

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 21 JANUARY 2011

10/0653/AMCPPP: ERECTION OF MIXED USE DEVELOPMENT AND FORMATION OF ROADS, FOOTPATHS AND ASSOCIATED INFRASTRUCTURE ON THE LANDS OF KNOCKROON FARM, AUCHINLECK ROAD, CUMNOCK

APPLICATION BY DUMFRIES FARMING AND LAND LIMITED,
ZERO C HOLDINGS LIMITED AND HOPE HOMES (SCOTLAND) LIMITED

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0653/AMCPPP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This application is for Approval of Matters Specified in Conditions following the grant of planning permission in principle under application 09/0478/OL, relative only to this first phase of development. Consent is sought for the construction of 72 dwellings and 15 flatted dwellings (a total of 87 residential units), 4 commercial units and 12 workshops, together with the provision of roads, footpaths and associated infrastructure. The proposed development is laid out in a grid pattern comprising of 5 main blocks serviced by 5 new streets (two running parallel to Auchinleck Road and three with junctions directly onto Auchinleck Road. The blocks can be described as follows:

(i) **Blocks 1and 1B:** Located at the north-east 'quarter' of the site, block 1B comprises a terraced block providing three terraced dwellings, a proposed supermarket with three flatted dwellings above this shop at first floor level. This block is all 2 storeys in height and presents as a focal point in the streetscape of this phase of the Knockroon development. The detailing of this block and incorporation of architectural features provide a distinctive visual quality to the development, which is of particular importance as this block represents the first part of the development of the proposed Adam Square within the Knockroon development. The proposed new convenience store will also be serviced by appropriate car parking provision locate discretely to the rear of the building. Block 1 itself is predominantly residential in nature, which is laid out in a grid block with a central access lane / courtyard area. A total of 32 residential properties will be provided of varying styles and types. Along Auchinleck Road, all the properties will be terraced in nature with varying storey heights ranging from 1.5 to 2.5 storeys. The rear courtyard area will provide for garage accommodation with four flatted dwellings proposed above the garage blocks. This layout provides a mews type development with the rear garden areas of the houses being discretely enclosed behind these garage blocks and appropriate boundary treatments. At the north-east corner of Block 1, a further three commercial units are to be provided with flatted properties again proposed at first floor level.

(ii) **Block 2:** Located to the west of Block 1, Block 2 is laid out in a similar grid block style which is again predominantly residential in nature providing a total of 20 residential units, 16 of which are terraced, with 4 flats proposed above the garage blocks within the central courtyard area. Heights of buildings again vary between 1.5 and 2.5 storeys. This block, however, also includes 8 terraced workshop units which are all 1.5 storeys in height. The design of the workshops is such that they integrate well with the proposed residential units and are of particular quality in terms of detailing and use architectural features and finishes.

(iii) **Block 3:** Located on Auchinleck Road to the south of Block 1, Block 3 will provide a total of 20 residential units, comprising 8 terraced dwellings, 8 semi-detached dwellings, 3 detached dwellings and one flat above one of the garage blocks within the central courtyard area. The frontage onto Auchinleck Road is mainly terraced in nature, but again at the southernmost part of this part of the development phase, a semi-detached block is proposed providing a distinctive visual focal point of the Knockroon development. The bespoke nature of the design set over varying storey heights (1 to 3 storeys) gives this semi-detached building a unique character befitting its prime and important location within the Knockroon development.

(iv) **Block 4:** Located to the west of Block 3, Block 4 provides a total 5 terraced and 4 detached dwellings of a simpler cottage style over 1 and 2 storey buildings. Still in the grid format, a central courtyard will be provided but again as part of this block, 4 terraced, 1.5 storey workshop units will be located at the south west corner of the block.

1.2 The quality of design, detailing and use of traditional finishing materials is reflected throughout this entire first phase of the Knockroon development consistent with the provisions of the Knockroon Masterplan and conforms thus far with the requirements of the Knockroon Design Code. With the mixed uses of residential dwellings, commercial and workplace units, this first phase of the Knockroon development initiates the delivery of a sustainable community as an extension to the town of Cumnock.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is generally considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. It is recognised that the proposed convenience store element of this phase of development represents a departure from policies RTC8 and RTC9, however, this is not considered to be significant. It is considered that a minor departure is justifiable from both a commercial perspective and, given the importance of this particular building within the wider Knockroon development, it is fundamental

to the delivery of the vision to provide a sustainable, mixed-use community at Knockroon.

3.2 As is indicated in Section 6 above, there are material considerations relevant to this application which are also supportive of the proposed development. In this case the proposals have only attracted one letter of representation and the points of objection are either not of sufficient weight to justify refusal of the application, are not material to the determination of this application or the points raised are not accepted, particularly in terms of design and visual quality of the development.

3.3 In socio-economic terms, the overall 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 Estate 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. The approval of this first phase of the Knockroon development will compliment and support these key regeneration initiatives.

3.4 The proposals within the first phase of the Knockroon development promote the delivery of the high quality design principles specified in the Knockroon Masterplan, the associated Design Statement and the Register of Typologies, much of which is now enshrined within the Knockroon Design Code which has been adopted as Supplementary Planning Guidance. While the Design Code will assist in assessing future planning applications for development within the wider Knockroon site, it is considered essential to the maintenance of the high quality development

3.5 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 adopted local plan, and that there are no significant environmental or community concerns regarding the proposal that cannot be addressed by appropriate planning conditions. Consequently it is considered that the application should be approved.

Alan Neish
Head of Planning and Economic Development

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development based on the principle of the development, then the application would require to be referred to Council because it would represent a significant departure from the development plan.

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

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1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for consideration an application for approval of matters specified in conditions, following a previous grant of planning permission in principle, which is to be considered by the Local Planning Committee under the scheme of delegation as the proposed development represents a major application in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.

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. Following the production of the Knockroon Masterplan, an application for planning permission in principle was lodged with the Council on 30 June 2009 for a mixed use development comprising 770 residential units including the provision of associated shops, workplaces, commercial spaces, community facilities and associated infrastructure (Reference No. 09/0478/OL). Planning permission in principle was granted by the Council on 03 December 2009, subject to the concluding of a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997, and consent was subsequently issued on 05 November 2010.

2.4 **Site Description:** The Knockroon 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 Knockroon 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 The present application under consideration represents the first phase of development within the Knockroon site. The application site lies on the west side of Auchinleck Road, generally opposite the existing Hoyle Crescent residential development. The application site extends 5.4 hectares comprising of agricultural land in pastoral use. The site is configured as a rectangular block with a tract of land on its western boundary extending north-westwards towards Knockroon Farm and southwards towards the access road leading to Underwood, essentially representing an area for incorporation of site infrastructure.

2.8 **Proposed Development:** This application is for Approval of Matters Specified in Conditions following the grant of planning permission in principle under application

09/0478/OL, relative only to this first phase of development. Consent is sought for the construction of 72 dwellings and 15 flatted dwellings (a total of 87 residential units), 4 commercial units and 12 workshops, together with the provision of roads, footpaths and associated infrastructure. The proposed development is laid out in a grid pattern comprising of 5 main blocks serviced by 5 new streets (two running parallel to Auchinleck Road and three with junctions directly onto Auchinleck Road. The blocks can be described as follows:

(i) **Blocks 1 and 1B:** Located at the north-east 'quarter' of the site, block 1B comprises a terraced block providing three terraced dwellings, a proposed supermarket with three flatted dwellings above this shop at first floor level. This block is all 2 storeys in height and presents as a focal point in the streetscape of this phase of the Knockroon development. The detailing of this block and incorporation of architectural features provide a distinctive visual quality to the development, which is of particular importance as this block represents the first part of the development of the proposed Adam Square within the Knockroon development. The proposed new convenience store will also be serviced by appropriate car parking provision located discretely to the rear of the building. Block 1 itself is predominantly residential in nature, which is laid out in a grid block with a central access lane / courtyard area. A total of 32 residential properties will be provided of varying styles and types. Along Auchinleck Road, all the properties will be terraced in nature with varying storey heights ranging from 1.5 to 2.5 storeys. The rear courtyard area will provide for garage accommodation with four flatted dwellings proposed above the garage blocks. This layout provides a mews type development with the rear garden areas of the houses being discretely enclosed behind these garage blocks and appropriate boundary treatments. At the north-east corner of Block 1, a further three commercial units are to be provided with flatted properties again proposed at first floor level.

(ii) **Block 2:** Located to the west of Block 1, Block 2 is laid out in a similar grid block style which is again predominantly residential in nature providing a total of 20 residential units, 16 of which are terraced, with 4 flats proposed above the garage blocks within the central courtyard area. Heights of buildings again vary between 1.5 and 2.5 storeys. This block, however, also includes 8 terraced workshop units which are all 1.5 storeys in height. The design of the workshops is such that they integrate well with the proposed residential units and are of particular quality in terms of detailing and use architectural features and finishes.

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2.9 The quality of design, detailing and use of traditional finishing materials is reflected throughout this entire first phase of the Knockroon development consistent with the provisions of the Knockroon Masterplan and conforms thus far with the requirements of the Knockroon Design Code. With the mixed uses of residential dwellings, commercial and workplace units, this first phase of the Knockroon development initiates the delivery of a sustainable community as an extension to the town of Cumnock.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Service 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 local issues. There is ongoing positive dialogue between the Service and the developer on road and drainage issues within the site and a number of minor issues still remain outstanding.

Any alignment alterations to the B7083 public road between Cumnock and Auchinleck will require 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 has also been 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 (lanes/courtyards).

As this scheme is a concept incorporating a variety of new ideas, the Service would require that, prior to any submission for road construction consent, all the road/street design details are agreed between the developer and East Ayrshire Council as the Roads Authority, quality/maintainability audits and road safety audits (as defined within Designing Streets) 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.

The Roads and Transportation Service recommends that, should planning permission be granted, the following conditions should be attached to the consent:-

1. A further Traffic Assessment should be provided by the applicant for any future development beyond 300 units as indicated in the 09/0478/OL response.
2. Prior to commencement of development on site, details of all proposed bus stop infrastructure and associated pedestrian routes and access details must be brought forward and agreed with the Council;

3. Prior to 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. Prior to the occupation of any houses within the development, a detailed Green Travel Plan for residents must be submitted and agreed with the Council and distributed to all future residents;
5. Prior to commencement of development on site, full details of all cycling and walking facilities must be submitted and agreed with the Council.
6. Prior to commencement of development on site, alterations to the B7083 Auchinleck to Cumnock road must be agreed with the Council and meet the design standards of a traffic distributor road with appropriate street lighting, traffic calming, geometry, footways, drainage etc. and will require the submission 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. Following completion of road construction, a stage 3 road safety audit will also be required. The developer will 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 commencement of development on site, 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 must be carried out where required and any issues highlighted must 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. Traffic calming measures within the development site and associated signage at the periphery, must meet the legislative requirements of a self enforcing 20mph zone.
9. 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.
10. Prior to commencement of development on site, resident and visitor parking levels within the site must be provided based on the principles contained in the Roads Development Guide/Designing Streets.
11. Prior to commencement of development on site, the developer must undertake investigations of existing watercourses and culverts through the site and submit culvert diversion routes for approval.
12. The 1 in 200year flood route submitted must be extended to the river or to attenuation basins. Either route must show swales/pipes etc to ensure functionality of the route.
13. Attenuation basins must be designed to accommodate the 1 in 200year storm event unless the flood route to the river is agreed in which case the basins should be designed to accommodate the 1 in 30year event.
14. Volume checks must be carried out at raised tables to ensure the channel can accommodate the 1 in 200 year flood event within the carriageway.
15. Generally the road geometry must be designed to ensure there is no ponding on carriageways and footways and specifically the low points on longitudinal sections MC01 and MC05 must be amended to remove the likelihood of ponding.
16. Revised drainage drawings to be submitted for approval showing the SUDS scheme, attenuation basins/ponds and swales with clarification of section 7 adoption of assets agreement with Scottish Water.

17. Details of utility apparatus agreements, location of apparatus, service strips within lanes etc must be submitted for approval.

It is considered that the requirements of the Roads and Transportation Service can be secured by appropriate conditions attached to any planning consent granted for the proposed development.

3.2 East Ayrshire Business Development and Tourism Section states that the proposed development is to be welcomed from an economic regeneration point of view, as it will form part of the overall plan for the regeneration of the local area in which Dumfries House and its estate will have a significant role and as one of the early stage aspects of this greater project, it will provide a clear signal of commitment and progress. The whole concept of the Knockroon development is that of building a sustainable community in which people will live and work and therefore, by definition, it will be a mixed development of residential accommodation with commercial and other community use premises. Whilst this application is predominantly for residential accommodation, it is noted that in addition to some infrastructure works, it will include 4 commercial units and 12 workshops, which will provide accommodation for businesses and employment opportunities.

3.3 The Scottish Environment Protection Agency requests that planning conditions be attached to the consent. If they will not be applied, then this representation should be considered as an objection. SEPA offers the following advice:

Flood Risk

(i) Should the Planning Authority be minded to approve this application, we would ask the following planning condition is imposed:

- Provision of level information and flood management proposals to help inform development masterplan and ensure at least a neutral effect on flooding.

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.

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

(ii) Based on the information provided, the location of development relative to the open channel and culverted watercourses remains unclear. Similarly, the flood management measures have not been specified and whilst the nature of the watercourses (minor and culverted) combined with the relatively large proposed development area suggests that flood management will be possible we would recommend that additional information is provided and planning permission should be conditional on this to ensure at least a neutral effect on flood risk and compliance with SPP and Flood Risk Management (Scotland) 2009.

(iii) In terms of information SEPA would recommend that level information (river bed, water level, bank and site levels along with invert, soffit and flood relief levels of any hydraulic structures such as culverts and bridges present) is provided to help

confirm potential flood risk and inform appropriate flood management measures. Potential flood management measures could include avoidance of floodplain development, minimum finished floor levels, improved flood resilience (flood proofing), overland flow pathways and culvert no build zones. In the event that flood risk is still uncertain a basic Flood Risk Assessment will be required to inform the development masterplan and design principles.

The applicants have already been made aware of the information requirements of SEPA.

(iv) SEPA also recommends that the Flood Prevention Authority (FPA) are contacted in relation to freeboard, culvert no build zones, overland flow pathways and post development runoff and management for flood control purposes.

The Council's Roads and Transportation Service (Flooding Section) has been consulted on the proposed development and no significant adverse comments have been received in this regard that cannot be addressed through the imposition of appropriate conditions in any consent granted for the proposed development.

Foul Drainage

(v) The foul drainage from the site must be discharged to the public sewerage system. The applicant should consult with Scottish Water in this regard.

The foul drainage will require to be discharged through the public sewerage system and Scottish Water has not previously raised any significant issues in this regard.

(vi) 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.

Surface Water

(vii) SEPA would ask that any planning permission granted includes a condition requiring the proposed discharge of surface water to the water environment to be in accordance with the principles of the SUDS Manual (C697) which was published by CIRIA in March 2007.

(viii) The discharge of surface water must comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended). Further information on this matter can be found on our website at http://www.sepa.org.uk/water/water_publications.aspx

(ix) Construction phase SUDS must be dealt with separately and should NOT be discharged to final phase SUDS.

Appropriate conditions or notes can be attached to any grant of consent for the proposed development to meet the requirements of SEPA.

3.4 Scottish Natural Heritage has previously provided comments for the Knockroon development on 22 August 2008, 26 February 2009 and on 21

September 2009. The latter of these responses dealt with SNH's main concerns for natural heritage interests identified in the environmental statement, mainly regarding European Protected Species.

(i) Otters (European Protected Species)

In line with condition 10 of the outline application, a further survey of otter activity by a suitably qualified person should be carried out prior to construction and allied activities commencing for the first phase of the project to determine where current activity is. The condition states that a survey is needed 'where disturbance is within 250m of the waters edge'; the plans submitted suggest that the proposed footpath (phase 1) is within 10 metres of the Lugar Water, that the access road/footway is within 30-100 metres and the south western boundary of the main development is within 200 metres. 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 and allied activities commencing for the approval of East Ayrshire Council.

The present application is accompanied by an updated otter survey which provides for an otter protection plan to minimise any potential disturbance to this European protected species. SNH has not indicated any particular concerns in this regard.

(ii) Tree Felling and Bats (European Protected Species)

The tree report submitted at this stage identified one large mature Ash tree to be removed. The tree is described as having many dead branches and with patches of bark coming away from the main trunk and also containing a large cavity. The crevasses and cracks will make it highly suitable for use by bats. Any trees to be felled which are suitable for bat use, especially those with cracks or holes, should be inspected for use by bats by a suitably qualified person. As it is notoriously difficult to confirm such use, SNH recommends that best practice is used to guide felling where roost sites are possible. Felling should be undertaken outwith the hibernation period and trees de-limbed and felled from the top down to allow bats to escape. It may be helpful to have an ecologist onsite and if bats are found then work should stop immediately and further advice sought from SNH.

These concerns can be addressed by applying conditions to any consent issued.

3.5 Cumnock and Doon Valley Access Panel has not responded to the consultation letter.

3.6 Cumnock Community Council and Auchinleck Community Council have no objections or comments to make on the proposed development.

3.7 The Ayrshire Rivers Trust, the Architectural Heritage Society of Scotland, the Scottish Civic Trust and Scottish Water have not responded to the consultation letter.

3.8 East Ayrshire Council Environmental Health Service 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) Suitable dust suppression measures should be introduced where appropriate during the construction phase.
- (iv) All waste arising from the works during construction should be disposed of to the satisfaction of the Waste Management Authority, and otherwise by burning.
- (v) All drainage should be completed to the satisfaction of SEPA and/or Scottish Water.
- (vi) 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.

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

3.9 East Ayrshire Council's Housing Service have no objections to the application acknowledging that the Knockroon proposals feature in the approved Strategic Housing Investment Plan 2011/ 2012 – 2015/ 2016 in year five for the provision of 30 affordable houses for rent. The SHIP was submitted to the Scottish Government's Housing Investment Division for consideration.

Give the current downturn in funding investment in terms of affordable housing there is scope for the programme to evolve not only in terms of available funding, but also in terms of the outcomes of the Housing Need and Demand Assessment which informs the new Local Housing Strategy (for issue later this year) and the new Local Development Plan.

It is noted that there are no objections to the application, and it has been confirmed by the applicants that it would be consistent with the vision within the overall Masterplan that there be provided affordable housing as part of the Knockroon development.

3.10 Department of Education and Social Services confirm that it has an obligation to provide services including educational and social care provision in line with legislative requirements and the development of additional housing within this area would not impact on the requirement for delivery. The current Educational provision in the authority area would have the capacity to incorporate any additional children requiring education.

Noted

3.11 Strathclyde Passenger Transport (SPT) has not responded to the consultation letter at the time of writing.

3.12 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.

3.13 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.

3.14 The West of Scotland Archaeology Service states that at the outline stage, WOSAS recommended that the mitigation of deleterious effects on archaeological remains could be addressed through the use of suitable conditions, which would require an overall strategy at the outline stage, with more detailed procedures to be brought forward with each AMC application for successive phases. WOSAS notes that this was the approach taken by the Council in addressing the archaeological issues when determining the outline application, and that a suitably worded condition was attached and a Section 75 agreement was to be agreed between the parties.

In keeping with the phased archaeological mitigation process previously agreed, WOSAS would therefore recommend the attachment of an appropriate condition to any consent the Council may grant, so as to properly control the detailed measures to be brought forward to deal with the archaeological issues arising from the development operations in this area. The most appropriate form of condition to use in these circumstances would be a negative suspensive condition such as that suggested for the outline application. WOSAS recommends the following wording, 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 will allow the Council to ensure that if significant archaeological remains are present within the current application site, their excavation and recording can be achieved to an acceptable standard, along with the

dissemination of the results of the work in the public domain if this is considered necessary.

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

3.15 East Ayrshire Council Outdoor Services Section has no objections to the first phase of the development but must point out the lack of quality open space within this phase which it is believed will be addressed in later phases. The Section would still be looking for approximately 60m² of quality open space per household throughout the whole development which should include substantial play provision for toddlers, juniors and teenagers. The provision of an area for allotments at a later date is welcomed.

4. REPRESENTATIONS

4.1 One letter of representation from two signatories has been received objecting to the proposed development. The points of objection can be summarised as follows:

4.2 When Hoyle Crescent was built there were several restrictions on the types of houses to be built there i.e. 1 storey dwellinghouses, with a certain type of brick in texture, colour and style. There seems to be no restrictions on the Knockroon site i.e. 2 and 3 storey buildings.

The Knockroon development, and indeed this phase of development, represents a mixed use development, albeit primarily residential in nature, that presents a wide range of building types, uniformity of finishes and varying storey heights. All of these elements are designed to give the Knockroon development a distinctive quality of environment as envisaged within the Knockroon Masterplan. The current application respects those elements of quality design and has generally been informed by the Knockroon Design Code which the Council has recently approved as Supplementary Planning Guidance, subject to some amendments. The Design Code will seek to ensure that this current phase and future phases of development within Knockroon

4.3 Planning has already been refused because of the skyline and linking of Cumnock and Auchinleck villages. This planning has been refused twice so why should planning be given now?

There is no relevant planning history relating to the current application site other than it forms part of the overall Knockroon development site for which planning permission in principle has already been granted by the Council (Ref. No. 09/0478/OL dated 05 November 2010). This particular phase of development presents no issues of "skylining" or coalescence of the towns of Cumnock and Auchinleck. It is respectfully suggested that the objector may be confused with another development site located adjacent to Rigg Road.

4.4 The houses are not needed at all as many good quality homes in the Cumnock area over the last two years cannot be sold.

The Knockroon site is identified as a Development Opportunity Site within the adopted East Ayrshire Local Plan 2010 in order to meet future housing demands in Cumnock. While the comments of the objectors are noted, they are not material to the determination of this application.

4.5 There will be an increase in traffic and pedestrians on the already very busy Auchinleck Road causing a serious traffic hazard.

It is recognised that the Knockroon development will result in increased traffic usage along Auchinleck Road but the timing and phasing of development will ensure that this occurs in a way which will minimise the potential for any adverse road safety impacts. The Roads and Transportation Service has not indicated any objections to the proposed development either on road capacity or road safety grounds, subject to the use of planning conditions.

4.6 The increase in the number of houses is such that sewage and drainage in the area will be affected.

The comments of the objector are not supported by the consultation process where no objections have been raised in terms of the capacity or otherwise of the infrastructure to serve the proposed development

4.7 The new type of houses will be an eyesore to look at and probably private let tenants will lead to an increase in anti-social behaviour in this normally quiet area between the villages of Cumnock and Auchinleck.

It is completely disagreed that the proposed development will be an eyesore. The proposals represent a high quality development both in physical and visual terms, providing a high quality environment for people to live and work in.

The tenure of dwellings within the proposed development is not a material consideration in the determination of this application and the issue of anti-social behaviour is speculative on the part of the objectors and notwithstanding this, such behaviour is a matter of policing and not land use planning.

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 (2010).

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 East Ayrshire Local Plan, 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 overall Knockroon development to comply with the housing land release strategy indicated in the Structure Plan, the development of this phase does not conflict with the provisions of Policy COMM3.

It is considered that the proposed development accords with the Approved Ayrshire Joint Structure Plan,

East Ayrshire Local Plan

5.4 The application site lies within the settlement boundary of Cumnock in the Adopted East Ayrshire Local Plan 2010. Policy SD4 states that:

“The Council will direct all new development to those development opportunity sites specifically identified on the local plan maps as being suitable for the type of development proposed. Any development on sites not identified for the specific purposes envisaged will be assessed on their own merits against the provisions of all appropriate local plan policies.”

The application site forms part of the larger Knockroon development site which is identified within the EALP as Development Opportunity Site 263H. The proposal for mixed use development in this first phase of the overall Knockroon development is consistent with the provisions of Policy SD4.

5.5 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 described in the plan, or such other programming as may be agreed for the sites in question.”

The phasing of the Knockroon development is covered by specific conditions on the planning permission in principle consent and this first phase of development, in terms of the number of residential units, is consistent with the agreed phasing. The proposed development therefore accords with Policy RES1.

5.6 Policy RES23 relates to residential open space provision and states:

“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. In preparing their proposals, developers should have regard to the interim guidelines in Schedule 4. 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.”

It is noted that the first phase of the Knockroon development provides no public residential open space. However, this is in line with the Knockroon Masterplan as a larger area of public open space is proposed further to the east as part of the overall development. It is further noted that this phase of the development does, however, lie in close proximity to large areas of public open space at Broomfield.

5.7 Policy RES26 relates to residential private open space provision and states:

“All developers of new housing developments should have regard to the private open space guidelines in Schedule 5. These may be relaxed where the Council is satisfied that relaxation is justified.”

Many of the proposed residential units do not meet with the Council’s guidelines set out in Schedule 5 of the adopted local plan. However, it is recognised that the form and layout of the development proposed at Knockroon will result in smaller private gardens at some units. A relaxation of the guidelines is therefore considered appropriate in this case to facilitate the distinctive character of the development being proposed.

5.8 Policy RES29 relates to developer contributions and states:

“Where a development of 4 or more houses, either on its own, or in association with existing developments, will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. Contributions will relate to the development concerned, including in nature, scale and kind. Where these cannot be secured by planning conditions or other appropriate means, the council will expect developers to complete a section 75 or other legal agreement. Contributions sought under this policy will be waived or reduced only in exceptional

circumstances – for example, where a developer demonstrates that a development would have exceptional development costs, would bring particular economic, social or other benefits, or is ‘enabling development’ as defined in the plan.”

At the planning permission in principle stage of the Knockroon development, the applicant made a case for the non-payment of developer contributions which was accepted by the Council, as a range of facilities, including reserving land for the construction of a school, is included in the masterplan and will be provided in future phases. The Knockroon development is intended to provide considerable ‘additionality’ in terms of its high quality design with 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 there is therefore no need to apply policy RES29 to the present application.

5.9 In relation to the proposed workshop units proposed, Policy IND4 is relevant which states:

“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.”

The plans for this first phase of development show 12 workspace units which in principle are acceptable and conform to the criteria as set out above. However, no details of the types of uses proposed are supplied as these are not yet known. In order to fully meet with the provisions of policy IND4, the proposed uses for business/industrial units will require to be conditioned to ensure that they have no detrimental impact on the proposed residential units which will be located nearby.

5.10 The proposal also includes the provision of 4 commercial units and therefore Policies RTC8 and RTC9 are relevant and state:

“RTC8 - 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 or Policy RTC 9 or to a bulky goods development relating to the sale of DIY, furniture, carpets, electrical and gardening goods.

RTC9 - In addition to the types of development detailed in policies RTC 7 and RTC 8, 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”

In terms of retailing, this phase of the Knockroon development specifically promotes a convenience store of some 370 m² gross floor area. The definition of small scale retail development within policy RTC9 is where the gross floor area is less than 200 m². Consequently, this element of the proposed development is contrary to policies RTC8 and RTC9.

In support of this departure from policy, the applicants have stated that the location, size and principle of this element of the overall development can be justified in terms of commercial, built environment and resident/visitor amenity reasons. The principle of retail development within Adam Square was established at the earliest stages of the planning and design process through The Prince’s Foundation’s Enquiry by Design (EbD) community engagement exercise.

The provision of retail floorspace within the overall development is a primary aspect of the aspiration, agreed with the wider community through the EbD, of achieving a mixed-use, sustainable community where residents will be able to meet their daily needs within a 5 minute walk of their homes. The level of retail floorspace provided, very much a ‘neighbourhood’ scale, is such that it is not expected that the convenience store will undermine the Council’s ongoing regeneration efforts or compete with the retail offer in the town centre. It will however, offer residents the opportunity to do incidental or small, top-up shopping within a short walk from home (or work). In addition it will offer residents of the existing Holmhead neighbourhood a small shop within a short walk of their homes.

In all it is considered that the amount of floorspace provided and the physical structure itself are appropriately scaled for the whole development. The prominent location within Adam Square, the focal point of the entire development once completed, requires a certain scale of development as well. Thus the plans and designs for this building, including the convenience store, reflect the aspiration to achieve the required commercial/civic status. Notwithstanding this it is envisaged that the floorplans and structures will remain flexible in their use should retail trends change over time or occupier requirements require alterations or subdivision.

Furthermore the applicants consider that the floorspace allocated for a convenience store reflects commercial aspirations and operator requirements. Early discussions with a recognised convenience store operator have taken place and the plans and building, in terms of location and floorspace, reflect the requirements of this operator. The location of this unit, along the main Auchinleck Road and occupying a strategic position within the proposed Adam Square, meets retailer requirements. Whilst negotiations are still ongoing with this operator it is considered that the amount of floorspace within this retail unit would appeal to other operators thus providing options for future take-up. Again, it is envisaged that floorplans and the structures will be flexible to accommodate future changes of use or occupier requirements.

For the above reasons it is the applicants' view that the provision of 370 sq m of convenience store floorspace is justifiable from a commercial perspective and to deliver on the vision to provide the sustainable, mixed-use community at Knockroon,

In this regard it is agreed that the justification presented by the applicants has merit and can be supported on the basis that the proposal does not represent a significant departure from policy.

In terms of the adopted East Ayrshire Local plan, the proposed first phase of the Knockroon development is generally consistent with the policy provisions of the plan but represents a minor departure from Policies RTC8 and RTC9 in respect of the proposed convenience store.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, Scottish Planning Policy, the planning history of the site, consideration of the requirements of the Conservation (Natural Habitats, &c.) Regulations, 1994, and the Knockroon Design Code.

Consultation Responses

6.2 There are no significant adverse issues raised by consultees that cannot be addressed by use of appropriate conditions.

Representations

6.3 The representations have been carefully assessed within this report but it is considered that the points of objection are either not of sufficient weight to justify refusal of the application, are not material to the determination of this application or the points raised are not agreed with; particularly in terms of the design and visual quality of the development.

Scottish Planning Policy

6.4 Guidance on national planning policy is given in the "Scottish Planning Policy" document (SPP) issued in February 2010 which is the statement of the Scottish

Government's policy on nationally important land use planning matters. A number of key subject policies relative to the proposed Knockroon development are provided within this document. The main relevant subject policies are as follows:

(i) **Economic Development**: The planning system should support economic development in all areas by:

- taking account of the economic benefits of proposed development in development plans and development management decisions,
- promoting development in sustainable locations, particularly in terms of accessibility,
- promoting regeneration and the full and appropriate use of land, buildings and infrastructure,
- supporting development which will provide new employment opportunities and enhance local competitiveness, and
- promoting the integration of employment generation opportunities with supporting infrastructure and housing development.

Planning authorities should ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans, including opportunities for mixed use development, to meet anticipated requirements and a variety of size and quality requirements. Marketable land should meet business requirements, be serviced or serviceable within 5 years, be accessible by walking, cycling and public transport, and have a secure planning status.

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

(ii) **Housing**: Paragraphs 78 and 79 state that the Scottish Government's objectives of creating successful places and achieving quality residential environments should guide the whole process of delivering new housing. The type of development that can be achieved should be considered when sites are being selected. The siting and design of new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecologies and the scope for using local materials. The aim should be to create places with a distinct character and identity, promoting a well integrated mix of land uses including well designed homes of different types and tenures. Development plans should encourage and enable the creation of successful places which contribute to the identity of the area. New housing developments should be integrated with public transport and active travel networks, such as footpaths and cycle routes, rather than encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks, and allow for links into future areas of development.

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

(iii) **Transport:** The SPP states that opportunities for personal travel should be prioritised by mode in the following order – walking, cycling, public transport, car and other motorised vehicles. Buildings and facilities should be accessible on foot and by cycle. Improvements to active transport networks, such as paths and cycle routes, in urban and rural areas will support more sustainable travel choices. The aim is for urban areas to be made more attractive and safer for pedestrians and cyclists, including people with mobility difficulties. Cycle routes and, where relevant, cycle parking and storage should be safeguarded and enhanced wherever possible. Statutory equal opportunities obligations relating to accessibility to different users of different means of transport should be taken into account in development plans and development proposals. Accessibility issues and street layout and design should be part of the design and planning processes from the outset.

The Knockroon development is considered to be well placed to satisfy these 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.

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

6.5 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.

With respect to bat and otters, which are European Protected Species (EPS), the application of conditions will ensure that habitats are suitably safeguarded.

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.

Planning History

6.6 An application for planning permission in principle for a mixed use development comprising 770 residential units including the provision of associated

shops, workplaces, commercial spaces, community facilities and associated infrastructure principle (Reference No. 09/0478/OL) was granted by the Council on 03 December 2009, subject to the concluding of a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997, and consent was subsequently issued on 05 November 2010.

The present application under consideration represents the first phase of the Knockroon development, where the principle of the development has been established through this grant of planning permission in principle.

Knockroon Design Code

6.7 On 15th December 2010, Cabinet approved this document as Supplementary Planning Guidance subject to a few minor changes being made. The key implication for this planning application is that the Design Code is now a material consideration in the determination of all planning applications at Knockroon. The current application has been configured in such a way, in development management terms, to meet the requirements of the Design Code.

Whilst the Design Code contains many prescriptive measures to maintain the quality of the Knockroon sustainable community, some of which will require to be reflected in terms of sale of properties between the developers and prospective owners / occupiers, it will be necessary to additionally remove certain classes of permitted development rights currently available within the Town and Country Planning (General Permitted Development) (Scotland Order 1992 (as amended), particularly in relation to householder permitted development rights. To do otherwise could result in a significant erosion of the quality of build, design, finishes and layout as currently envisaged within Knockroon masterplan. Removal of permitted development rights should include, for example, extensions to dwellings, alterations to the roofs of buildings, boundary walls and fences and outbuildings.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report, the application is generally considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. It is recognised that the proposed convenience store element of this phase of development represents a departure from policies RTC8 and RTC9, however, this is not considered to be significant. It is considered that a minor departure is justifiable from both a commercial perspective and, given the importance of this particular building within the wider Knockroon development, it is fundamental

to the delivery of the vision to provide a sustainable, mixed-use community at Knockroon.

8.2 As is indicated in Section 6 above, there are material considerations relevant to this application which are also supportive of the proposed development. In this case the proposals have only attracted one letter of representation and the points of objection are either not of sufficient weight to justify refusal of the application, are not material to the determination of this application or the points raised are not accepted, particularly in terms of design and visual quality of the development.

8.3 In socio-economic terms, the overall 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 Estate 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. The approval of this first phase of the Knockroon development will compliment and support these key regeneration initiatives.

8.4 The proposals within the first phase of the Knockroon development promote the delivery of the high quality design principles specified in the Knockroon Masterplan, the associated Design Statement and the Register of Typologies, much of which is now enshrined within the Knockroon Design Code which has been adopted as Supplementary Planning Guidance. While the Design Code will assist in assessing future planning applications for development within the wider Knockroon site, it is considered essential to the maintenance of the high quality development

8.5 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 adopted local plan, and that there are no significant environmental or community concerns regarding the proposal that cannot be addressed by appropriate planning conditions. Consequently it is considered that the application should be approved.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development based on the principle of the development, then the application would require to be referred to Council because it would represent a significant departure from the development plan.

Alan Neish
Head of Planning and Economic Development

12 January 2011

HM/HM

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letter of representation
5. Adopted East Ayrshire Local Plan (2010)
6. Approved Ayrshire Joint Structure Plan (2007)
7. Knockroon Design Code
8. Scottish Planning Policy
9. 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

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0653/AMCPPP

Location	Land Adjacent Knockroon Auchinleck Road Cumnock East Ayrshire
Nature of Proposal:	Erection of Mixed Use Development along with roads/footpaths and infrastructure
Name and Address of Applicant:	Dumfries Farm And Land Ltd, Zero C Holdings Ltd Dumfries Farm And Land Ltd, Zero C Holdings Ltd And Hope Homes (Scotland) Ltd Watson Terrace Drongan KA6 7AB
Name and Address of Agent	Hope Homes (Scotland) Limited Watson Terrace Drongan KA6 7AB

Officer's Ref: Hugh Melvin
01563 555481

The above APPROVAL OF MATTERS SPECIFIED IN CONDITIONS application should be granted subject to the following conditions:

1. Notwithstanding the plans hereby approved, the proposed alterations to the B7083 Auchinleck to Cumnock road shall meet the design standards of a traffic distributor road with appropriate sightlines, 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.

2. The applicant shall, prior to the commencement 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 applicant shall provide level information and flood management proposals to help inform the development masterplan and ensure at least a neutral effect on flooding. 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.

3. Resident and visitor parking levels within the site shall be provided in accordance with the principles contained in the Roads Development Guide/Designing Streets.

REASON – in the interests of residential amenity and road safety.

4. 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 Green Travel Plan for the Knockroon development. Details to be submitted for approval 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 this part of the Knockroon development.

5. 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.

6. The otter protection plan, contained within the Otter Survey by Acorna Associates Ltd. dated August 2010, detailing all mitigation measures, including for situations of disturbance and / or actual damage to places of shelter, shall be implemented in full where found to be necessary, to the satisfaction of the Planning Authority.

REASON – In the interests of environmental protection and to safeguard a European Protected Species.

7. No trees shall be lopped, topped or felled within the development site without the formal written consent of the Planning Authority, otherwise than as agreed in terms of the letter from Eamon Wall and Co. dated 25 June 2010 which formed part of the application submissions.

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

8. The measures to protect existing trees to be retained within the development site shall be in accordance with the proposals contained within the letter from Eamon Wall and Co. dated 25 June 2010 which formed part of the application submissions, and shall be implemented in full to the satisfaction of the Planning Authority.

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

9. Any trees to be felled which are suitable for bat use, especially those with cracks or holes, shall be inspected for use by bats by a suitably qualified person. Best practice shall be used to guide felling where roost sites are possible. Felling should be undertaken outwith the hibernation period and trees de-limbed and felled from the top down to allow bats to escape. If bats are found then work should stop immediately and further advice sought from SNH.

REASON: In the interests of environmental protection and in relation to a European Protected Species.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order revoking and re-enacting that order, permitted development classes 1 to 8 inclusive of Schedule 1 of the said Order are hereby removed in relation to the application site.

REASON To enable the Planning Authority to retain control over future development on the site in the interests of residential and visual amenity.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997, or any orders revoking and re-enacting these orders, the use of the proposed workshop units shall be restricted to Class 4 (Business) unless a further specific planning application is submitted to and approved by the Planning Authority.

REASON To enable the Planning Authority to retain control over future development on the site in the interests of residential amenity.

12. 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 and 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.

13. 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.

- 14. Should contamination be present in terms of Condition 13 above, prior to any further site development, the developer shall submit a report to the Planning Authority 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 Planning Authority's satisfaction.

- 15. 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.

- 16. The proposed development hereby approved shall otherwise be undertaken in accordance with the conditions pertaining to planning consent 09/0478/OL dated 05 November 2010.

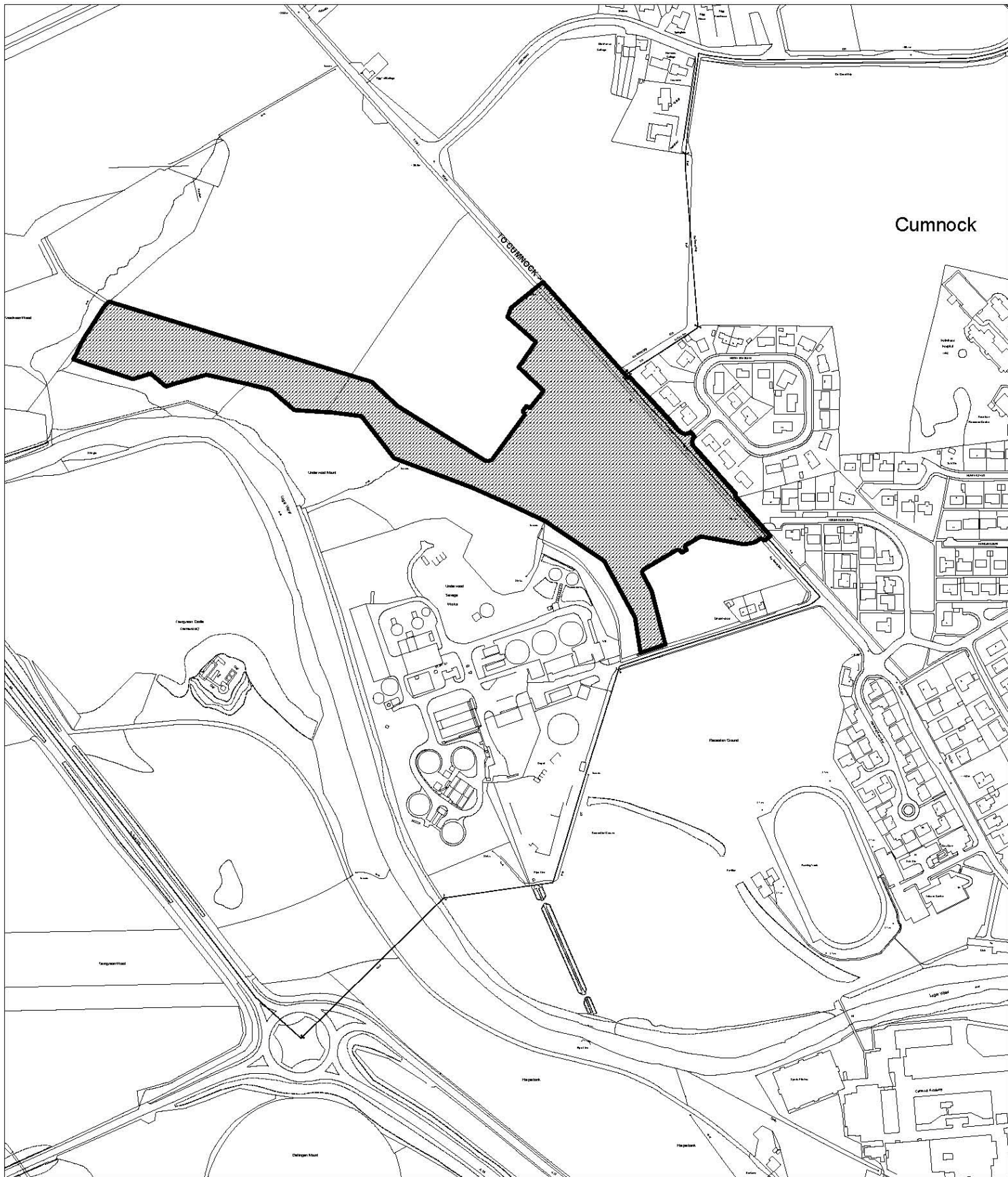
REASON: To retain effective planning control over the proposed development in accordance with current consent relating to the comprehensive Knockroon site.

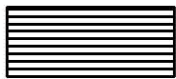

Notes to Applicant

- 1. East Ayrshire Council Roads and Transportation Service has advised that Construction Consent will be required for the construction of the residential roads and footpaths, street lighting etc. The Service 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.
- 5. Prior to the occupation of any houses within the development, the developer should 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.

Reason for the Decision

The proposals are compliant with the Development Plan and there are no material considerations that would indicate that the application should not be approved.



<p>Title/Location</p>	<p>Land Adj Knockroon, Auchinleck Road, Cumnock Application No. 10/0653/AMCPPP</p>	<p>East Ayrshire Council Department of Neighbourhood Services Planning & Economic Development Service. 6 Croft Street Kilmarnock KA1 1JB Tel: (01563) 576790 Fax: (01563) 576774 E-Mail : Planning@east-ayrshire.gov.uk Com Date: 21/1/2011</p>
<p>Key</p>	<p> Application Site</p>	<p style="text-align: right;"></p>



CLIENT: THE PRINCE'S CHARITIES FOUNDATION
17-22 CHARLOTTE RD, LONDON EC2A 3SQ

PROJECT: MIXED USE DEVELOPMENT, KNOXWOOD, ABERDEEN RD, CORNWICK K18 1BU

TITLE: PHASE 1 CONSTRUCTION SCHEDULE

Hope Homes Scotland
 1000
 Victoria Terrace
 Dundee
 Avenue
 DD7 3AL
 Tel: 01307 600442
 Fax: 01307 600500

FIG. No. 10/18-PHASE

DATE	REV. #
JULY 2010	01
SCALE	1:1000

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