Alan Neish
Head of Planning and Economic Development

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

SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE: 19 NOVEMBER 2009

**09/0478/OL: RESIDENTIAL DEVELOPMENT (770 UNITS) WITH THE PROVISION
OF ASSOCIATED SHOPS, WORKPLACES, ASSOCIATED INFRASTRUCTURE,
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ON THE LANDS OF KNOCKROON FARM,
AUCHINLECK ROAD, CUMNOCK**

APPLICATION BY THE PRINCE'S CHARITIES FOUNDATION

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for consideration an application for planning permission in principle which is to be considered firstly by the Local Planning Committee. Under the scheme of delegation the proposed development represents a major application in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 which is significantly contrary to the Development Plan and therefore determination of the application rests with the Full Council. The Local Planning Committee is required to consider all representations made as part of a pre-determination hearing procedure, if required, prior to making a formal recommendation on the application to a subsequent meeting of the Full Council.

2. APPLICATION DETAILS

2.1 **Background:** Dumfries House was purchased in mid 2007 by The Great Steward of Scotland's Dumfries House Trust, a consortium of charities and heritage bodies headed by the Prince Charles, the Duke of Rothesay. The aim of the purchase was to create a centre around which a new strategy for economic, social and ecological renewal in East Ayrshire could be established. The house was officially opened to the public by Prince Charles on the 6th June 2008. In parallel to the opening of Dumfries House, the creation of a new neighbourhood in Cumnock, Knockroon, is a manifestation of the commitment of The Prince's Charities Foundation (PCF) to the regeneration and sustainable development of the East Ayrshire region. The Knockroon Site was acquired along with the Dumfries House Estate and was considered ideally situated for a sustainable extension of the town of Cumnock on the main road to Auchinleck. It is envisaged that the development will be part of an overall strategy for economic rejuvenation of the region through sustainable growth and the attraction of new residents and visitors alike raising the profile of Cumnock and the East Ayrshire region.

2.2 Working through The Prince's Foundation for the Built Environment (PFBE), an educational charity which exists to improve the quality of people's lives by teaching and practising timeless and ecological ways of planning, designing and building, an Enquiry by Design (EbD) process was undertaken for the site which is one of the Foundation's key planning tools, and the framework by which their values are disseminated to influence future development of the built environment. A week long EbD workshop was held in February 2008 and a second workshop held in April / May 2009 with representation throughout these workshops from East Ayrshire Council (elected members and officers from a variety of disciplines and

Departments), community councils, local community bodies and interest groups, representatives from the private sector and members of the wider public.

2.3 The result of this intensive and collaborative process was the production of the Knockroon Masterplan, which is essentially a blueprint for the new Knockroon community and the basis for pursuing implementation of the development through the requisite planning processes.

2.4 **Site Description:** The Knockroon application site extends to an area of 28.18 hectares (approximately 69.63 acres) and lies to the immediate north-west of the existing residential area of Holmhead in Cumnock, and approximately 1 km south-east of Auchinleck. The site straddles the B7083 Auchinleck Road, which is the primary route connecting the settlements of Cumnock and Auchinleck. The Rigg Road, which provides a link to the village of Lugar, runs off the B7083 to the north-east of the site.

2.5 The site is bounded by the playing fields of Broomfield and the Stewart Milne Homes residential development to the south with the waste water treatment works and Council depot and offices to the southwest at Underwood. Lying due west of the site is the Cumnock-Auchinleck bypass (A76) with the site of Terringzean Castle, a Category B Listed building, and Lugar Water situated in between. To the north-west, the site is bounded by Knockroon farm steading and associated agricultural land. To the east the site is bounded by residential properties in Holmhead, by agricultural land and the Holmhead Hospital site. The site forms part of the Dumfries House Historic Garden and Designed Landscape designation (HGDL) and the land has historically been used for agricultural purposes.

2.6 In terms of existing land use, the site is currently undeveloped and comprises mainly of agricultural land, primarily in pastoral use for the grazing of sheep. Mature woodland is present towards the western periphery of the site with the Knockroon and Underwood Mount woods. The site rises from 110m above OD in the south to 140m above OD at the highest point in the north. The site area slopes distinctly from the northeast to the southwest. To the west of the site, the ground slopes steeply to the Lugar Water, and is covered heavily with trees.

2.7 **Proposed Development:** Planning Permission in Principle is sought for construction of 770 residential units with the provision of associated shops, workplaces, associated infrastructure, commercial spaces, community facilities and open space. The applicant envisages that the non-residential uses may include retailing (Class 1), restaurant (Class 3), public house (Sui Generis), office space (Class 4) and community facilities (Class10). It is not intended that the proposed Knockroon development be a separate place, but that it forms an extension to the town of Cumnock. Due to the scale of the development it is intended that it be phased over approximately 25 years, primarily to accord with the provisions of both the existing and emerging development plans for the area.

2.8 In support of this planning application, it is accompanied by a comprehensive series of supporting documents comprising of:

- (i) **A Planning Statement:** This document assesses the proposed development in the context of the existing development plan, the emerging development plan and national planning policies and associated guidance.

- (ii) **An Environmental Statement:** This document considers the likely environmental impacts associated with the proposed Knockroon development and covers a wide range of issues. The document seeks to identify those issues, quantify the impacts and presents mitigation where appropriate to minimise adverse impacts.
- (iii) **A Transport Assessment:** This document assesses the potential impacts on the existing road network infrastructure as a result of traffic generated by the proposed development. It also examines the accessibility of the development site by sustainable modes of travel.
- (iv) **A Design Statement:** This document sets out the principles of design that will be used to deliver the vision of the Masterplan, covering street design, landscape structure, building height and land use, through to the architectural elements such as the design of individual buildings and their details, their relationship to the street and construction materials.
- (v) **The Knockroon Masterplan Report:** This document sets out the framework for the Knockroon development and resulted from the intensive and collaborative EbD process that engaged with relevant stakeholders and local communities.
- (vi) **A Register of Typologies:** This document is a comprehensive study of the best urban, architectural and landscape typologies of relevant Scottish towns, with a focus on Ayrshire. This study was used as a design tool in the EbD process and presents evidence of design components that acknowledge and work well with the history, climate and culture of the area.
- (vii) **A Sustainability Statement:** This document provides details of how sustainability will be incorporated into the design of the proposed development. In particular it provides a comprehensive report detailing relevant planning legislation and guidance, and outlining the full sustainability and energy strategy for the Knockroon Development.

2.9 Although the application is in principle only, these supporting documents are fundamental to the development and implementation strategy for the Knockroon development. As a consequence, the precise terms and locations of the design aspects mentioned hereafter may be subject to variation over time as the relationships between established areas are assessed; nevertheless the development will proceed in compliance overall with these principles. It is intended that the site be developed into a single neighbourhood divided into urban quarters, centred upon a market square (to be known as Adam Square) at the heart. Blocks within development phases will vary in shape and size to provide a series of interesting and diverse urban spaces. The approximate maximum length of a block will be around 100 metres, punctuated by urban spaces such as junctions, a square or a green. Larger blocks will be broken down in scale by closes, alleys and lanes, forming an intricate series of informal spaces and atmospheres. The block adjacent to Broomfield playing fields is to be reserved for community and educational uses, potentially with a grouping of smaller buildings with a direct connection to the park and playing fields.

2.10 All structures will be designed to be adaptable, with ground floors able to accommodate retail and small office uses in appropriate locations. The applicant envisages that the maximum height of any building will be three storeys and all buildings within Knockroon will be between one and three storeys. Decisions about individual buildings will be made in relation to topographical considerations and the importance of creating street-building height ratios forming good enclosures.

Buildings around the focal point of Adam Square will be two or three storeys in height with residential use above and a variety of commercial uses below. Buildings located around a “village green” (Underwood Green) will be two to three storeys in height, with the majority of three storey buildings being located along the westerly edge. The two to two and a half storey buildings will be located along the easterly edge, in line with the topography which falls gradually towards the west. To the northerly edge of the green is a lane bordered by one and one and half storey buildings, whilst the southerly edge is a secondary road edged by two and two and half storey buildings. In general, one storey buildings will be located within the closes and mews with a three storey corner at the entrance to Knockroon travelling from Cumnock helping create a landmark.

2.11 The Knockroon development is to be made up in the main of good quality, private housing with the potential for either developing shared and co-ownership projects or possibly a care home for the elderly. The Design Statement accompanying the application details some key features of the proposed housing for the development. It is the intention to provide a range of housing over a wide variety of price scales and sizes that suits all segments of the population. The majority of buildings will be designed to be subdivided to form a family home, maisonette or smaller flat, reflecting changing demographics and needs over the long term. The predominant typology is expected to be terraced houses with a mixture of tenements, semi-detached and detached houses completing the development.

2.12 Public green spaces will be accommodated within the Knockroon development at Underwood Green, as referred to above, and at High Green, which will also form a key component of the Sustainable Urban Drainage system (SUDs) that will be required for the site. Existing woods will be conserved and footpaths enhanced, encouraging walking and recreation, with the re-establishment of connectivity to Dumfries House and Estate.

2.13 It is intended that Knockroon will have good public transport options and will be linked to connecting pedestrian and cycle routes. The road layout will be constrained with the initial role of streets as the public realm for residents of Knockroon and it will be possible to meet a high proportion of daily needs on foot, rather than relying on the private car. With 770 residential units proposed, it has the potential capacity to accommodate approximately 2477 residents.

2.14 In summary, the Knockroon development will provide a highly functional, well designed and highly sustainable community to live in. The community will include a range of features including walkable neighbourhood areas, good permeability and safety for pedestrians and cyclists, good connectivity to existing transport routes, mixed uses for development, retail provision and mixed tenure homes.

3. CONSULTATIONS AND ISSUES RAISED

3.1 A comprehensive consultation exercise has been carried out in respect of the planning application and Environmental Statement, both with statutory and non-statutory consultees. The responses, where received, are set out below and in some

instances are summarised. Full copies of all consultation responses are available as background papers.

3.2 East Ayrshire Council Roads and Transportation Division has no objections in principle to the proposal based on the information contained within the Knockroon Masterplan and Design Statement which developed from consultation with stakeholders, the public and the “Enquiry by Design” workshop that was held to identify and resolve any local issues.

There is insufficient detail in the submission at this stage to provide prescriptive conditions on road geometry; however the B7083 public road between Cumnock and Auchinleck will require any alignment alterations to meet current technical standards contained within the Roads Development Guidelines adopted by East Ayrshire Council. The B7083 currently carries 10,000 vehicles per day which is expected to grow to 17,000 vehicles per day in 2025, the future design year in the traffic assessment, as a result of traffic growth coupled with development traffic. This road must therefore be designed to the appropriate standards for a traffic distributor road with frontage access and traffic calming.

For other roads within the site, the ethos contained within Designing Streets recently produced by the Scottish Government will also be considered in determining the design and layout of proposed streets which will require appropriate traffic calming and geometry changes to produce a self enforcing 20mph zone with speeds as low as 10mph in critical areas.

As this scheme is a concept incorporating a variety of new ideas, the Roads Department would require that, prior to any submission for full planning permission, all the road/street design details are agreed between the developer and East Ayrshire Council as the Roads Authority, quality and road safety audits are carried out where appropriate and that any issues highlighted have been resolved. This should be done through a series of stakeholder meetings to consider the technical and safety implications of the proposed development.

I have included herewith comments specifically on the transportation aspects of the proposed Knockroon development as contained within the Transport Assessment (TA) submitted by WSP Consultants in support of the application.

(i) **Traffic Modelling:** The scope for the TA was agreed between WSP and the Council's Traffic & Transportation Section. The traffic impacts of the proposed development have been assessed using the Council's VISSIM micro-simulation traffic model for Cumnock which was expanded by WSP to include the Auchinleck area. The VISSIM model has been used to examine the traffic impacts of the proposed development on the local road network for the AM and PM peak hour periods. For traffic assessment purposes, the development horizon for the Knockroon development was assumed to be 2025 and the 2008 base model traffic matrices were 'growthed' to 2025 using National Road Traffic Forecast 'low growth' factors. The low growth assumption is consistent with historic traffic growth patterns in the town. Traffic flows from several committed developments, including the Cumnock Office development at Greenholm Road and housing at a range of sites with planning consent, were added to the model to provide a 2025 reference case.

The number of anticipated trips associated with the Knockroon development was estimated using the TRICS database which provides typical trip rates for new developments. Two proposed levels of development were considered in the TA for the 2025 design year: 330 units and 770 units. To assess the impact of the Knockroon development, the TA primarily considers the difference between the VISSIM 2025 'with development' scenario and the 2025 reference case. The overall network performance is considered in terms of average delay per vehicle, average speeds and travel times. The TA shows that the 330 unit development scenario has little effect on the performance of the network as a whole compared with the reference case.

For the 770 unit scenario, there is a substantial reduction in overall network performance with significant increases in delay and journey time across the network and a corresponding reduction in average speeds. The TA also considers the difference in traffic flows and queue lengths at 15 junctions on the local road network. The TA shows that the greatest impact of the Knockroon development is at the Auchinleck Road/ Tanyard / Lugar Street traffic signals. This is particularly apparent for the 770 unit scenario where there are significant increases in queue lengths, particularly on the A70 south approach and the Auchinleck Road approach to the junction.

The TA has considered a range of measures for the Auchinleck Road / Tanyard junction to try and mitigate the impact of the Knockroon traffic to achieve a 'no net-detriment' scenario. The mitigation measure recommended to improve the performance of the junction is to ban the right turn movement from Tanyard to Lugar Street along with associated changes to signal timings and road markings. The TA demonstrates that this traffic management option offers an improvement on the reference case for both the 770 and 330 unit scenarios.

The TA does not, however, fully explore the implications of this proposed traffic management change. Recent work undertaken on behalf of Roads & Transportation as part of the assessment process for the Cumnock Town Centre Regeneration project has considered the impact of a traffic management scheme to introduce two-way traffic operation on Glaisnock Street between Ayr Road and Townhead Street. The scheme would improve access from the south and west of the town to the Glaisnock shopping area and would also reduce the amount of traffic passing through the Tanyard/Auchinleck Road junction. The scheme has the potential to achieve a similar level of capacity improvement at the Auchinleck Road/Tanyard junction as the mitigation proposal presented in the Knockroon TA.

Traffic management changes of this sort could make it easier to accommodate the future traffic associated with the Knockroon development. It is recommended that there should be a re-appraisal of the traffic impacts of the Knockroon site beyond the development of 300 units taking account of the possible traffic management changes. The requirement for a new TA for future development beyond 300 units should be a condition of any planning consent granted.

The TA has also considered the potential junction capacities of access points from the Knockroon development on to Auchinleck Road. The analysis is based on the indicative block plans from the development masterplan and indicates that the junctions will operate within capacity. These junctions would require to be re-assessed as part of a new TA for any future development beyond 300 units.

(ii) **Travel Plan Framework:** The TA provides a framework for a Residential Travel Plan with the objective of maximising the use of sustainable transport modes for the Knockroon development. The Travel Plan would address public transport initiatives; cycling initiatives; pedestrian initiatives; car sharing; and personal travel planning. A comprehensive package of travel plan initiatives can encourage residents to use more sustainable travel modes for all types of trips from the outset rather than relying on interventions over time to achieve modal shift. The TA provides only an overview of the Travel Plan. It should be a condition of any planning consent granted that a detailed Travel Plan for the development should be brought forward prior to occupation of houses. Surveys, target setting, monitoring, and reporting will be required when the site is occupied and agreed in consultation with the Council.

(iii) **Public Transport:** The TA proposes additional bus stops on the B7083 adjacent to the Knockroon development, with indicative locations shown in the masterplan drawings. More detailed layout drawings are required before the position of new bus stops can be agreed. All new bus stops must be constructed to East Ayrshire accessible bus stop standards including the provision of shelters and lighting. The pedestrian routes to bus stops must be carefully designed to provide direct, safe and convenient access (with dropped kerbs at crossing points) to public transport facilities. The masterplan indicates a potential bus route loop from Auchinleck Road, through the eastern side of the development site and connecting to the existing Holmhead estate. This potential route is considered desirable as it would improve public transport accessibility. Appropriate bus stops and shelters should be provided along the route's length and the details approved by the Council. It should be a condition of consent that, before the occupation of any houses within the development, the developer liaises with SPT with a view to adjusting the timetable of the supported local bus services to provide convenient bus/rail interchange at the nearby Auchinleck railway station.

(iv) **Walking and Cycling:** Little detail is provided in terms of new cycle and walking links. The masterplan and design statement refer to a series of new cycle and pedestrian links to both Auchinleck and Cumnock town centres as well as improved access to Dumfries House; however, details are not provided in the TA. It should be a condition of planning consent that full details of cycling and walking facilities are brought forward for agreement with the Council. The details to be submitted must also consider improved linkages and signage to Auchinleck railway station.

The foregoing presents a summary of the transportation aspects of the proposed Knockroon development as contained within the TA prepared by WSP Consultants on behalf of The Prince's Charities Foundation. It is recommended that, should outline planning be granted, the following conditions should be attached to the consent:-

Conditions

1. A further TA should be provided by the applicant for any future development beyond 300 units;

2. Details of all proposed bus stop infrastructure and associated pedestrian access details should be brought forward and agreed with the Council;
3. Before the occupation of any houses within the development, the developer must liaise with SPT with a view to adjusting the timetable of the supported local bus services to provide convenient bus/rail interchange at the nearby Auchinleck railway station;
4. A detailed Travel Plan must be submitted to and agreed with the Council prior to occupation of any houses;
5. Full details of all cycling and walking facilities should be submitted and agreed with the Council.
6. Alterations to the B7083 Auchinleck to Cumnock road must meet the design standards of a traffic distributor road with appropriate street lighting, traffic calming, geometry, footways, drainage etc. and will require the submission at the detailed planning application stage of a stage 2 Road Safety Audit for any alterations carried out by the developer under section 56 of the Roads (Scotland) Act 1984 as per the Roads Development Guidelines. The developer will also be required to pay the cost of all advertising, signage etc. associated with alterations to the existing speed limit along this road.
7. Prior to any submission for full planning permission, all internal street design details must be agreed (based on the principles contained within Designing Streets and the Roads Development Guidelines) between the developer and East Ayrshire Council, quality and road safety audits shall be carried out where required and any issues highlighted shall be resolved in order to ensure that the site is completed to a standard suitable for adoption by East Ayrshire Council as Roads Authority.
8. All new roads and streets will require Road Construction Consent in terms of section 21 of the Roads (Scotland) Act 1984 from East Ayrshire Council and the submission of a Road Bond.
9. Resident and visitor parking levels within the site must be provided in line with the Roads Development Guide.
10. A drainage impact assessment must be undertaken for the entire development site which should also take into account any phasing of the development.
11. The developer must undertake investigations of existing watercourses and culverts through the site regarding condition, capacity etc. No buildings can be constructed on the line of any culverts.
12. A flood risk assessment must be provided showing the route of the 1 in 200 year flow path through the site.
13. Discussions will require to take place prior to any submission for full planning permission to agree SUDS and drainage issues between the developer, East Ayrshire Council, Scottish Water and SEPA.
14. A successful workshop was held to discuss the treatment of the B7083 through the development. The Roads and Transportation Service would support the principle of holding further workshops to progress the various issues. These workshops will need to involve the various stakeholders, depending on the particular issues being addressed. Some of the issues that these workshops will need to cover include road layouts, construction details, drainage, traffic flows and public transport. These issues will all need to be addressed to the satisfaction of the stakeholders prior to any application for full planning consent.

It is considered that the requirements of the Roads and Transportation Division can be secured either by appropriate conditions attached to any

planning consent granted for the proposed development, or through obligations within a Section 75 Agreement.

3.3 The Forestry Commission states that a woodland grant scheme covers Knockroon Wood and the area just south of it down to the Lugar Water. However, as it lapsed in May 2009 on the 10th Anniversary of the new planting, all obligations in relation to the grant assistance are now discharged. The area of new planting lies just south of the existing oak woodland and just north of the Lugar Water, extends eastward and adjoins Underwood Mount Wood. Knockroon Wood as detailed on the plan is a mature oak woodland which is also an Ancient Woodland of semi-natural origin and dates from 1750. It should therefore be protected from any potential development which might affect its long term survival, given its importance in terms of landscape and biodiversity.

The ES and other supporting documents indicate that existing woodlands, including the Knockroon Wood, are to be retained and indeed the opportunity presents itself for improved management and enhancement of the woodland which is a key element of the landscape character of the site.

The small area to the north of the B7083 has no forestry interest. There are small groups of broadleaf trees planted just south of the B7083; however this was done by the estate without any assistance from the Forestry Commission. A strip of hedgerow trees running from the northern tip of Knockroon Wood to the B7083 is covered by a Tree Preservation Order. There is also a well established and well used footpath following the northern edge of the Lugar Water and southern edge of the woodlands.

The Knockroon development, rather than impacting on woodland areas and recreational footpaths, seeks to enhance such features,

The Forestry Commission concludes by stating that several areas of woodland currently occupy parts of the proposed site and highlights that in regard to the Scottish Government's recently published policy on woodland removal, if woodland area was lost as a result of the proposal, then it is likely that compensatory planting would be required.

The loss of woodland area, if any, would be more than compensated for in terms of the provision of green open spaces within the community where additional tree planting is a key strategy in terms of dealing with the issue of surface water drainage of the site.

3.4 The Scottish Environment Protection Agency objects to this planning application unless the planning conditions are attached to any consent. Advice to the Planning Authority is as follows:

- (i) **Flood Risk: Should the Planning Authority be minded to approve this application, we would ask that the following planning conditions are imposed:**
- Provision of appropriate level information at the full planning stage
 - Information to show that flood risk from the open channel and culverted watercourses can be managed effectively.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk the application must be notified to the Scottish Ministers as per The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

SEPA has acknowledged that a basic assessment of flood risk has been undertaken based on review of the site, topography, historical flooding and the Indicative River and Coastal Flood Map (Scotland). The area has a number of watercourses flowing through it and as such part of the area is at medium to high fluvial flood risk from the Lugar Water. The ES states that flood risk from the other minor watercourses is considered minimal. However, SEPA has indicated that the Flood Map does not consider watercourses with catchment areas less than 3km². The level differences between these minor watercourses and the proposed site is somewhat uncertain.

The ES indicates that a no build zone is proposed in proximity to these watercourses which is likely to reduce the residual flood risk. SEPA has further stated that appropriate information is provided confirming water, bank and site levels for the minor Lugar Water tributaries relative to the proposed development area to verify that flood risk is low. SEPA has also noted that these watercourses may be culverted through the site and the route, condition and other characteristics (levels and capacity) should be confirmed to verify that flood risk is low or can be managed effectively. The requirements of SEPA can be addressed through the imposition of appropriate conditions in any consent granted for the development.

(ii) **Surface Water Drainage:** SEPA welcomes the production of a sustainability strategy which will be applied to the whole development and cover a range of issues including surface water run off. It is acknowledged that the proposed SUDS scheme will comprise techniques such as green roofs, permeable paving, filter strips, wet swales and retention ponds. SEPA would expect a strategic Sustainable Urban Drainage Strategy to be drawn up for the development as a whole and for it to be progressed in detail as each phase of development comes forward. This will require the applicant to allocate sufficient land/space at this site for implementation of suitable SUDS. Therefore, SEPA objects unless a planning condition is attached to any consent requiring submission of a detailed surface water drainage scheme prior to the commencement of each phase of the development to be agreed by the Planning Authority, in consultation with SEPA.

The applicant acknowledges that a detailed surface water drainage scheme will be required prior to development taking place on the site. A condition can be attached to any consent granted for the development to meet the requirements of SEPA, thereby satisfying this qualified objection.

SEPA has not considered the water quantity aspect of this scheme. Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

Noted. Appropriate consultation has been carried out in respect of the proposed development and is reported elsewhere within this report.

(iii) **Waste Management:** SEPA welcomes the production of a detailed design stage Site Waste Management Plan (SWMP) which will contain targets and commitments to reduce the on site waste and methods of on and off site management for waste. In accordance with Scottish Planning Policy, space for collection, segregation, storage and possibly treatment of waste (e.g. individual and/or communal bin stores, composting facilities, and waste treatment facilities) should be allocated within the site layout. A planning condition should be attached seeking a full phased site specific plan detailing bin storage and kerbside collection locations, agreed by the Planning Authority in consultation with the local authority waste collection service. This is to ensure that waste management principles can be implemented and accommodated within the site layout within each phase.

A condition can be attached to any consent granted for the development to meet the requirements of SEPA.

Notwithstanding the above objections SEPA expects the following issues to be taken into account.

(iv) **Foul Drainage:** Temporary Drainage - the Environmental Statement does not give details of the drainage proposals for the temporary welfare facilities. However, it states that regular disposal of sewage effluent will be ensured. It is anticipated that toilet facilities associated with the construction phase of the project will be of the "Portaloo" type, which will avoid the need for sewage treatment and discharge of effluent on site. However, if more permanent facilities are to be provided these should be connected to the public sewer. If this is not possible the applicant should contact SEPA's Environmental Protection and Improvement (EPI) Team at the Ayr office to discuss this issue. Permanent Drainage - The foul drainage from the development proposal must be discharged to the public sewerage system. It is acknowledged that Scottish Water has confirmed that there is adequate capacity in the public sewer. SEPA would confirm that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows.

Noted.

(v) **Odorous Processes:** The development is in close proximity to Cumnock sewage treatment and sludge treatment processing plant thus there is a potential for odour nuisance. Scottish Water may want to comment on this issue.

Noted.

SEPA further states that its advice is given without prejudice to any decision made on elements of the proposal regulated by them, which may take into account factors not considered at the planning stage.

Noted.

3.5 The Health and Safety Executive has no comments to make on the planning proposals or Environmental Statement.

Noted.

3.6 Scottish Natural Heritage has no objection to the proposed development but recommends conditions to further minimise any adverse impacts to bat species and otters which are European Protected Species. Survey work found three bat species and otter present on the site. Flyways for all three bat species were found along the Lugar Water, outwith the site, and the two pipistrelle species were recorded over the application site. No roosts were found but might be present in the mature woodland by the Lugar Water. Otter activity was found along the Lugar water, both outwith and within the application site, but no signs of occupation, e.g. holts or lying up sites were recorded. The Lugar Water and associated woodland was identified as suitable cover for otters.

Noted.

SNH states that there is the potential for the development to adversely affect the bat species particularly if the woodland, where there could be roosts, on the south western side of the application site was reduced or removed. However it is not proposed to remove any of the woodland blocks and if the woodland is safeguarded then there would be no impacts to bats. The retention of hedgerows and the planting of hedges and trees as part of the landscaping of the proposed development and the provision of new roosts in the new buildings would also be of benefit to bats. The retention and protection of the woodland by the Lugar Water and other measures to protect the Lugar Water and watercourses will mean there should be minimal impact to otter habitat from the development. There could be potential, temporary impacts due to disturbance from construction activities. However it should be possible to mitigate these effects through suitable methods of working. The development is proposed over a period of 25 years and it may be some time before work starts on site. Therefore although a survey has been carried out of otter activity, a further survey should be carried out prior to construction to determine where current activity was. Given that the development will proceed over such a protracted period, then further surveys will be necessary as phases of the development progress to determine any changes in otter activity.

The ES indicates that there would be no requirement or intention to disturb the existing woodlands adjacent to the Lugar Water.

SNH therefore has no objections to the proposal but recommends that:

- (i) The woodland to the south and west of the site is retained and no development takes place within 20 metres of the woodland edge.
- (ii) A re-survey for otter takes place prior to any construction and allied activities commencing in the first phase of the development. A re-survey should take place prior to any construction and allied activities commencing for subsequent phases of the project. Such resurvey will only be required where development or any works associated with development such as material storage, dumping, vegetation clearance or any other disturbance is within 250 metres of the edge of a water course.

- (iii) An otter management plan detailing all mitigation measures, including for situations of disturbance and / or actual damage to places of shelter, should be produced prior to any construction or allied activities commencing and will be for the approval of East Ayrshire Council.

Conditions can be attached to any consent granted for the proposed development to meet with the requirements of SNH.

- 3.7 RSPB Scotland has not responded to the consultation letter.

Noted.

3.8 Cumnock and Doon Valley Access Panel states that in order to fully appraise the proposals an Access Statement or combined Design and Access Statement should be submitted. Consideration should be given to the Joseph Rowntree Lifetime Homes concept at the detailed design stage (if not already considered). The Access Panel has concerns that any single storey dwellings will be located in mews/closes in terms of access/outlook etc. For many disabled people, including sensory and cognitive impaired individuals, shared surfaces pose a great danger. Careful consideration and detailed consultation and involvement should be carried out regarding this aspect of the overall design. The Access Panel wishes to meet with representatives of the Prince's Foundation to discuss the proposals in order that they will be inclusive.

This application for planning permission in principle, previously known as an outline application, contains all requirements to establish the principle of development at Knockroon. Consideration will be given for the inclusion of an Access Statement per discussions with the Council as detailed designs are developed and applications for approval of matters specified in conditions prepared. The PFBE supports the notion of dwellings being flexible, safe, convenient and accessible and has indicated its willingness to forward any specific information or requests from the Access Panel to the developer for the detailed design stage.

Single storey dwellings are not concentrated in any one area per the massing diagram contained in both the masterplan report and design statement. The PFBE acknowledges that the Knockroon development should be designed and implemented with the special needs of various disability groups taken into consideration wherever possible.

The PFBE has also indicated its willingness to meet with the Access Panel to discuss proposals.

- 3.9 Cumnock Community Council and Auchinleck Community Council have not responded to the consultation letter.

Noted.

3.10 The Architectural Heritage Society of Scotland applauds the degree and range of serious consultations which contributed to the positive concept of a sustainable neighbourhood as presented in the masterplan for Knockroon. Very positive is the

rejection of urban pods like shopping malls as suitable for rural centres. Instead there is a commendable revaluation of the timeless relevance of the market square. Relevant too is the living tradition of a street plan that connects and which is defined by the critical characteristic of still relevant architectural forms. Being built in materials that will improve with age and weathering, these buildings will promise well for the future sustainability of Knockroon, both visually and functionally.

Noted.

AHSS therefore find the placing of the school and community facilities at the south edge of the neighbourhood at odds with the principles of accessibility by walking as promoted. The only access for most parents and children will be by bus or car. If it is to be a secondary school or specialised college, bus or cycles will fit, but, in the opinion of AHSS, the mother who has to deliver an infant to primary school with a toddler in tow will have to travel by car.

As indicated within the supporting documents accompanying the planning application, the principle of locating potential educational and community facilities at the southern edge of the Knockroon community was set though the EbD process, not only to take account of the views of the local communities and stakeholders, but in order to link in with the existing facilities in the Broomfield playing fields.

3.11 Scottish Water has not responded to the consultation letter.

Noted. However it should be noted that positive meetings have been held with representatives of Scottish Water relating to the incorporation of innovative solutions to minimise water usage and SUDS. A formal letter following these discussions has yet to be received from Scottish Water.

3.12 The Ayrshire Rivers Trust indicates that the proposed development is on sloping land leading down to the Lugar Water. The applicant has recognised the potential for increased surface water run-off from the site with potential resultant problems. ART welcomes the commitment from the developer to include sustainable urban drainage systems to assimilate surface water run-off. ART will be very interested to see how the proposed system copes with the sloping site and the high rainfall that occurs occasionally in the area. The lessons from this development could potentially be retrofitted elsewhere where there are similar issues.

It is agreed that the issue of surface water drainage presents one of the most important of challenges associated with the development of Knockroon. Nonetheless, the ES indicates that the intention is to release surface water runoff from the site to the Lugar Water at no more than the Greenfield Runoff rate thereby neutralising the runoff impact of the Development. It is anticipated that the SUDS system may also provide water quality benefits by slowing runoff, allowing time for contaminant settlement and biological breakdown and through providing wildlife habitat and public amenity space. Details of proposed SUDS mitigation will be developed through the preparation, design and subsequent approval of a Drainage Strategy (to include a Detailed SUDS Design) prior development taking place on site.

ART considers that the Underwood Sewage Treatment Works (STW) at Cumnock is already barely able to cope with its current loading and this has a negative impact on water quality in the Lugar water. Any further loading is likely to result in further discharge failures. ART would like assurance that prior to any development taking place on site, an assessment of the capability of Underwood STW to deal with the increased loading is completed. It has been the experience of ART that investment in STWs invariably lags behind demand resulting in water quality problems in receiving watercourses for a period before investment and increased capacity catch up.

In the preparation of the ES, the applicant has consulted with Scottish Water regarding the capacity of the Underwood sewage treatment works and the ES states that adequate capacity has been confirmed by Scottish Water and it is not considered necessary to assess this potential impact further.

3.13 East Ayrshire Council Environmental Health Division has no objections in principle to the proposed development but has the following comments to offer:

- (i) Noisy work on the site during construction should be restricted to 0700 and 1900 hours Monday to Friday, 0800 and 1300 hours on Saturdays, with no noisy work on Sundays.
- (ii) Noise from the works during construction should at no time cause the underlying background noise level LA90(1 hour) to rise by more than 3 dB(A), measured at the nearest noise sensitive locations.
- (iii) All waste arising from the works during construction should be disposed of to the satisfaction of the Waste Management Authority, and otherwise by burning.
- (iv) All drainage should be completed to the satisfaction of SEPA and/or Scottish Water.
- (iii) The Contaminated Land Officer has not identified any specific area of concern but has suggested the inclusion of a general caveat on any conditions of approval to the effect that if any unsuspected contamination is encountered during the proposed works, the Council should be informed accordingly along with any required remedial measures formulated to address the risk of exposure to key receptors and subsequent confirmation of completion of works.

Noted. Where appropriate conditions can be attached to any consent granted for the proposed development to meet the requirements of the Environmental Health Division.

3.14 East Ayrshire Council Housing Service has indicated that it fully supports the proposed development.

Noted.

3.15 Historic Scotland notes that a masterplan concept, design statement and register of typologies have been submitted with the application which set the likely parameters for the development. The appraisal by HS has been carried out under the assumption that the detailed designs for the development will fall within these parameters. In summary HS is broadly content that there are unlikely to be any

significant impacts on historic environment assets of national importance. Consequently HS offers no objection to the proposal. HS does however have some concerns with the level of information contained in the ES. As stated in a previous letter in relation to Cumnock 263H Auchinleck Road, HS is content that the principle of housing will not have an adverse impact on the Dumfries House Designed Landscape. In agreeing to the principle of housing on this site, HS does not give '*special dispensation for construction to occur on the protected Designed Landscape*' as stated in the ES. As such, HS considers that the impact of this specific development on the designed landscape should have been the subject to formal assessment within the ES. Despite this shortcoming, HS has been able to conclude that the impact of development is not of such significance to warrant an objection.

Noted.

HS further states that the Council's Conservation and Archaeology Services will be able to advise the developer on the adequacy of the assessment of the likely impacts and mitigation proposed for any sites of regional and local importance.

The West of Scotland Archaeology Service has been consulted on the application as noted in paragraph 3.23 below.

3.16 The Scottish Government (Climate Change and Water Industry Directorate) makes the following comments on the Environmental Statement:

(i) Noise: It is noted that potential noise and vibration impacts have been identified but that a detailed assessment has not yet been possible. It is further noted that the level of assessment that has been undertaken found constraints to the permitting of this development as a result of noise or vibration impacts and that a detailed assessment and monitoring would be required should outline planning permission be granted.

Noted.

3.17 Strathclyde Passenger Transport (SPT) states that its officers are pleased to have supported the Council's work with the Prince's Foundation and to have attended the various workshops to help take forward the development of the new sustainable neighbourhood in Cumnock while promoting the continued regeneration of the existing towns within East Ayrshire. Having considered the proposal, SPT has the following comments to offer in relation to this application.

(i) **Bus Access:** SPT would suggest that a development that will accommodate around 770 residential units and associated services and facilities will require penetration by public transport and therefore suitable bus provision must be designed into the layout from an early stage. SPT would welcome the opportunity to discuss and provide further comments on bus provision before or at the detailed planning stage and would suggest planning conditions are placed on any consent to require the detailed layout to accommodate the points outlined below.

The masterplan indicates the road around the central square is deflected slightly for the purposes of slowing down vehicular traffic and creating a more pedestrian orientated environment. Although SPT welcomes a pedestrian and cyclist friendly environment, the route through/around the square is also a bus route into Cumnock

and Auchinleck. Detailed design of this square should allow for adequate bus access to serve the area, including suitable manoeuvring space to allow buses to stop, pick up and drop off passengers without causing conflict with other road users.

SPT notes that it is proposed to have a public building at the central square which will be used for a variety of functions and include a waiting area for buses. It is important to supplement this with suitable external bus facilities for passengers; page 20 of the masterplan report states that a 'quality bus stop' will be provided at the central square. More information on the details of the quality bus stop should be provided at the detailed planning stage. A public transport hub / interchange should be considered at this central point to encourage more people to use public transport.

SPT would also suggest that consideration is given to providing public transport and active travel information at the central square. Provision of electronic or paper information displays capable of displaying timetable information, departure and arrival data and route information along with detailed cycling and walking routes would encourage better integration within the area.

With regards to the Public Transport Routing Strategy contained within the masterplan, it is assumed that the position of the bus stops is indicative and there will be an opportunity to discuss the location / position of the bus stops at the detailed planning stage. At present the location of the stops appear unevenly distributed; however with a more detailed layout, information on passenger demand will allow a detailed analysis of the bus provision.

(ii) **Auchinleck Rail Station & Cumnock Bus Station:** SPT would encourage early discussions with bus operators to try to increase integration and seamless transfer of passengers between the bus and rail services at Auchinleck and Cumnock, as well as trying to encourage buses to stop at the new central square. Consideration should be given to including proposals for a more integrated public transport service as a part of the detailed travel plan for the site.

SPT welcomes more efficient integration between modes of transport as it is vital in keeping journey delays to a minimum and encouraging a modal shift from the car to public transport. Improving interchange between modes would complement a number of the key objectives set out in SPT's Regional Transport Strategy 'A Catalyst for Change – The Regional Transport Strategy for the west of Scotland 2008 – 2021' (RTS), approved by the Scottish Minister in June 2008.

(iii) **Road Layout:** Page 11 of the Transport Assessment indicates that the carriageway width will be 6.0 metres with 2.0 metre wide footways. Roads within new developments which are to accommodate a bus routes should be designed to allow adequate bus penetration and accessibility. The width of the road to accommodate bus provision should be at least 6.5 metres wide, allowing two buses to pass safely. A 7.3 metre wide road is required to accommodate buses where cyclists also use the road.

The concept of Auchinleck Road being transformed into a safe corridor with a series of event/activities along the route connecting Knockroon to Auchinleck and Cumnock should make this route a safer environment to walk or cycle. The suggestion of parallel parking along Auchinleck Road as a traffic calming mechanism to slow traffic could cause conflict with bus access especially if this route is also to be used as a

cycle link to/from Auchinleck and Cumnock. A detailed cross section outlining the space dedicated to each use should be provided at the detailed planning stage.

It is noted on page 23 of the Design Statement that the central square would contain a number of features designed to slow traffic such as a change of surfacing and the provision of raised tables. Consideration should be given to the fact that this route is going to be used by buses and that the type of surfacing requires to be to a standard which will withstand this use. The positioning of traffic calming should also be designed to ensure bus access can be maintained through the area.

(iv) **Walking/Cycling:** SPT notes that Knockroon has been 'masterplanned' to encourage walkability with an emphasis on pedestrian activity and that the streets are being planned for future connection through to existing neighbourhoods, facilities and services. SPT would suggest that existing footpaths from Cumnock and Auchinleck should be enhanced to connect well with new proposed footways in order to encourage walking and recreation for existing as well as future residents.

The concept of walkable neighbourhoods that are oriented towards a centre, services and facilities should also ensure that access to public transport networks are no further than 400 metres walking distance from the proposed housing. It is noted within the design statement that the proposed housing on the north western corner of the development appears to be out with the bus stop catchment of 400 metres. SPT would suggest that the walking routes to/from this area are well connected, attractive, safe and well lit to ensure that people are not discouraged from accessing and using public transport.

It is noted in Page 7 of the Transport Assessment that a potential issue identified in this area is the lack of signage to highlight routes to public transport. SPT would encourage signage which highlights routes to/from public transport along with identifying cycling and walking routes to services and facilities. This would promote accessibility and increase linkages to walking, cycling and public transport.

(v) **Travel Plan:** In terms of the travel plan framework, SPT would suggest that the provision of up to date transport information should not only be given in a travel pack to new residents but should also be considered for those employed in the services and facilities that are to be provided at the site.

At the detailed design stage, a travel plan co-ordinator should be considered to implement, review and update any travel plans for the site. A budget/financial sum for the implementation of sustainable travel measures should also be considered.

It is appreciated that at the outline planning stage it is difficult to produce meaningful travel plans for developments. However SPT is encouraged by the initial measures set out in the transport assessment and looks forward to reviewing the detailed travel plan for the site.

In conclusion, SPT supports the proposal for a sustainable community at Knockroon, designed around the principle of the five-minute walk to local services and public transport, setting a benchmark for sustainable transport use from the outset rather than relying on interventions over time to achieve a modal shift.

SPT welcomes further involvement in the development of the site and hopes that the comments made above are useful in forming the detailed proposals for the area. We look forward to more joint working on this site and with the regeneration of the other areas in East Ayrshire.

Many of the comments made by SPT have been echoed in the consultation response by the Roads and Transportation Division. Again it is considered that the requirements of SPT, particularly with regard to road widths to allow penetration of bus services and accessibility, can be achieved by means of appropriate planning conditions to ensure that these issues are fully addressed at the detailed planning stage. The ES (Technical Appendices) includes a Travel Plan Framework that proposes a number of measures for inclusion as part of the proposed development including public transport initiatives, cycling initiatives and pedestrian initiatives, as suggested by SPT.

3.18 JMP Consultants (on behalf of Transport Scotland (TRNMD)) states that the ES demonstrates that the proposed development will comply with the Air Quality Standards, and trunk road noise is unlikely to increase to a point where it is perceptible. Given the A76(T) is 350 metres from the nearest proposed housing blocks in the north west section, noise is not deemed to pose a significant environmental impact due to the relatively small increase in traffic generated. The proposal is therefore likely to cause minimal environmental impact on the trunk road network.

Noted.

3.19 The Scottish Civic Trust acknowledges that development of this site is proposed in the Ayrshire Structure Plan and receives support in the East Ayrshire Local Plan 2009. The Trust accepts the principle of a mixed-use development on this site and offers the following comments:

(i) **Cultural Heritage and Landscape Impact:** The EIA assesses the potential effect on surrounding heritage assets effectively. The Trust accepts that any listed buildings in the area will be shielded from the development by woodland and are unlikely to be affected. The development's location within the Designed Landscape of Dumfries House is clearly the most significant issue but the Trust accepts that this part of the Designed Landscape has been separated from the grounds surrounding Dumfries House and so the development will have a limited impact on the Designed Landscape. The Trust feels that a significant issue will be the effect on the rural landscape surrounding Cumnock and Auchinleck and the impact on countryside views in the area. The Trust would urge the applicant and the Council to carefully consider the fringes of the development and ensure that these are designed to create a soft edge which addresses the surrounding landscape and provides some buffer between the housing and the rural landscape beyond. Too often new developments simply come to a stop with a timber boarded fence, creating little or no relationship with the surrounding land.

Noted.

(ii) **Layout and Masterplan:** The Trust finds the principles of the Masterplan generally acceptable and welcomes the hierarchy of streets and the associated

changes in density and scale. This will help to create 'character areas' which in turn will contribute to a sense of place in Knockroon. The Trust is pleased to note the intention to establish a craft apprentice school in Knockroon to encourage traditional skills and provide the area with a real sense of local distinctiveness. The Trust also welcomes the intention to create buildings which support a range of uses and can be adapted to new uses as necessary. There is an excellent environmental argument for the reuse of buildings which have fallen out of use and we are pleased that the Masterplan has considered the long term sustainability of the development. There are questions concerning which issues will be agreed at this Outline Planning Permission stage and which issues will be Reserved Matters. This is not made clear in the current application and the move from Outline Permission to Planning Permission in Principle in accordance with the Planning Etc (Scotland) Act 2006 has further confused the matter. While the Trust finds the general layout, densities and design principles of the masterplan acceptable, it is often the case that the full impact of a development is only seen in the detailed stages. So, although we accept these proposals in principle, The Trust would suggest that many of the issues such as building heights, uses and detailed layout are reserved matters to be assessed and agreed at a later more detailed stage.

Noted.

(iii) **Phasing:** The Trust feels that Option 2 would create a better sense of place from the earliest point of the development. The Market Place has an important role in the masterplan and in creating a sense of identity and focus for the new neighbourhood; The Trust therefore feels that this area should be created at an early point in the development.

The applicant has indicated that a decision will be made on the final Option of phasing of the development on completion of the infrastructure plan for the site. Nonetheless there is merit in the comments of SCT regarding the establishment of a sense of place at an early stage of the development.

(iv) **Architectural Design:** Although detailed building designs are not being considered at this stage, The Trust notes that many illustrative drawings in a traditional architectural style are included in the application documents. The Trust wishes to ensure that all detailed architectural designs should be reserved matters to allow a full range of design approaches to be explored. The Trust welcomes the thorough assessment of existing typologies and traditional forms provided with this application. While we agree that the development should "foster the ongoing traditions of the area" we feel that a contemporary interpretation of these forms would be most appropriate, rather than slavishly copying traditional architecture. There are several examples of developments which have successfully taken this approach. Developments such as The Drum at Bo'ness and the MacTaggart & Mickel development at Moor Road, Eaglesham (still pending consent) both demonstrate that a high quality, contemporary design approach can be very successful.

Noted.

(v) **Energy Efficiency and Renewable Technology:** The Trust is pleased to note the commitment to passive design measures to maximise solar gain and improve thermal performance. While it is envisaged that these passive measures will

achieve the 15% reduction in carbon emissions required for the development, the Trust is pleased to note that the introduction of renewable energy technologies is discussed and will be prepared for ensuring that any active energy measures are well integrated into the development. This will ensure that the development meets not only current targets but is well placed to deliver further carbon reductions and a large-scale or individual basis in the future.

Noted.

3.20 The Ayrshire Joint Planning Unit states that the majority of the site lies within the Finalised Local Plan site 263H. This site fulfils the requirement of the Approved Ayrshire Joint Structure Plan to allocate a strategic expansion site within the Auchinleck/Cumnock area capable of accommodating 500 homes (Schedule 5, page 28 refers). The AJPU would advise that the outline proposal should be considered consistent with COMM2 of the Structure Plan. The programming of the development of the site should be consistent with Policy COMM3 of the Approved Joint Structure Plan such that its development will not prejudice the development of brownfield land elsewhere and that the development will proceed under the guidance of an approved masterplan incorporating the sustainable development principles contained within Schedule 1 of the Structure Plan.

Noted.

3.21 The Garden History Society has not responded to the consultation letter.

Noted.

3.22 Scotland Gas Networks has not raised any objections to the proposed development but has provided information in relation its apparatus in the locality of the site which is primarily located within the existing road network.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SGN regarding the potential impact of the proposed development on its apparatus.

3.23 Scottish Power Energy Networks has not raised any objections to the proposed development but has provided information in relation to its apparatus in the locality of the site. The proposed development will however affect a number of overhead lines which traverse the application site, which will require alteration or deviation.

A note can be attached to any consent granted for the proposed development advising the applicant to make early contact with SPEN regarding the potential impact of the proposed development on its apparatus.

3.24 The West of Scotland Archaeology Service welcomes and notes the contents of the archaeological information provided within the ES lodged in support of the application. From the desk based sources available, the archaeological assessment of the application area is a reasonable statement of the known and upstanding remains within the area. However, the documentary and map based information

provide cannot assess the likelihood of the survival of remains in the application area which date from before the period when documentary and cartographic sources survive. Prehistoric and early historic period settlement remains are by their nature difficult to identify, and may be invisible to the modern viewer at ground level. In addition, the soils in this area are not conducive to aerial or geophysical survey techniques, which in other areas can be used to identify sub-surface remains which have been ploughed out in the past. Not all archaeological sites of great significance are identified as such from up-standing remains. It is possible that highly important sites and remains can be found during intrusive field evaluation. No such field evaluation has been reported on in this case. WOSAS therefore concludes that the full scope of the archaeological issues raised by these outline proposals can only be quantified through the provision of additional information in the form of a report on archaeological trial trenches across the proposed development site.

Noted.

Government policy as set out in Scottish Planning Policy 23 (SPP23) is to protect and preserve heritage assets *in situ* wherever feasible. As such they are material considerations in the planning process. The more important the site, the greater the weight which should be attached to the consideration of their preservation. Planning Authorities are reminded that although preservation *in situ* is always to be preferred, where this is not feasible the excavation and recording of the remains may be an acceptable alternative, provided that the developer has committed to the eventual dissemination of the results of the work in the public domain. WOSAS therefore recommends that the prospective developer be requested to provide such a report to complete the ES before determination of the application.

The provision of the additional information as recommended by WOSAS would result in dispersed trial trenching across 8% of the application site resulting in not insignificant costs in undertaking this invasive survey work at this outline stage. The applicant, nonetheless, acknowledges the issues raised by WOSAS and is prepared to accept appropriate conditions to require additional information to come forward at the detailed planning stage.

However, WOSAS states, in the event that the Planning Authority is unable or unwilling to ask for the submission of an evaluation report in support of the existing documentation, the alternative would be to attach a condition to any consent which may be granted for the application. The only appropriate form of condition in these circumstances would be a negative, suspensive condition such as that suggested in PAN42, although the wording in the model is now out of date and can be misleading to developers. The following draft is therefore recommended, which reflects recent experience and current best practice:

'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 the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological 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 agreement with the West of Scotland Archaeology Service.'

The use of such a condition on any consent allows the potentially complex archaeological issues to be addressed in detail after the principle of development has been established, but of necessity, limits the opportunities to amend designs or operations to achieve the preferred preservation of the remains *in situ*. This means that it is more likely that any important remains within the development boundary will have to be excavated under archaeological conditions prior to their destruction by the approved development. Attachment of the condition without a prior evaluation also does not allow the developer to quantify any financial risk associated with the potential archaeological issue at an early stage of the development.

A condition can be attached to any consent granted for the proposed development to meet the requirements of WOSAS.

4. REPRESENTATIONS

4.1 In addition to the objection by SEPA referred to above, three letters of representation, from 6 signatories, have been received objecting to or raising concerns regarding the proposed development. The main points raised are summarised as follows:

4.2 We need to know where access roads will be, what sort of buildings we will have beside our properties, how close to our properties they will be, and if the buildings will be one or two storeys.

The application submitted is for planning permission in principle only (outline consent). At this stage, there are no specific details submitted regarding the form, type and layout of development that would take place adjacent to or in the vicinity of the objectors' dwellinghouses. The Environmental Statement contains an indicative block layout including 'dual option' phasing plans. It is recognised that the objectors' properties are those that are likely to be subject to the greatest impacts from a development and environmental perspective. This is acknowledged in the Environmental Statement. However, it is considered that by careful design at the detailed planning stage and use of appropriate mitigation, the impacts on these properties can be minimised, including setting the proposed development further back from existing housing. This would also create the potential for the introduction of appropriately designed landscape features between existing and proposed buildings.

4.3 We chose to stay in this location because it is quiet, we have no trouble and also because of the great view of what was understood to be green belt. I presume a lot of this development will be residential. The houses at the St. Conval's site, with only two or three houses sold, are still empty after all this time, properties still empty in the new development at Lugar – who does the Council expect to buy these properties? This is one of the worst areas in Scotland for unemployment, so it is difficult to see jobs bringing house purchases to the area.

The concerns of the objectors are noted. However, the Council, as planning authority, is required to allocate sufficient land to meet future housing requirements, this being dealt with through the local plan process. The Knockroon site, in terms of the Alteration to the East Ayrshire Local Plan, is a greenfield release which in part meets the anticipated housing land requirements for the Cumnock area over the proposed plan period.

The right to a view is not guaranteed in planning legislation terms and is neither a valid ground of objection nor a material consideration in the determination of this application.

4.4 We all have septic tanks which we pay to have emptied on an annual basis. How would sewage be put in place for the proposed development? Is the Council aware that the soakaway for our tanks is in the field of the proposed development? What plans would be put in place for our sewage? Would we be linked to the main sewers or would the soakaways need to be moved? Who would pay for this?

The position regarding the existing septic tanks and soakaways is essentially a legal matter between the applicant and the respective owners. Clearly a decision to approve the development in planning terms would not in itself cut across any existing legal rights the objectors enjoy in respect of existing drainage arrangements for their properties. It is suggested that in implementing any major development on the Knockroon site, new sewerage infrastructure would be required and the opportunity may exist, if appropriate, for these properties to be connected to mains sewerage.

4.5 We have no access to the back of our properties so wonder if access roads would be constructed for us. We live in this area for privacy and have done for the last 25 years; our neighbours have been here even longer. There is nothing to say whether or not hedges or fences will be provided between us and the developments. How will the value of our properties be affected as well?

Comments as per paragraph 4.2 above. The alleged affect on property values as a result of the proposed development is not a valid ground of objection in planning terms and is not a material consideration in the determination of the application.

4.6 We bought our house four years ago on the understanding that these fields in front of us were a green field site and no house or units would be built on them; this is good agricultural land where cattle and sheep are grazing and crops growing. When we were farming we wanted to build a house and were told no as it was good quality agricultural land.

As indicated in Section 5 below, the application site lies outwith the Cumnock settlement boundary as defined in the Adopted East Ayrshire Local Plan 2003. Under the policy provisions of this plan, the proposed development is contrary to policy as it would indeed result in "green field" development.

However, in terms of the Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications) 2009, the Council has agreed to a release of green field land to the north-west of Cumnock, that includes the present Knockroon planning application site. The proposed alteration to the local plan, whilst not yet formally adopted, is a significant material consideration in the determination of this planning application, particularly so as the release of the site for development purposes is not subject to any formal objection.

While the land may be of local value in terms of its quality, the proposed development will not result in the loss of any prime quality agricultural land.

It is respectfully suggested that the reason why any proposal by the objectors to build a house would not have been supported at that time would be primarily due to the fact that the proposal was contrary to planning policies prevailing at that time, particularly if it related to the construction of a dwellinghouse in the countryside without appropriate justification or specific location need.

4.7 We do not want to look into a building site and the noise of heavy machinery outside for the next 20-25 years.

The proposed Knockroon development will be undertaken in a phased manner, and while this phasing will result in construction over the site as a whole taking place over a 25 year period, the ES promotes appropriate mitigation measures to minimise potential disturbance to adjacent residential properties. The applicant recognises that construction works can cause significant environmental impacts and disruption to neighbours if they are not properly managed. The applicant is therefore committed to minimising the impacts of the works and will commit to the Considerate Constructors Scheme (CCS).

4.8 My family resides at Ochiltree Sawmill, Mill Lade, Ochiltree on land adjacent to the River Lugar. The Mill Holm is a flood plain located down river from the proposed development at Knockroon. My concerns relate to the possibility of higher flood risk at Ochiltree due to the proposed Knockroon development. The submitted information states that the most significant risk of site flooding has been identified as surface water run-off resultant in low ground permeability. Elsewhere it is stated that approximately half of the rainfall falling on the site is expected to run off and drain directly into the Lugar Water. Although elsewhere in the application there is considerable discussion of SUDs it is unclear to me whether these are simply to protect the site or whether sufficient attention has been paid to what will happen down river.

The Environmental Statement, including the accompanying Technical Appendices, provides considerable information regarding the potential impacts on the water environment, including the potential fluvial flood risk from surface water run-off from the site into the Lugar Water. The creation of approximately 16.5 hectares of impermeable surface as a result of the development is considered in the ES as likely to have a high adverse impact on surface water run-off as discussed in the Drainage

Impact Assessment undertaken for the site. The ES proposes a Drainage Strategy to manage the additional runoff and mitigate risk in accordance with SPP 7, SEPA's EIA scoping response, and established best practice including the use of a Sustainable Drainage (SUDS) system.

The proposed SUDS system comprises techniques to collect roof runoff for rainwater harvesting, use of green roofs on public and commercial buildings, Type C permeable paving, bio-retention areas and filter strips adjacent to or within the courtyard areas, wet swales and retention ponds. The intention is to release surface water runoff from the site to the Lugar Water at no more than the Greenfield Runoff rate thereby neutralising the runoff impact of the Development. It is anticipated that the SUDS system may also provide water quality benefits by slowing runoff, allowing time for contaminant settlement and biological breakdown and through providing wildlife habitat and public amenity space. Details of proposed SUDS mitigation will be developed through the preparation, design and subsequent approval of a Drainage Strategy (to include a Detailed SUDS Design) prior development taking place on site.

4.9 A rainfall event of just one inch (a not uncommon event in Ayrshire) will on the calculations in the application result in run-off from the site of just under 135,000 cubic feet of water. In storm or severe weather conditions much larger quantities will run off. The potential consequences of this down river just do not seem to have been addressed at this stage and they have the potentiality to be catastrophic. The report seems to be almost bereft of hard information about the nature of the Lugar Water which is an aggressive river which in parts of its course runs through weak geology and in others is squeezed into pressure points and takes great pleasure in eroding river banks. In spate it is viciously destructive and in my view it would be unwise for a full impact assessment not to be made and for full measures not to be taken to avoid adding to the spate volumes.

Comments as per 4.7 above.

4.10 The difficulty undoubtedly is the scale of the development and the topography of the site which creates the problem of satisfactory management of the considerable amount of surface water run-off. It is just not good enough to let it go into the Lugar Water in an out of sight, out of mind fashion. Any solution that does not exactly replicate current rates of run-off may have the seeds sown in it for disaster. I therefore implore the planning committee to insist that a full assessment is made and that appropriate engineering solutions are found and implemented.

While the scale of the development is large, the Knockroon project will be carried out in a phased manner over an anticipated lifespan of approximately 25 years. The comments of the objector are to a degree disingenuous in that the ES, together with the Drainage Impact Assessment, clearly recognises the potential for fluvial flood risk. Rather than simply allowing surface water run-off from the site to enter the Lugar Water, the ES promotes a Drainage Strategy such that release of surface water from the site will be at no more than the Greenfield Run-off rate, thereby neutralising the run-off impact of the development. It is recognised at this outline stage that the details of the measures to meet

this strategy have not yet been formulated. Such details will be the subject of detailed applications for the proposed development phases and will be subject to discussion and agreement with SEPA, Scottish Water, the Roads Authority and the Planning Authority.

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 (2007) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 The Ayrshire Joint Structure Plan, in terms of Schedule 5 within the plan, promotes a strategic expansion site within the Auchinleck/Cumnock area capable of accommodating 500 homes. This is to meet the requirements of Policy COMM2 which states that the three Ayrshire Councils shall work together to facilitate the levels of development proposed within the strategic expansion locations identified within the schedule.

It is considered that with the allocation of the Knockroon site as a residential development site in the Alteration to the East Ayrshire Local Plan (referred to in section 6 below), this fulfils the requirements of the Structure Plan and is therefore consistent with the provisions of Policy COMM2.

5.3 Policy COMM3 relates to housing land release and in particular ensures that any significant new housing land release is achieved through the preparation of an appropriate masterplan incorporating stated principles.

It is considered that with the proposed phasing of the Knockroon development to comply with the housing land release strategy indicated in the Structure Plan, the development would not conflict with the provisions of Policy COMM3.

It is considered that the proposed development accords with the Approved Ayrshire Joint Structure Plan, and this is essentially confirmed in the consultation response from the Ayrshire Joint Planning Unit.

East Ayrshire Local Plan

5.4 The application site lies outwith the settlement boundary of Cumnock in the Adopted East Ayrshire Local Plan. Policy SD3 states that, within the Rural Protection Area, development proposals relating to land located outwith settlement boundaries will be acceptable to the Council only in five stated circumstances:

- (i) comprises an acceptable form of residential use as detailed in Policy RES13 of the Local Plan; or
- (ii) can be fully justified in terms of site specific locational need; or
- (iii) can be fully justified in terms of social and economic benefit to the community; or
- (iv) contributes to rural land diversification; or
- (v) provides for the operational needs of agriculture or forestry.

Whilst it is recognised that social and economic benefits may arise from the proposed development in the form of employment opportunities and community facilities, it is considered that a development of 770 residential units outwith the settlement boundary of Cumnock cannot be fully justified solely in terms of these benefits. The proposal does not comply with any of the other criteria listed above and therefore does not comply the provisions of policy SD3.

5.5 Policy RES 2 states that, with the exception of dwellings covered by Policies RES 13 and 14, proposals to extend the greenfield supply of land for residential development outwith, but adjacent to, the settlement boundaries will not be acceptable unless five stated criteria are fully satisfied, these being:

- (i) there is a demonstrated shortfall in the supply of effective housing land within the East Ayrshire Housing Market Area;
- (ii) the site can be demonstrated to be effective and contribute to output during the shortfall period;
- (iii) the proposal meets the terms of the Housing Development Strategy of the Local Plan;
- (iv) road access and all other services and infrastructure can be provided to the standards required by the relevant public and statutory service providers; and
- (v) the proposal accords with the Council's policies with regard to design and layout and has minimal impact on the visual and natural environment.

The applicant has not demonstrated that there is a shortfall in the effective housing land supply within the East Ayrshire Housing Market Area therefore the proposal fails to meet with the provisions of policy RES 2.

5.6 Policy RTC7 supports retail development proposals in out-of-town centre locations in six stated circumstances:

- (i) the proposal relates to a site specifically identified for such purposes on the Local Plan maps;
- (ii) the proposal is for a local shop or shops, not exceeding a total of 200m² gross floor area and falling within Class 1 of the Use Classes Order, required to meet the day to day convenience needs of local residents;
- (iii) the proposal is for a factory shop, not exceeding 200m² gross floor area and falling within Class 1 of the Use Classes Order, where the retail outlet is purely ancillary to the main manufacturing use of the premises and the goods sold are limited exclusively to those goods manufactured on site;
- (iv) the proposal is for a farm shop, falling within Class 1 of the Use Classes Order, related specifically to local agricultural or horticultural activities and

- where the goods sold are limited exclusively to those produced or grown on site;
- (v) the proposal is for a tourism, leisure or recreation related retail development including provision for the sale of refreshments, not exceeding 200m² gross floor area where the goods sold and services provided cater specifically for tourists and visitors to the area in which the retail facility is proposed; or
 - (vi) the proposal is for the sale of coal or other minerals direct from an extraction site, either to local distributors or to individual members of the general public for local domestic use.

No details of the type or size of retail development are provided in this outline application, therefore it is not possible to fully assess the proposal in terms of policy RTC 7 above. Assessment would require to be made at the detailed planning stage.

5.7 Policy IND10 states that industrial and business development outwith settlement boundaries will be acceptable to the Council only where the proposal relates to one of five stated types of development:

- (i) Category 1 and 2 business and industrial sites and those Miscellaneous Development Opportunity sites with potential for industrial or business development, as indicated on the Local Plan Rural Area Map;
- (ii) Sympathetic industrial and business developments associated with the traditional activities of agriculture and forestry;
- (iii) Sympathetic industrial and business developments related to appropriate rural activities such as small scale craft industries and leisure, recreation and tourism developments;
- (iv) Rail freight based industrial uses at existing coal disposal points; or
- (v) Sensitive industrial and business developments with a clearly demonstrated site specific locational need located within the Rural Diversification Area.

Even though no details of the types of businesses which would be located at Knockroon are provided, it is considered that the proposed business/industrial elements of the application are contrary to policy IND 10 above.

5.8 Policy CS1 states that the Council will respond positively to changing needs and demands for community and educational facilities throughout East Ayrshire. Wherever possible, existing facilities will be retained and improved and support and encouragement will be given to all other community facility and public service organisations to maintain and improve the services they provide.

No details have been provided as to the precise type of community facilities proposed. However, in line with policy CS1 above, the Council would support the provision of such facilities.

5.9 Policy ENV5 states that the Council will seek to protect, preserve and enhance Historic Gardens and Designed Landscapes. In instances where a proposed development affects an Historic Garden or Designed Landscape, a landscape management plan will require to be submitted as an integral part of any application submitted to the Council for consideration. The policy also states that outline

planning applications for proposals affecting Historic Gardens and Designed Landscapes will not be accepted by the Council.

A large part of the application site sits within the Dumfries House Historic Garden and Designed Landscape and it is stated that an outline application should not be accepted in such circumstances. It is, however, accepted that the applicant has submitted a great deal of supporting information and that the intention would be to re-establish historic links and preserve green corridors between Dumfries House and Cumnock/Auchinleck. Historic Scotland has been able to conclude that the impact of the development is not of such significance to warrant an objection to the development.

5.10 Policy ENV15 states that the Council will actively seek to preserve and supplement existing broadleaf and native tree species throughout East Ayrshire. In particular, the Council will:

- (i) strongly encourage the protection and positive management of remaining areas of ancient and semi-natural woodland. The retention and positive management of existing hedgerows and any proposals for new hedgerow planting will be supported;

The masterplan and other supporting documents submitted with the application show that the area of ancient woodland located to the west of the site is to be retained. It is considered that the proposed development presents an opportunity for positive management of this woodland area by the applicant.

In summary, the proposal is considered to be significantly contrary to the provisions of the Adopted East Ayrshire Local Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications) 2009, the consultation response, the representations received, Scottish Planning Policy, Planning Advice Notes and consideration of the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994

Alteration to the East Ayrshire Local Plan

6.2 Policy SD6 states that the Council will positively encourage the integration of complimentary and compatible land uses for residential, work and recreational purposes wherever feasible, so as to reduce the number of individual journeys made by car and help reduce general energy consumption. Development at existing or potential public transport route interchanges and development in support of the retention or provision of services and facilities of value to local communities will be particularly encouraged, subject to these developments meeting the provisions of all other local plan policies.

The Knockroon application promotes a variety of uses within this predominantly residential development. Retail, industrial / business units are proposed as well as community facilities. This application therefore complies with the principles set out in policy SD 6 above.

6.3 Strategic Policy RES1 states that the Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual local plan maps. The sites identified will be specifically reserved for residential development at the indicative capacities indicated, with development taking place in line with any phasing programme as may be stipulated or agreed for the sites in question. The Council will particularly encourage and support the development of housing sites which provide an appropriate and diverse range of housing types and tenures, catering for various segments of the housing market and meeting a range of different housing needs. Mixed use proposals, providing housing development along with other sympathetic associated development, such as local retail units and leisure and recreational uses, will be particularly supported by the Council, in appropriate locations.

Most of the application site is identified in the local plan alteration as residential development opportunity site 263H suitable for the development of 770 houses. The principle of 770 units at this location is therefore acceptable.

Whilst the western edge of the application site is identified in the local plan alteration as protected open space, the masterplan accompanying the application shows this land being retained for open space purposes.

It should be noted that Volume 3 of the local plan alteration limits the amount of housing constructed to the following: 250 units prior to 2017, 80 units 2017-2025 and the remaining 440 units are programmed post 2025. The reason for this programming is in order to ensure that the proposal complies with the Ayrshire Joint Structure Plan.

Volume 3 of the local plan alteration also states that “a broad strip of land adjacent to and south of the Rigg Road, will require to be reserved for screening purposes and to ensure that the new development proposed for the site does not sit on or project above the skyline when viewed from Auchinleck or from other locations within Cumnock”. The masterplan does not show such a strip of landscaping.

With regard to those sites comprising the strategic expansion locations detailed in Table 7 of the local plan which have a proportion of the site scheduled for development post 2017, the Council may consider permitting the post 2017 element of the site to be developed prior to 2017 where it can be conclusively demonstrated;

(i) that there is a shortfall in the supply of effective housing land in the particular Core Area / Investment Corridor within which the site is located prior to 2017; and

(ii) that development of the site beyond 2017 is not economically feasible or practical in terms of any detailed phasing programme that may be agreed for the site; and

(iii) that development of the site beyond 2017 would result in prolonged and unjustified construction periods which would have an unacceptable adverse impact the amenity of residents of earlier phases of the site concerned.

6.4 Policy RES 23 states that the Council will require all housing developers to provide areas of recreational and amenity open space as an integral part of their development proposals and to ensure that the location of all such areas is addressed as a primary consideration in the preparation of any housing layout design. All open space, and particularly those areas of open space containing play equipment, should be located in accessible positions which are centrally located within the housing layout and open to public view. The provision of public open space in peripheral, backland locations will not be considered acceptable.

Developers are also required to ensure that the design of all open space is to the highest possible standards and to make provision for the future maintenance of these areas, once formed, to the satisfaction of the Council. Developers will be required to comply with the indicative basic standards set out in Schedule 4 of the Local Plan in preparing their proposals. The precise type, size, location and design of the open space will, however, be dependent on the extent of existing open space provision in the vicinity and the recreational and amenity needs of the wider area. Prospective developers are advised to consult fully with the Council's Head of Leisure Services in this regard, prior to formulating their development proposals.

The public open space standards relating to residential developments, as detailed in Schedule 4 of the local plan, may be relaxed at the discretion of the Council in respect of developments within town centres and affordable housing developments by Registered Social Landlords. Relaxations may also be made with regard to any requirements for Registered Social Landlords to maintain any areas of public open space provided by them as part of any authorised affordable housing development.

Only indicative locations of public open space have been provided in the masterplan. At detailed application stage, it can be ensured that the Council's minimum public open space standards are met.

6.5 Policy RES 29 states that the Council will require all potential developers of residential sites comprising four or more houses to make an appropriate financial and/or non-financial contribution towards the provision of any new or expanded facilities, amenities or associated community initiatives as may be required to meet the needs of any future populations introduced to the area as a direct result of the proposed development itself. Developer contributions will be required by means of a Section 75 or other appropriate agreement between the applicant and the Planning Authority in line with the provisions of Circular 12/1996 and in accordance with the provisions of the Council's Supplementary Planning Guidance relating to developer contributions.

The Knockroon development is intended to provide considerable 'additionality' in terms of its high quality design with features such as

the 'Toll Booth', community facilities, cycling routes, walkways, new links to Dumfries House and Estate, and wooded greens. In such unique circumstances it is considered that the development itself, provided that it is implemented in full as envisaged within the Knockroon Masterplan, will facilitate expanded community facilities and initiatives appropriate to the residential elements on site. Consequently it is considered that subject to detailed s75 agreement discussions the provisions of Policy RES29 can be met.

6.6 Policy IND4 states that within settlement boundaries, all proposals for new industrial, commercial or business development on land not specifically identified for such purposes on the Local Plan maps and changes of use of existing, non business or industrial, premises to industrial or business use, will only be supported where:

- (i) the proposed use is compatible with surrounding land uses;
- (ii) the development has no unacceptable adverse impact on the character and amenity of the surrounding area;
- (iii) the development has no unacceptable transportation or infrastructure implications;
- (iv) there is no unacceptable loss of safeguarded public amenity or recreational open space;
- (v) the development has no adverse impact on landscape character or on natural and built heritage resources.

Developments that do not meet all of these criteria will not receive Council support.

It is not possible to assess the present outline application against the above criteria. Even though the site is identified for housing purposes in the local plan alteration, a small, ancillary element of business/industrial development is considered generally acceptable subject to such premises being in a suitable location.

6.7 Policy RTC 8 states that the Council will not be supportive of applications for the development of new convenience and comparison retail floor space in out of centre locations, (including identified commercial centres) unless the application relates to a type of retail development detailed in Policy RTC 7 above or Policy RTC 9 below or to a bulky goods development relating to the sale of DIY, furniture, carpets, electrical and gardening goods. Policy RTC 9 applies to the type of retail use which is proposed in the masterplan accompanying the application and this states that small scale retail development proposals, falling within Class 1 of the Use Classes Order, in out of centre locations will generally be supported by the Council where:

- (i) the proposal is for a local shop or shops required to meet the day to day convenience needs of local residents. New local and top-up shopping provision in existing neighbourhood or local centres will be particularly supported by the Council and preference will be given to the re-use of existing vacant premises rather than new build developments; or
- (ii) the proposal is for a factory shop located within the curtilage of an existing factory unit or for a shop attached to an existing or approved craft workshop, where the retail outlet is purely ancillary to the main manufacturing use of the

premises and where the goods sold are limited exclusively to those goods manufactured on site; or

- (iii) the proposal is for a farm shop located on the farm unit to which the shop relates, established specifically to sell local agricultural or horticultural products and where the majority of goods sold consist of those produced or grown on site; or
- (iv) the proposal is for a tourism, leisure or recreation related retail development, where the goods sold and services provided cater specifically for tourists and visitors to the area and where the proposed shop is purely ancillary to the main tourism, leisure or recreation use of the premises; or
- (v) the proposal is for the sale of coal or other minerals direct from an extraction site, either to local distributors or to individual members of the general public for local domestic use; or
- (vi) the proposal is for a small scale shop designed to serve the needs of a dispersed rural community or, if attached to a rural petrol station (see Policy RTC14 below), the travelling public.

No details of the type or size of retail development is provided in this outline application therefore it is not possible to fully assess the proposal in terms of policy. At detailed application stage, it can be ensured that all retail units proposal fall under at least one of the above categories.

6.8 Strategic Policy CS1 states that the Council will respond positively to changing needs and demands for all community, educational, sporting, leisure, cultural and other facilities serving local communities throughout East Ayrshire. In particular, the Council will encourage and support the development of such new facilities as may be required and the upgrading, expansion and improvement of existing facilities to meet local needs.

No details have been provided as to the precise type of community facilities proposed. However, in line with policy CS1 above, the Council would support the provision of such facilities.

6.9 Strategic Policy ENV1 states that the Council will seek to protect, preserve and enhance all built heritage resources requiring conservation including Listed Buildings and Conservation Areas, together with their respective settings, Historic Gardens and Designed Landscapes, Scheduled Ancient Monuments and Archaeological and Industrial Archaeological Sites and Landscapes.

A large part of the application site sits within the Dumfries House Historic Garden and Designed Landscape and it is stated that an outline application should not be accepted in such circumstances. It is, however, accepted that the applicant has submitted a great deal of supporting information and that the intention would be to re-establish historic links and preserve green corridors between Dumfries House and Cumnock/Auchinleck. Historic Scotland has been able to conclude that

the impact of the development is not of such significance to warrant an objection to the development.

6.10 Policy ENV18 states that the Council will actively seek to preserve and supplement existing broadleaf and native tree species throughout East Ayrshire. In particular, the Council will strongly encourage the protection and positive management of remaining areas of ancient and semi-natural woodland. The retention and positive management of existing hedgerows and any proposals for new hedgerow planting will be supported;

The masterplan submitted with the application shows that the area of ancient woodland located to the west of the site is to be retained. The Knockroon development will promote an opportunity for positive management of this woodland area by the applicant.

In summary, the proposal is contrary to the provisions of the Adopted East Ayrshire Local Plan. However, the site is identified as a housing development opportunity in the local plan alteration and there are no outstanding objections attached to this site which means that most weight can be attached to this plan in the determination of this outline application (application for planning permission in principle). The principle of appropriately phased residential development with ancillary small retail units, business/industrial and community uses is acceptable in terms of the local plan alteration.

Consultation Responses

6.11 There are no significant adverse issues raised by other consultees that cannot be addressed either by use of conditions, by the submission of more detailed information at the detailed planning application stage, or by means of a Section 75 Agreement.

Representations

6.12 The proposed Knockroon development promotes significant change for a site in a semi rural location and it is understandable that it has attracted a level of objection, albeit small, from some of those residents most likely to be affected by the development of the new neighbourhood. However, despite the significant change that will take place, the proposals will be carried out in a phased manner and construction operations undertaken in a way that would minimise impacts on these properties. It is considered that some of the issues of impact can be addressed at the detailed planning stage. Nonetheless, it is considered that the objections are not of sufficient weight to merit refusal of the application, particularly where the positive benefits of the development outweigh the potential negative impacts.

Scottish Planning Policy

6.13 The proposed development has been assessed against a number of SPP documents, the more relevant of which are listed below. The full assessment of the proposal is detailed in the Planning Statement that has been submitted in support of the application.

6.14 SPP 2: Economic Development focuses on four themes where planning can contribute to economic development and these are:

- (i) Providing a range of development opportunities;
- (ii) Securing new development in sustainable locations;
- (iii) Safeguarding and enhancing the environment; and
- (iv) Promoting a dialogue between councils and businesses

The proposed Knockroon development addresses all four themes. Firstly, it is a comprehensive development proposal which will provide a range of development opportunities including residential, commercial and community based. Secondly, the site is well placed to satisfy many sustainable requirements, located as it is between the settlements of Cumnock and Auchinleck. Thirdly, as is shown in the application submission and supporting documents, the development will do much to safeguard and enhance the built and natural environment in this part of East Ayrshire. Fourthly, from the outset the development process has been based on involving the Council and the local communities, through such methods as EbD.

6.15 SPP 3: Planning for Homes indicates that one of the key aims of planning is to provide well located, high quality housing states that 'new housing should make a positive contribution to the built and rural environment and should be designed and laid out to provide lasting benefits. The three key themes to be addressed in this SPP are the need to create a quality residential environment; to guide development to the right places; and to deliver an adequate supply of housing land.

It is considered that the Knockroon development meets the key themes of the SPP.

6.16 SPP 7: Planning and Flooding emphasises that prospective developers also have key responsibilities, including:

- (i) taking flood risk into account before committing themselves to a site or project;
- (ii) undertaking flood risk assessments and drainage assessments where required; and
- (iii) implementing agreed measures to deal with flood risk.

Through consultation with SEPA the applicant is aware of the flood risks associated with the southern part of the Knockroon site and this has been considered in some detail in the ES. It is contended that appropriate steps can be taken to overcome any flooding concerns and to ensure that the site can be satisfactorily drained. It should be noted that it is intended that site be drained through the development of a SUDs based surface water drainage system and detailed discussions regarding the design of the SUD system will require to be held with Scottish Water, SEPA and the Council as Flood Prevention Authority. Flooding is a

material consideration for the planning authority in assessing this application. However, it is considered that it is not a major concern for the overall development of the site and that appropriate mitigation can be provided to overcome any problems as stated within the ES.

6.17 SPP 11: Open Space and Physical Activity, insofar as it would relate to the Knockroon development, indicates that the main objectives are:

- (i) to protect and enhance open space; and
- (ii) to provide guidance on the quality and accessibility of open space in new developments and on providing for its long-term maintenance and management.

The SPP stresses that planning authorities and developers should seek to identify opportunities to create and enhance links between open space as an integral part of development, and open space should be included as part of the design proposals. For large land releases and regeneration areas, masterplanning can play a key role in the strategic provision of open space across wider areas and land ownerships.

A Masterplan has been prepared for the site and is submitted as a supporting document to this planning application. The primary area of open space will be at the proposed market square (Adam Square) which will be at the heart of the community. Furthermore, existing woods will be preserved, footpaths will be enhanced, encouraging walking and recreation, other tree belts will be provided throughout the site, and a series of green public spaces will be located in each of the development quarters. It is also noted that the site has direct links to existing parks and playing fields.

6.18 SPP 17: Planning for Transport states that for the transport network to most effectively support the economy, land use planning should assist in:

- (i) reducing the need to travel;
- (ii) creating the right conditions for greater use of sustainable transport modes; and
- (iii) avoiding or mitigating adverse environmental impacts.

With respect to development in rural areas the SPP states that the aim is to have a prosperous rural economy, with a stable or increasing population where rural communities have a reasonable access to good quality services. Major facilities will continue to be concentrated in the larger settlements. Most additional housing, employment, retail, leisure and other services should be located where there is access from an existing road or footpath to a rail station or bus route, and where there is proximity to local services e.g. schools and shops ideally within walking or cycling distance.

The Knockroon development is considered to be well placed to satisfy these rural requirements, with the development viewing itself as 'a walkable neighbourhood' connected to Auchinleck, Cumnock and Dumfries Estate by a series of green routes for walking and cycling. It is also well located for access to existing facilities such as schools, shops, recreational facilities and other community services.

Planning Advice Notes

6.19 Planning Advice Notes provide advice on good practice and other relevant matters and often they are required to provide support to the guidance or policy in related SPP. Consideration of PANs pertinent to the current proposed development are considered fully in the Planning Statement that has been submitted in support of the application. Appropriate consideration of relevant PANs is acknowledged within the submitted ES, particularly in relation to mitigation measures to minimise impacts associated with the development.

The Conservation (Natural Habitats, &c.) Regulations 1994

6.20 As indicated in the consultation response from SNH, the proposed development has the potential to disturb both bats and otters. Subject to the imposition of appropriate conditions, SNH considers that appropriate mitigation can be provided, mainly through ensuring that there is no loss of woodland and recommending an appropriate stand-off distance from the built development itself. It is considered that such measures would avoid the potential for disturbance of any roosts which may be present in the existing woodland. The retention of hedgerows and the planting of hedges and trees as part of the landscaping of the proposed development and the provision of new roosts in the new buildings would also be of benefit to bats. Similarly the retention and protection of the woodland by the Lugar Water and other measures to protect the Lugar Water and watercourses will mean there should be minimal impact to otter habitat from the development.

At this stage, SNH has not indicated any need for a licence to disturb any habitat used by protected species and consequently the Planning Authority has reasonably considered the general requirement established under Regulation 3(4) to have regard to the provisions of the Habitats Directive, and in particular to the provisions of Articles 12 and 13 of the Directive and Regulations 39 and 43 of the 1994 Regulations.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications will arise through the requirement to conclude a Section 75 Agreement under the Town and Country planning (Scotland) Act 1997 for matters specified within this report and as summarised below in paragraph 8.10.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report, the application is considered to be a significant departure from 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 refused unless material considerations indicate otherwise. As is indicated in Section 6 above, there are material considerations relevant to this application. Of particular significance is the Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications) 2009, which identifies the application site as a Strategic Expansion Site and housing development opportunity in the local plan alteration. Additionally, since there are no outstanding objections to

the local plan alteration relevant to this site, greater weight can be attached to this plan in the determination of this outline (application for planning permission in principle).

8.2 Furthermore, it is considered that in general, the other material considerations relevant to this application as described in Section 6, are also supportive of the proposed development. While acknowledging that the objectors will be affected by the significant change that the Knockroon development will bring to the locality, it is considered that the objections raised are not of sufficient weight to justify refusal of the application since the development will result in over-riding benefits to the wider communities of Cumnock and Auchinleck.

8.3 In identifying this site in the Alteration to the Local Plan, the Council has also acknowledged that *'a new neighbourhood is proposed which would incorporate housing of mixed types and sizes, local shops and workplaces for people wishing to start new businesses'*. It also notes that *'the site can accommodate some 770 housing units based on a higher density of development than originally proposed in the finalised local plan'*. The plan also accepts that the construction period would extend over a period of 20-25 years and in these circumstances *'much of the capacity of the site will be programmed for development post 2025, thus avoiding any conflict with the provisions of the Ayrshire Joint Structure Plan'*. The plan further states that *'the Knockroon development will create a new residential area of the highest quality which will in future be held up as an example of successful place-making and that the development will act as a catalyst for the regeneration of the wider area including Cumnock Town Centre, the town as a whole and surrounding communities'*.

8.4 The Knockroon development will result in significant changes to the landscape character of this area between Cumnock and Auchinleck, but the phasing of development over time will allow for appropriate transition from a rural landscape to one of high quality built environment.

8.5 In terms of socio-economics, the Knockroon development will provide considerable benefits, primarily in the construction phases of the project that will create up to 100 new jobs. The linkages of the Knockroon site with Dumfries House and Estates are also anticipated to encourage visitors to the area with benefit accruing to the local economy by use of local services and businesses. The Knockroon development, along with other key initiatives such as the Cumnock Town Centre Redevelopment project and the Cumnock CARS Scheme, is seen as a prime catalyst for the regeneration of the communities of Cumnock and Auchinleck.

8.6 While it is acknowledged that the Knockroon development will take place in a phased manner over a period of 20-25 years, it is usually general practice to grant planning permission in principle (PPP) for a standard period of three years, during which period, all matters specified in conditions of the PPP consent (previously referred to as the Reserved Matters) require to be approved, with work commencing within 2 years of the approval of these matters. The Planning Authority does however have powers conferred under Section 21 of the Planning etc. Act 2006 to grant consent for a shorter or, more appropriately in this case, a longer timescale provided that there are justifiable reasons for doing so. In order to address the indicative phasing of the delivery of the Knockroon development, planning permission in principle would require to be granted for a period not less than 15 years.

8.7 Equally however, there should be appropriate safeguards to ensure that if, for whatever reasons, the delivery of the Knockroon development is significantly delayed or development is contracted, there is no resultant significant impact on the effective housing land supply to meet future demands.

8.8 This outline application (application for planning permission in principle) is accompanied by a wide range of supporting documents but it is clear from the consultation responses that there are a number of significant matters that would require to be addressed following any grant of PPP, which would necessitate further discussion and agreement between the applicant, the developer and relevant consultees and stakeholders. In this regard it is considered that a Development Advisory Group be established for the Knockroon site comprising primarily of representatives from the applicant (PFBE), the developer(s), the Planning Authority, the Roads Authority, SEPA, Scottish Water and other appropriate stakeholders relevant to the issues to be addressed. This would in many ways echo the successful approach previously taken under the EbD process and associated workshops. This can be secured by means of an obligation in Section 75 Agreement.

8.9 Essential to the success of the Knockroon development is the delivery of the high quality design principles specified in the Knockroon Masterplan, the associated Design Statement and the Register of Typologies. If the Knockroon development is to achieve the status of a Scottish exemplar similar to the successful Poundbury development in Dorset, it is considered that the principle design details contained within the aforementioned documents should be enshrined within a Design Code, to be agreed between the applicant and the Planning Authority, that could be adopted as Supplementary Planning Guidance to provide a more formal mechanism to ensure commitment to, and delivery of, the vision for the new Knockroon neighbourhood.

8.10 In respect of all relevant matters and material considerations to be taken into account, it is considered that the proposed development is generally consistent with structure plan and the emerging local plan, and that there are no significant environmental or community concerns regarding the proposal that cannot be addressed by appropriate planning conditions or legal obligations. Consequently it is considered that the application should be approved but subject to the following obligations that should be secured through a Section 75 Agreement under the town and Country Planning (Scotland) Act 1997 covering the following matters:

Section 75 Agreement

(i) The production of a Design Code derived from the design principles contained within the Knockroon Masterplan, the Design and Sustainability Statements and the Register of Typologies that accompany the planning application. The Design Code shall be the subject of discussion and agreement between the applicant and the Planning Authority and once agreed, shall be adopted as Supplementary Planning Guidance to guide implementation of the Knockroon development phases and to ensure consistency of quality and design within the new neighbourhood.

(ii) The establishment of a Development Advisory Group for the Knockroon site comprising primarily of representatives from the applicant (PFBE), the developer(s), the Planning Authority, the Roads Authority, SEPA, Scottish Water and other appropriate stakeholders relevant to the requirement to address matters highlighted

within the consultation responses and those matters specified in conditions in the grant of planning permission in principle. It is anticipated that this group would continue to have a continuing role in the delivery of the phased development of Knockroon.

(iii) The commitment of the applicant to provide retail, commercial and work spaces and associated community facilities, unspecified at this time, for the proposed Knockroon development. The nature of non-residential mixed use spaces / facility/ facilities to be provided within the development, including the location and timescale for delivery, shall be the subject of discussion and agreement with the proposed Development Advisory Group, and prior to the submission of the first application for matters specified in conditions for determination by the Planning Authority.

9. RECOMMENDATIONS

9.1 It is recommended Local Planning Committee endorses the view of the Head of Planning and Economic Development that the application be approved subject to the conditions indicated on the attached sheet.

9.2 It is recommended that if the Local Planning Committee concludes that the application should be approved in terms of 9.1 above, then the application should be referred to the Full Council for determination.

9.3 It is further recommended that, should the Full Council also agree with this recommendation, the issue of the decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Paragraph 8.10 of this report.

**Alan Neish
Head of Planning and Economic Development**

11 November 2009
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Environmental Statement
4. Transport Assessment

5. Design Statement
6. Planning Statement
7. Sustainability Statement
8. Knockroon Masterplan Report
9. Register of Typologies
10. Consultation Responses.
11. Letters of representation
12. Adopted East Ayrshire Local Plan (2003)
13. Approved Ayrshire Joint Structure Plan (2007)
14. Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications) 2009
15. Scottish Planning Policy documents as specified in the report
16. Planning Advice Notes

Any person wishing to inspect the background papers listed above should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0478/OL

Location	Knockroon Farm, Auchinleck Road, CUMNOCK
Nature of Proposal:	Residential development (770 units) with the provision of associated shops, workplaces, associated infrastructure, commercial spaces community facilities and open space
Name and Address of Applicant:	The Prince's Charities Foundation, 17-22 Charlotte Road LONDON EC2A 3SG
Name and Address of Agent	Willie Miller Urban Design, 20 Victoria Crescent Road GLASGOW G12 9DD

DPO's Ref: [Hugh Melvin]
PPO's Ref: []

The above **PLANNING PERMISSION IN PRINCIPLE** application should be granted subject to the following conditions:

Direction under Section 59 (5) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc, (Scotland) Act 2006

Duration of Consent

The Council as Planning Authority hereby directs that formal application(s) for the Approval of Matters Specified in Conditions as specified below shall be submitted to, and approved by, the Planning Authority before commencement of development. For the proposed phased development hereby approved, the first application for Approval of Matters Specified in Conditions shall have been made no later than 2 years from the date of this permission and all such subsequent applications for the totality of this proposed development shall have been made not later than 15 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed on appeal. Notwithstanding this, the proposed development shall be commenced within 4 years from the approval of this application for planning permission in principle, or within 2 years from the date of approval of the first application for such matters, whichever date is the earlier.

Justification – The Council has made this direction having had due regard to regard to the provisions of the development plan and other material considerations relevant to the proposed development, and to enable the Planning Authority to control the development in detail in compliance with Section 21 of the Planning etc. (Scotland) Act 2006, and Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended)

Prior to Commencement Conditions

- (1) Before any development commences on the site, the further approval(s) of the Planning Authority shall be obtained in respect of the matter specified in the conditions below.
 - (a) The layout of the site including principal and residential roads;
 - (b) The size, height, design and external appearance of the proposed dwellinghouses and business / commercial related buildings associated with this mixed use development;
 - (c) The means of drainage and sewage disposal including the use of SUDS for surface water drainage;
 - (d) Details of the access arrangements for courtyards;
 - (e) The provision for open space provision and woodland planting together with associated maintenance arrangements;
 - (f) The provision for residential or business related car parking,
 - (g) The boundary walls/fences to be erected;
 - (h) The details of the recreational elements including access footpaths and pond and the phasing of their provision and future maintenance.
 - (i) Existing and proposed finished road levels;
 - (j) Proposed finished building and hard surface floor levels; and
 - (k) Details of all street furniture and lighting.

REASON – The application is for planning permission in principle only at this stage.

3. Notwithstanding the provisions of Condition 1 above, the applicant shall, prior to the commencement of any development on site, submit a comprehensive, detailed phasing plan for the proposed development site to the Planning Authority for approval. This phasing plan shall, in so far as is reasonably practical, indicate the proposed mixed use proposals within each phase, and specify the timescales for the implementation and completion of the various phases of the proposed development, which shall thereafter be implemented in accordance with the detailed timescales as approved; or as may be otherwise formally agreed in writing with the Planning Authority.

REASON – In the interests of the proper planning of the area and in order to control implementation of the development in compliance with the provisions of the development plan.

4. Notwithstanding the provisions of Condition 3 above, the maximum number of residential units to be constructed within the development site shall not exceed 770 and the maximum number of residential units completed shall not exceed:
 - (i) 250 units by the end of 2017; and
 - (ii) 330 by the end of 2025.

REASON – In the interests of the proper planning of the area and in order to control implementation of the development in compliance with the provisions of the development plan.

5. Notwithstanding the provisions of Condition 1(a) above, any application submitted for approval of matters specified in conditions, which will result in approval in detail of more than 300 residential units, shall be accompanied by an updated Transport Assessment.

REASON – To allow for the re-appraisal of the traffic impacts of the Knockroon site beyond the development of 300 units to take account of the possible traffic management changes proposed in the submitted Transport Assessment.

6. Notwithstanding the provisions of Condition 1(a) above, proposed alterations to the B7083 Auchinleck to Cumnock road shall meet the design standards of a traffic distributor road with appropriate street lighting, traffic calming, geometry, footways, drainage etc. and the application(s) for matters specified in these conditions shall be accompanied by a stage 2 Road Safety Audit for any alterations carried out by the applicant. All internal street design details shall be agreed (based on the principles contained within Designing Streets and the Roads Development Guidelines) between the developer and the Planning Authority in consultation with the Roads Authority. Where required, quality and road safety audits shall be carried out and any issues highlighted resolved in order to ensure that the site is completed to a standard suitable for adoption by the Council as Roads Authority.

REASON – In the interests of public road safety.

7. Notwithstanding the provisions of Condition 1(c) above, the applicant shall, prior to the commencement of development of any development on site, submit a Drainage Impact Assessment and Drainage Strategy for the site to the Planning Authority for approval in consultation with Scottish Water, SEPA, the Roads Authority and the Flood Prevention Authority.
- The Drainage Strategy shall incorporate a detailed SUDS design to serve the proposed development. The applicant shall undertake investigations of existing watercourses and culverts through the site regarding condition and capacity. No buildings shall be constructed on the line of any culverts unless diversion of these is agreed with the Planning Authority, in consultation with the Roads and Flood Prevention Authorities, to avoid built development. Additionally the details provided shall include a flood risk assessment showing the route of the 1 in 200 year flow path through the development site. The development shall thereafter be implemented in accordance with the details approved by the Planning Authority.

REASON – In the interests of environmental protection to minimise flood risk and to prevent pollution of watercourses.

8. Notwithstanding the provisions of Condition 1(f) above, resident and visitor parking levels within the site shall be provided in accordance with the Roads Development Guide.

REASON – in the interests of residential amenity.

9. Prior to the commencement of the development, the applicant shall submit to and have approved by the Planning Authority, in consultation with the Roads Authority and Strathclyde Passenger Transport, a detailed Travel Plan for the Knockroon development. Details to be included and agreed shall include:
- (i) Details of all proposed bus stop infrastructure and associated pedestrian access;
 - (ii) Details of potential changes to the timetable of the supported local bus services to provide convenient bus/rail interchange at the nearby Auchinleck railway station;
 - (iii) Details of all cycling and walking facilities.

REASON – in the interest of sustainability and to ensure appropriate public transport and other modes of travel are available to the Knockroon development.

10. No development shall take place within the development site as outlined in red on the approved plan until the applicant 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 the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological 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 agreement with the West of Scotland Archaeology Service.

REASON – In order to identify and record any archaeological resource that may be present on site, prior to disturbance or destruction by the proposed operations.

Details to Accompany AMC Applications for Each Phase of Development

11. The applicant shall submit the following information with each application for phases of the development:
- (i) A full phased site specific plan detailing bin storage areas and kerbside collection locations, for approval by the Planning Authority in consultation with the Cleansing Service;
 - (ii) An otter survey and an otter management plan detailing all mitigation measures, including for situations of disturbance and / or actual damage to places of shelter, prior to any construction or allied activities commencing, and will be for the approval of the Planning Authority in consultation with SNH. Such surveys shall only be required where development or any works associated with development such as material storage, dumping, vegetation clearance or any other disturbance is within 250 metres of the edge of a water course.

- (iii) Details of any requirements for treatment or removal of trees within the development site, including details for the protection of trees from construction works.
- (iv) Details of the provision and location of any required service infrastructure installations.

REASON – In the interests of environmental protection and visual amenity.

General Conditions

12. Notwithstanding the provisions of Condition 1(a) above, the details of the layout shall provide for the following:
- (i) The reservation of a broad strip of land adjacent to and south of the Rigg Road for screening purposes and to ensure that the new development proposed for the site does not sit on or project above the skyline when viewed from Auchinleck or from other locations within Cumnock;
 - (ii) The mitigation of impacts of the development on existing residential properties to ensure appropriate landscaping treatments and where necessary appropriate stand-off buffer zones; and
 - (iii) Softening of the urban fringes of the proposed development.

REASON – In the interests of visual and residential amenity.

13. No trees shall be lopped topped or felled within the development site without the formal written consent of the Planning Authority, unless agreed previously in terms of Condition 11(iii) above. No built structures or features including site roads shall encroach within 20 metres of the existing woodlands within the development site.

REASON – In the interests of visual amenity and environmental protection.

14. Construction activity on the development site shall be restricted to between 0700 and 1900 hours Monday to Friday, between 0800 and 1300 hours on Saturdays, with no construction work taking place on Sundays. Noise from the works during construction should at no time cause the underlying background noise level LA90(1 hour) to rise by more than 3 dB(A), measured at the nearest noise sensitive locations. Prior to the commencement of works on site, the applicant shall establish background noise levels in consultation with the Environmental Health Authority, the details of which shall thereafter be submitted to the Planning Authority.

REASON – In the interests of residential amenity.

15. If ground contamination is encountered during construction works work shall immediately cease and the Council immediately notified. No further development shall begin on site until a comprehensive contaminated land investigation has been submitted to, and approved in writing by, the Planning Authority. The investigation shall be conducted in line with BS 10175: 2001 code of practice for “The investigation of potentially contaminated sites” and will contain details of proposals to deal with contamination (if present) to include:
- (i) The nature, extent and type(s) of contamination on the site;
 - (ii) A site specific risk assessment of all relevant pollutant linkages.
 - (iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - (iv) Measures to deal with unsuspected contamination discovered during construction works.

REASON: To ensure potential risks arising from previous site uses have been fully assessed.

16. Should contamination be present in terms of Condition 15 above, prior to any further site development, the developer shall submit a report, confirming that the remedial works have been carried out in accordance with the remediation plan.

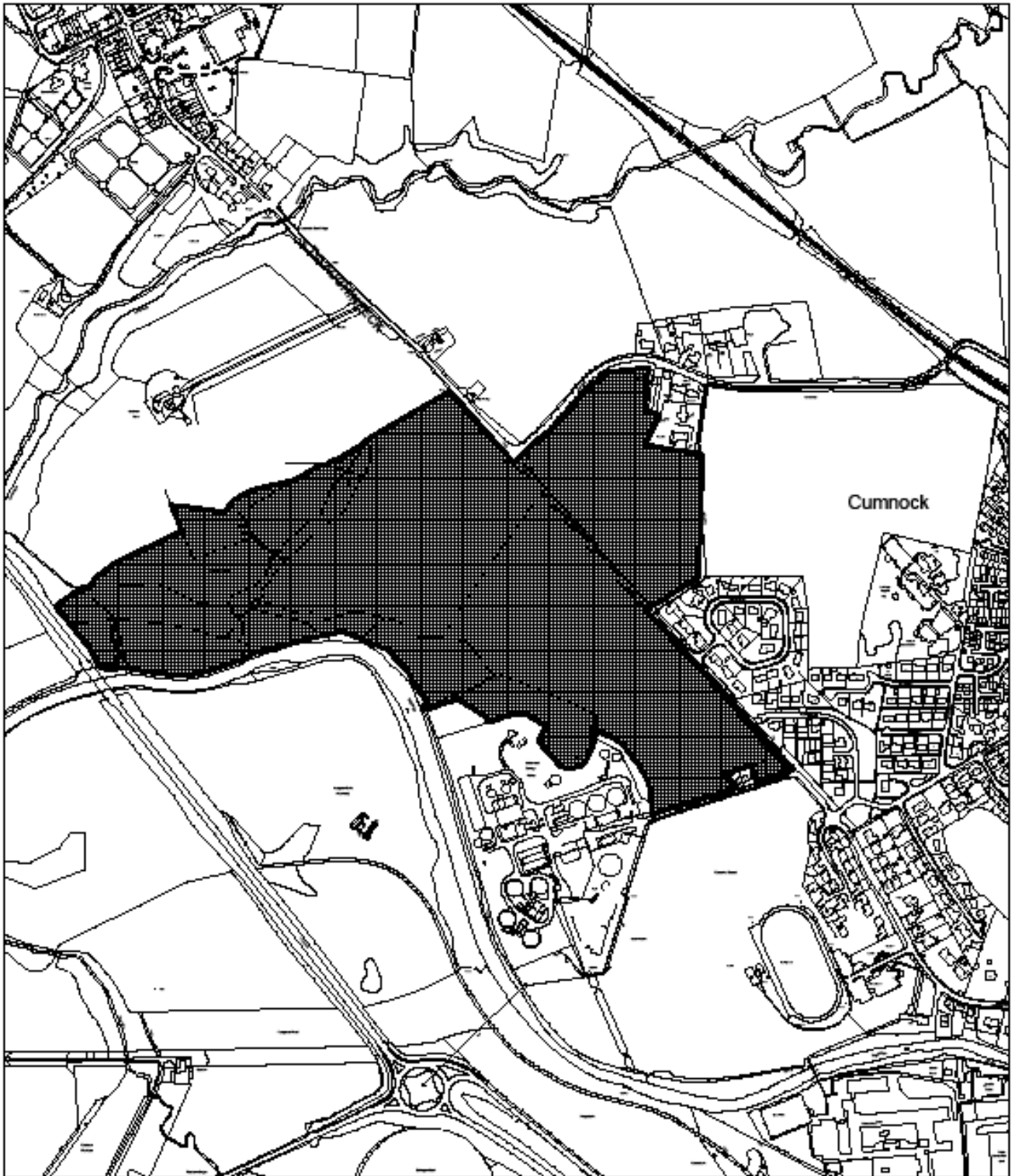
REASON: To provide verification that remediation of the site has been carried out in accordance with the remediation plan and to the Authority's satisfaction.



17. All waste arising from the works during construction shall be disposed of to the satisfaction of the Waste Management Authority, and otherwise by burning.

REASON – In the interests of public health and safety.

Notes to Applicant

1. East Ayrshire Council Roads and Transportation Division has advised that Construction Consent will be required for the construction of the residential roads and footpaths, street lighting etc. The Division can be contacted on Tel 01563 555337. This consent would cover details such as road widths, footways, road construction, street lighting, drainage, traffic calming, internal junction visibilities etc. A road bond will require to be provided prior to construction works commencing on site.
2. The developer should make early contact with Scottish Water and the Scottish Environment Protection Agency regarding drainage of the site and to confirm the details of the proposed Sustainable Urban Drainage System (SUDS) with regard to surface water. These Authorities require this development to be drained in accordance with the recommendations contained in the CIRIA manual on SUDS.
3. The Council does not currently have a general agreement with Scottish Water in relation to the maintenance of public SUDS. Proposals for site specific agreements which may require to involve the developer or other third parties will be considered within the overall framework recommended in the design manual for SUDS published by CIRIA.
4. The developer should make early contact with Scottish Gas Networks, Scottish Water and Scottish Power Energy Networks regarding the possible protection/ diversion of their apparatus which lie in or adjacent to the application site.



<p>Title/Location Knockroon Farm Auchinleck Road, Cumnock Application No. 09/0478/OL</p>	<p>East Ayrshire Council Planning & Economic Development Division. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 19/11/2009 Checked By</p>
<p>Key</p> <p> Application Site</p>	<p style="text-align: center;"></p>

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