
NORTH AYRSHIRE COUNCIL

23rd May 2018

Planning Committee

Locality	
Reference	18/00340/PPPM
Application Registered	20th April 2018
Decision Due	20th August 2018
Ward	Dalry And West Kilbride

Recommendation	Refused
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Location	Site To South Of 128-130 Meadowfoot Road West
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Applicant	Kilbride Ayrshire Gladman Developments Ltd
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Proposal	Planning Permission in Principle for residential development, access, open space, landscaping and associated engineering works
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1. Description

Planning permission in principle is sought for a residential development at Ardrossan High Road, West Kilbride. The application site, which comprises of approximately 5.4 hectares, is located to the South of Meadowfoot Road extending to the South of Ardrossan High Road and the railway line. The site is bounded by residential properties to the north and east and countryside to the south and east (see attached location plan).

Part of the application site is allocated for residential, (approx. 2.8 hectares) with the remainder (approx. 2.6 hectares) outwith the boundary of the settlement of West Kilbride. The site sits on the slopes of Tarbert Hill which overlooks West Kilbride from the south. The site slopes mainly upwards from north to south. The site is partially bound on the south west boundary by trees with hedging or agricultural post and wire fencing marking the remaining boundaries. Land cover is dominated by grass with the site being used for grazing.

The applicant has provided an indicative masterplan which indicates that the site would accommodate 50 detached houses with the remaining land used for open space. Two vehicular accesses would be provided from Ardrossan High Road.

The proposal falls within the category of "major" development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. A pre-application consultation (PAC) was required, and a notice (ref. 17/01222/PREAPM) was received on 23rd November 2017. The PAC initiated the statutory pre-application procedures.

In support of the application the following documents have been submitted:

Pre-application consultation (PAC) report

One public event using a 'drop-in' format was held at West Kilbride Village Hall on Thursday 11th January between 3pm and 7.00pm. The PAC report notes the pre-event publicity measures, which were undertaken and the methods used at the public event to inform those attending. The report states that around 70 members of the public attended the event and that 12 comments were received which indicated that more affordable housing required to meet local needs, general housing and more housing but in a different location out with the settlement; concern regarding insufficient infrastructure to accommodate the development, i.e. doctors, and school; comments about flooding and drainage from the site.

Copies of the comments were not provided within the PAC report. The PAC report concludes that whilst objections were raised to the principle of the development, there was support for additional residential development in West Kilbride, acknowledging that the site is partially allocated.

Transport Assessment

The Transport Assessment considers the likely transport impacts of the proposals alongside potential mitigation measures. It assesses existing pedestrian and cycle links which could link into the site and some localised changes to widen Ardrossan High Road and introduce two access points into the site. The assessment concludes that there would be no significant change in traffic numbers and the proposed traffic numbers for the development could be accommodated within the road network.

Supporting Planning Statement

The planning statement summarises the planning background to the site and the relationship between the existing RES2 site and the remaining proposed market housing. The statement outlines five potential reasons as to why consent should be issued, these being: (1) North Ayrshire Council does not currently have a 5 year supply of effective housing land requiring action in accordance with Scottish Planning Policy; (2) The majority of the site is allocated for housing in the adopted Local Development Plan and the proposed development seeks a minor extension to the existing allocation; (3) Development of the site meets key national and local planning policy tests and principles; (4) Contributes towards sustainable development; (5) and the site is effective and capable of delivery in the short term. The statement confirms that there are three notes of interest in the site although evidence of this statement has not been provided.

Design and Access Statement

The design and access statement provides an appraisal of the site, its context and provides an explanation for the design rationale behind the indicative masterplan. The statement provides a response to comments received through the PAC process and outlines how comments have been addressed in the design. The statement concludes that the indicative layout would create an attractive and walkable neighbourhood as well as an opportunity to create a variety of house types and tenures.

Landscape Visual Impact Assessment (LVIA)

The LVIA provides a summary of the methodology for assessment, the context of the site, photographic survey and probable visual impact of housing on the site. The report considers long and short term views with much of the visual impact occurring within the localised area. The report outlines a number of mitigation measures to combat any detrimental impacts, some of which have been included within the indicative masterplan. The report concludes that further design mitigation is recommended as a detailed design is developed and that visual impacts could be reduced by careful design of housing layout, orientation and roofs; the proposed setting back of development from the roadside; use of landscaping to screen parts of the development.

Flood Risk Assessment

The FRA provides a review of the site layout, a walkover survey, catchment assessment, high level drainage assessment and survey of potential flood risk for the development site and surrounding area. The report concludes that as there are no watercourses on the site, the site is not at risk from fluvial flooding, the SEPA flood maps indicate a small area of the site at the south western boundary to be at risk from pluvial flooding but this area would not be developed and does not pose a flood risk to proposed development areas and that the construction of a surface water drainage system incorporating SuDS, such as a detention basin, would ensure the risk of surface water flooding is adequately managed on site while providing a betterment to surrounding areas compared to the existing situation.

Phase 1 Habitat Survey

The survey provides a summary of investigations to identify and map all broad habitat types and notable features within the site boundary, any Ground Water Dependent Terrestrial Ecosystems and Invasive Non-Native Species (INNS) and establish the ecological baseline in terms of evidence of protected and notable species. The report concludes that there were not any protected species recorded on the site and mitigation during construction would avoid any detrimental impact on birds.

Engineering Statement

This statement provides a high level survey of potential constraints on the site with regard to its orientation, topography and conditions. The report concludes that the existing topography, whilst steep, does not present a constraint to development, there are potential utility connections, flooding is not a constraint and there are unlikely effects from historical mining or contamination.

Economic Impact Note

This note provides an indicative statement of the socio-economic baseline for West Kilbride including consideration of population, employment profile and household expenditure. It presents a high level statement on the economic impacts from the proposed development, both from its construction and when built such as additional population's retail expenditure and council tax receipts. The report estimates approximately 54 temporary construction jobs would be created, £104,000 per annum in Council Tax, an additional £375,000 of retail expenditure for local retailers and an additional £1.17m of resident income from new occupants.

Desktop Noise Appraisal

This appraisal concludes that due to the rural location of the site, the main noise source with the potential to impact the noise environment of future residents is considered to be from

trains on the Ayrshire Coast Railway Line, but finds that when taking the train movements in context it was unlikely that passing trains would result in a noise nuisance to future residents.

In the adopted Local Development Plan (LDP) approximately half of the application site the application site lies within an area of Countryside, where Policy ENV 2 (Housing in the Countryside) applies. The remainder is allocated for market housing, where Policy Res 2 (Additional Housing Sites) applies. In terms of Policy Res 2, the site has an indicative capacity of 30 units. Policies PI 1, PI 8 and RES 4 are relevant to the consideration of the application. The General Policy of the LDP is also relevant and requires all development proposals to be considered against a set of assessment criteria, the relevant ones in this case being (a) siting, design and external appearance, (b) amenity, (c) Landscape, and (d) access, road layout, parking provision.

Part of the application site formed part of a larger proposed allocation of residential within the finalised LDP, however at the Examination, the Scottish Government Reporter amended the allocation to that presently identified within the Local Development Plan. The proposal has been subject to pre-application discussions with Officers, where the applicant has been advised that any submission for the site would be contrary to the LDP, and would not be supported.

It is relevant to note that a similar application for the extension of an undeveloped residential allocation at Lawhill Farm, West Kilbride in the countryside was refused Planning Permission in Principle by the Planning Committee on 8th June 2016 (Ref. 16/00397/PPPM). This decision was the subject of a subsequent appeal, which was and refused by the Scottish Government Reporter in upholding the Councils reason for refusal on the grounds that the proposed development would not accord with the development plan. (DPEA Appeal ref.PPA-310-2024).

The application site is located on the boundary of the settlement and in close proximity to two existing housing land allocations currently under consideration. The development of Ardrossan Road, Seamill is currently in construction with Phase 2 being considered as part of a separate application (Ref. 18/00171/MS). An application, in relation to the neighbouring RES4 site allocation at Lawhill Farm, Ardrossan High Road, is also currently under consideration (Ref. 18/00393/PPPM).

Relevant Planning History

None.

2. Consultations and Representations

The application was subject to the standard neighbour notification and was advertised in the local paper on 25 April 2018. There were 15 letters of objection received which raised the following concerns:

1. The site is primarily clay on top of granite which has resulted in landslips. A geological survey should be undertaken immediately. Re-grading of the site to accommodate the development would be significant, there are no details of where excess material would be disposed.

Response: The application is in principle as such these details are not required at this point. In any case geology reports and the construction of the houses would be controlled by Building Standards. Matters regarding disposal of land would be a matter for the developer.

2. Contrary to the applicants flood risk assessment, Meadowfoot Road is subject to flooding due to water run off from the site which could result in flooding in local burns and of adjacent land. The FRA does not take account of potential flooding out with the site, similar to what was seen following the completion of the development at Cubrieshaw Park.

Response: The application is in principle and further details regarding drainage, flood prevention would be required prior to any works proceeded on site.

3. The engineering required to build the houses would be costly and result in the new houses being prohibitively expensive. The proposed affordable housing would result in the house prices of the market houses being higher. The project is potentially unviable. There are limited job opportunities locally meaning houses would be unaffordable. There are already a significant number of houses for sale in West Kilbride, no new housing is needed.

Response: The cost of housing and viability of the project is not a material planning consideration.

4. One of the accesses is close to a dangerous bend in the road. This creates a road safety issue. The development would result in a significant increase in vehicles to the detriment of traffic in the town and the local environment. Ardrossan High Road is in very poor condition and is not wide enough for 2 vehicles to pass.

Response: The application is in principle and the design/location of the accesses, as well as any localised road improvements would be controlled through condition. NAC Active Travel and Transport has not raised any objections.

5. There are insufficient services in West Kilbride to accommodate the development such as the doctors surgery and the primary school which is over capacity. The local train station does not have enough car parking. The development would stretch local emergency services.

Response: NAC Education has objected to the proposed increase in land allocation. The impact of the development on services was considered during the LDP process. The site is in close proximity to the train station which would discourage vehicle usage.

6. The proposal would further erode the countryside around West Kilbride and impact on wildlife. Any further development on the site would impact detrimentally on the view towards and setting of Tarbert Hill.

Response: Agreed. The proposal would result in further development within the countryside and impact on the setting of the local landscape.

7. The proposal would impact on the amenity of neighbouring properties by way of privacy and overshadowing. Building works would impact on the amenity of neighbours.

Response: The application is in principle as such matters regarding privacy and overshadowing could be designed out as part of detailed applications.

8. The original allocation proposed 30 units, where this proposal is for 50 units. This would result in overdevelopment. Such a large development would be overbearing and result in an inappropriate design.

Response: The masterplan provided is indicative and the number proposed may not be the final development that is delivered. It is agreed that the increased scale of the development has the potential to impact on the setting of the wider area and could result in an inappropriate design.

9. There are no details of who would maintain the open spaces, orchards, SuDS pond etc.

Response: The application is in principle as such matters these details would be provided at detailed design stage.

10. Due to their siting the proposed housing and planting of trees would impact on satellite reception and the viability of solar panels on the roof of my property.

Response: These are not material planning considerations.

Consultations

NAC Transportation - No objection. If approved the developer should provide details regarding suitable junction design, sightlines, widening of Ardrossan High Road and a new footway. It is considered that the submitted layout does not meet the requirements of Designing Streets. The layout should be designed in accordance with designing streets and provide infrastructure for the volume of pedestrians and vehicles expected. The layout should be designed as such that speeds are no greater than 20mph.

Response: Noted. If approved, a condition could be applied in this regard.

NAC Flooding - While the Flood Risk Assessment (FRA) recommends that the proposed development incorporates a land drainage system that is attenuated and treated by the proposed SUDS basin before discharging to the water environment, no such system is shown on the Drainage Masterplan. Neither is it clear from the submitted information if the intention is for the basin to be vested in Scottish Water and whether the organisation will be willing to accept land drainage.

As the basin does not appear to have been sized to account for the for the notable contribution of land drainage and given that there is no indication from Scottish Water that the principle of connecting land drainage into a SUDS basin is an arrangement that meets the organisation's criteria for vesting assets, it is not possible for the Flooding Team to take a view on whether the outline proposals can be controlled by planning conditions to provide an acceptable arrangement. The Flooding Team therefore cannot provide a considered response on the appropriateness of the proposal.

Notwithstanding the above, it is also noted that:

1. The engineering assessment states that surface water run-off from car parking areas will be treated by the basin. This falls short of the recommendations of the FRA, which require source control measures to treat surface water run-off upstream of the SUDS basin.

2. There is no indication of the parties responsible for the future maintenance of the proposed drainage assets maintenance. A plan and associated maintenance schedules must clearly identify the maintenance obligations of the developer and other landowners (including prospective homeowners), Scottish Water, NAC, and any future land management company of factor.

All of the above should be addressed in a Water and Drainage Assessment (including any matters that are to be dealt with at a later stage in the planning process) in order for the Flooding Team to be able to take an informed view on the proposal.

Response: Noted. Further information and detail would generally be provided at MSC stage.

NAC Education - Objection. There is insufficient capacity within West Kilbride Primary School to accomodate the development.

Response: Noted.

NAC Housing - No objection. If approved the developer would be required to provide a contribution as a result of the Council's Affordable Housing Policy.

Response: Noted. If approved, a condition could be applied in this regard.

West Kilbride Community Council - WKCC object on the following grounds:

- i) The site already has LDP1 permission for 29/30 dwellings and the extension of the site is inappropriate.
- ii) The site would require significant engineering works with regard to slope and to drainage which could affect the existing properties
- iii) The drainage of excess water into the existing water system would be unacceptable and it would require new direct drainage to the Kilbride Burn out with the existing system. The use of the area adjacent to 132 Meadowfoot Road as the drainage sump would be inappropriate.
- iv) Access onto the Ardrossan High Road would be dangerous as at the delineated access points the road is of minimal approved width for a country road. The proposed development would create at least 100 additional vehicles.
- v) Allowing for the provisions of the LDP2 there is no requirement for this.

Response: It is agreed that the increase in the developments scale would be considered inappropriate. Whilst significant engineering operations would be required, the detail design would be controlled through condition if consent was approved. Flooding and access would be considered as part of a detailed application but NAC Flooding and Active Travel and Transport have not objected to the proposals. LDP2 is currently in draft form and is a material consideration. The existing site is allocated as per LDP1 and the additional housing is not required.

West of Scotland Archaeology - No objection. The application site is situated in an area of some archaeological potential based on the presence of sites and finds of prehistoric and medieval date in the wider landscape. There are no significant recorded sites contained within the application area but despite agricultural improvements in recent times it is possible that significant archaeological remains may survive within the application boundary and that these may be damaged or destroyed by the ground-breaking elements of the

proposals. The application site appears to be largely undisturbed ground and is large in scale so the potential for significant unrecorded sub-surface archaeological deposits remains an issue. A condition should be applied requiring a programme of archaeological works.

Response: Noted. If approved, a condition could be applied in this regard.

Scottish Water - No objection.

Response: Noted.

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that decisions by planning authorities shall be taken in accordance with the development plan, unless material considerations indicate otherwise.

Scottish Planning Policy also states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times.

The North Ayrshire Local Development Plan (LDP) was adopted in May 2014. The spatial strategy identifies providing housing land to stimulate population growth. The LDP identifies a range of housing sites which were either effective or expected to become effective in the plan period to meet the housing land requirement in full. It provides a generous range of sites in a variety of locations to meet the anticipated need and demand. Within West Kilbride this allocation included Ardrossan Road, Seamill (124 units), Lawhill Farm, West Kilbride (70 affordable housing units) and an indicative capacity of 30 units for the part of the application site, Ardrossan High Road, allocated for housing.

Planning Authorities are required to actively manage the housing land supply to ensure that there is always enough effective land for at least five years. Where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 of Scottish Planning Policy (relating to the presumption in favour of sustainable development) will be relevant.

To meet the requirement to maintain a 5-year effective housing land supply, North Ayrshire Council, along with all 34 planning authorities, report their 5-year effective supply in their annual Planning Performance Framework reports using the method promoted by the Heads of Planning Scotland (HOPS). The latest publication is for the period 2016/17 and records a 5-year effective housing supply of 5.8 years (2405 units) confirming an effective supply and that the Plan remains up-to-date in this regard.

The most recent Housing Land Audit (for the period 2016/17) details programming levels of effective sites over the next 5 years. It was agreed with Homes for Scotland, the industry's representative body, with no disputes in October 2017. The latest calculation using the Housing Land Audit data and HOPS method, and taking into account the updated housing supply targets for 2018-22, which was recently agreed on 12 December 2017 as an integral part of the Local Housing Strategy, is that North Ayrshire has a 5-year effective housing

supply of 7.5 years, confirming the maintenance of an effective housing supply and reinforcing that the Plan remains up-to-date.

The emerging Proposed Plan, LDP2, reflects the LHS targets and does not undermine the Plan in this regard, and as such the proposal should be assessed against the development plan unless other material considerations indicate otherwise.

The applicant contends that the delivery of housing within West Kilbride is an urgent requirement and that the current RES2 allocated site at Ardrossan High Road should be increased to achieve a more marketable and effective site. The applicant states that the context for this application is that:

- (a) North Ayrshire Council is failing to maintain a 5 year supply of effective housing land, as identified in the most recent North Ayrshire Housing Land Audit (HLA) 2017 which subsequently requires action to overcome this shortfall to comply with Scottish Planning Policy;
- (b) the existing allocation of 30 units on part of the site is ineffective, and by increasing the numbers, this application seeks a minor extension to ensure that the site can make a valuable contribution to the housing land supply in the short term;
- (c) In parallel to this application, the applicant continues to promote an extension to the allocated site in the emerging Local Development Plan 2 and has received several notes of interest from developers. An indicative masterplan has been provided which outlines the potential layout for a consented scheme of 50 units; and
- (d) Development of the site meets key national and local planning policy tests and principles and would contribute towards sustainable development.

Part (a) of the applicant's statement is addressed above. However in summary the Councils latest figures indicate that for the 5 year period from April 2017 there is 5.8 years of effective supply. Taking account of a change to the housing supply target since April, the Council calculates that there is now 7.8 years for the same period. There is therefore no shortfall and the plan remains up-to-date.

With regards to (b), and the applicant's assertion that the existing allocation is 'ineffective', no information has been submitted regarding viability of the existing allocation, draft plans of how the current allocation could be developed or what market testing on the current allocation has been carried out.

It is not clear what specific element of the effectiveness tests the applicant expects the extension to address but the site is recognised as non-effective in the latest Housing Land Audit following advice in 2016 from Homes for Scotland (HfS). The main concern raised by HfS at that time was that there was no developer in place essentially which it was non-effective because it was not in the ownership or control of a party which can be expected to develop it or release it for development. The lack of activity seems to confirm this advice to have been accurate. The application has been submitted by Gladman Developments, a strategic land promotor who has confirmed a willingness to release the extended site to the market, but there would still appear to be no housebuilder committed to the proposed site.

It is not clear why this disposal of the existing allocation has not been affected and sold to a developer. The applicant has detailed the effectiveness test for the extended site confirming the assertion that the larger site would be effective.

As the application is in Principle and provides no data on the proposed scale, type, design or potential market value of housing on the site, the applicant is therefore assuming that creating a larger site will make the landowner more likely to release the site to the market. With no housebuilder formally attached to the proposed site the applicant's assessment is speculative and does not demonstrate a need for an extended site.

The applicant asserts that the application is a minor increase from 30 to 50 units in part because only 15 housing units are proposed outwith the existing allocated site. However, the application proposes a 53% increase in the size of the application site, from 2.8 hectares to 5.4 hectares, with around 2.5 hectares shown as developed on the indicative layout. As less area than the currently allocated site is being proposed for development, it is envisaged that through careful design, approximately 50 units could also potentially be accommodated within the existing allocated site and so the capacity change is relatively minor, however the scale of the increase in site size is not considered minor. The proposed number of units is indicative as only the principle of the development can be assessed in this submission.

With respect to (c) while it has little bearing on the determination of this application, it is noted that the existing allocation has been maintained as a long-term housing site in the Proposed Plan. The consultation period is currently running for the Proposed Plan. The extended site does not form part of the draft LDP2. This position confirms the Council's confidence that the current allocation could be developed.

The applicant has not submitted the notes of interest, despite a request by Officers. The draft masterplan also illustrates that a large area of the extended site would remain undeveloped.

In relation to (d) Scottish Planning Policy (SPP) has a presumption in favour of sustainable development. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. As noted above the Plan is considered up-to-date. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained. The SPP sets out a series of principles whereby development could be considered to be sustainable. For this application the most relevant are: giving due weight to net economic benefit; responding to economic issues, challenges and opportunities, as outlined in local economic strategies; making efficient use of existing capacities of land; and, supporting delivery of accessible housing. As the development is submitted in principle the tests against principles of avoiding over-development, protecting the amenity of new and existing development and supporting good design and the six qualities of successful places are not applicable.

Policy STRAT1 of the LDP states that the Council is committed to stimulating population growth within North Ayrshire through the allocation of land and infrastructure to deliver 7,500 new homes, while creating opportunities for new employment, shopping and leisure facilities. Policy STRAT2 states that the LDP would contribute to the Council's aim of creating new jobs by 2020 by safeguarding key business and industrial sites. Policy STRAT3 states that physical, social and economic regeneration, including the need for transformational change in our towns and villages is a key issue for the LDP.

A key issue in North Ayrshire remains the legacy of vacant and derelict land within and on the fringes of settlements, as evidenced in Policy STRAT3 which seeks "transformational"

change in North Ayrshire's settlements in order to regenerate communities physically, socially and economically.

In supporting the proposal a range of documents have been provided which consider the overall development of the site. The applicant states that the proposal would result significant socio economic benefits to the area, identifying potential job creation and positive benefits to the local economy. While some benefits would likely result in development of the site the submitted information is speculative, based on assumptions about the scale, type, typology and tenure of the houses that would be provided by an unknown developer at some point in the future. In addition, many of the benefits would presumably also be affected by the development of the existing allocation (particularly if the capacity could be matched).

In summary, it is considered that insufficient information has been submitted in order to demonstrate that the proposed development would have overwhelming positive regeneration and economic benefits that would support the implementation of key Local Development Plan strategies. It is considered that the contended viability of the current RES2 allocation has not been substantiated. The application would be contrary to the LDP Vision and Spatial Strategy.

In addition, the proposed development would be in conflict with the 2014 decision of the Scottish Government Reporter on the removal of the wider housing allocation at Ardrossan High Road and the recent Scottish Government Reporter appeal decision at Lawhill Farm.

Further, the site is located within the Countryside and while circumstantial evidence has been submitted to suggest that the development would support town centres and regeneration priorities of the Council, it is considered that it would not align with the Plan's settlement strategy which focuses on supporting the redevelopment of long established brownfield sites, supplemented by Plan-led development of greenfield sites in sustainable locations. These locations within West Kilbride have been established as being Ardrossan Road, Seamill, Lawhill Farm and Ardrossan High Road but there are a range of other sites nearby in Fairlie, Largs and Saltcoats

The proposal also requires to be considered in terms of the following LDP policies: RES 1, ENV 2 - Housing Development in the Countryside; RES 4 - Affordable Housing; Policy PI 1 - Walking, Cycling and Public Transport; Policy PI 8 - Drainage, SUDs and Flooding; and the General Policy.

In terms of Policy ENV 2, there is a presumption against the development of the rural landscape in order to protect it from insensitive housing development, however the LDP recognises that there are opportunities for individual or small scale housing development in certain locations. The policy has three main criteria; single houses in rural areas; small scale growth of existing rural housing groups; and, housing for workers engaged in a rural business. Given the scale of the development proposed the application would fail to meet these criteria. The application has also been submitted in principle where the policy states that no applications for planning in principle shall be accepted for development. The proposal therefore fails to comply with Policy ENV 2.

In terms of Policy PI 1, which relates to all development proposals which would result in significant trip generation, applications require to demonstrate that account has been taken of the need of walkers, cyclists and public transport users. A transport assessment has been submitted with the application, which considers the various issues and methods to promote

active travel, use of public transport and impact on the road network. The assessment considers that the proposed traffic numbers for the development could be accommodated within the road network. The creation of new access points through the site would ensure that the development could link into existing pedestrian and cycle routes and that frequent public transport services are within walking distance of the site. In summary, whilst the location of the site is not fully satisfactory in regard to its location within the countryside, the site is well located for ensuring the provision of multi-user links to West Kilbride. NAC Transportation does not object to the proposed development.

Policy PI 8 is relevant due to the scale of the proposed development. The application has been subject to a flood risk assessment, which highlights that there are no major water courses within the site. The report states that the site is not at risk from flooding, does not pose a flood risk to surrounding areas and that the construction of a surface water drainage system incorporating SuDS would ensure the risk of surface water flooding is adequately managed on site. NAC Flooding has not raised any objections and the design of drainage features could be addressed by condition.

Policy RES 4 requires all proposals for residential development to make a contribution to affordable housing provision. For the North Coast sub-market housing area, a contribution of 25% is required and should be provided in line with the Council's supplementary guidance. A contribution against the private housing allocation site, in line with the Affordable Housing Policy, could be addressed by condition.

In relation to the General Policy of the LDP, criterion (a) and (b), the applicant has provided an indicative layout and LVIA. These matters would be assessed within any subsequent applications for MSC, if the principle is approved through this application.

With respect to criterion (c) Landscape Character, the applicant has provided an LVIA. This assessment concludes that in terms of its landscape character, the site is pastureland and should not be considered a sensitive landscape character area and that the gradients are not prohibitive to development. Visual constraints are identified, with the highest parts of the site being the most visually prominent but that at longer distances the visual impact would be minimal indicating that development would appear as a continuation of the existing town and that the topography and built form would screen views from all but the highest parts of the site. The LVIA recommends a number of mitigation measures to limit any visual impact.

Notwithstanding the micro siting of housing and use of natural screening which may limit any immediate and long range impacts, the site extends up and around the slopes of Tarbert Hill which would be highly prominent in local views from the existing roads and footpaths bounding the site.

The LVIA and illustrative masterplan, indicate that landscape impacts could be mitigated to some extent by the provision of structured landscape planting, but it is widely accepted in Scottish Government's and the Council's design guidance that new development should integrate into the spatial pattern of development. Masking overdevelopment with screening is not accepted.

Overall it is considered that the proposal has not been able to demonstrate that it would be possible to acceptably mitigate the adverse impact on the landscape setting of West Kilbride. It is considered that the loss of countryside at this location to a residential development would have significant landscape and visual impacts locally.

Criterion (d) relates to access, road layout and parking provision. NAC Transportation does not object to the proposed development. Appropriate conditions would be required to ensure that the development is designed in accordance with the principles of the Scottish Government's Designing Streets and Designing Places policy documents.

The applicant refers to Policy A1: Non-Conforming uses not otherwise provided for by any other policy in the LDP, and while it is considered that appropriate policies exist for residential development (see assessment above), it is considered that the proposal fails to meet the exceptions set out in Policy A1. In that the applicant has not proven a need for the development and has failed to show there are no suitable alternatives. In addition, the concerns about lack of detail in respect of the assessment of ENV2 would also be relevant to part (d) of Policy A1.

In summary, the proposal would represent unjustified development in the countryside, would not constitute small scale growth of existing rural housing groups and would set an undesirable precedent for other unjustified development within the countryside.

The applicant's assertion of a proven need for the development from a perceived shortfall in the 5 year effective housing land supply is not accepted and the applicant has not provided sufficient evidence to confirm that the extension to the allocated site is required in order to unlock or address a constraint on effectiveness of the allocated site and therefore positively contribute to the Plan-led allocation, nor that the proposed site is capable of delivery in the short term.

The proposed development would not have significant positive regeneration and economic benefits that would justify a development in the Countryside and it is considered that there are a range of alternative sites which could accommodate 20 new homes over the next 5 years.

The proposal is not detailed, albeit a range of supporting documents have been submitted, and is speculative, in that the applicant has no direct mechanism to deliver the development. As such a lack of detail about the siting, design, and external appearance of any future development is lacking and raises significant concerns about criterion c) of the General Policy of the Local Development Plan, as it would potentially be detrimental to the visual amenity of the area resulting in a significant adverse impact on the landscape setting of West Kilbride.

Furthermore the proposed development would conflict with the recent Lawhill Farm appeal decision of the Scottish Government Reporter which confirms that the LDP is relatively recent and that a greenfield release of housing land in West Kilbride would likely have an adverse effect on efforts to promote development on other sites, including brownfield sites within the functional Housing Market Area.

For these reasons, whilst the concerns regarding design, layout and flooding could be addressed in a MSC application or by condition, the principle of development on the site is not supported. There are no other material considerations that indicate otherwise. Accordingly, it is recommended that the Council refuse planning permission for the reasons below.

4. Full Recommendation

Refused

Reasons for Refusal

1. That the proposed development is contrary to Policy RES1 of the Adopted North Ayrshire Local Development Plan, as there is an adequate supply of allocated housing land both within North Ayrshire and in the North Coast & Cumbraes' Sub-Housing Market Area. The approval of this development would prejudice the current housing land supply and the proper planning of the area.
2. That the proposed development is contrary to Policy ENV2 of the North Ayrshire Local Development Plan in that the proposal would represent unjustified development in the countryside, would not constitute small scale growth of existing rural housing groups and would set an undesirable precedent for other unjustified development within the countryside.
3. That the proposed development is contrary to Policy ENV2 in that it is an application for Planning Permission in Principle leading to a lack of detail about the siting, design, and external appearance of any future development and raising significant concerns about criterion c) of the General Policy of the Local Development Plan, as it would potentially be detrimental to the visual amenity of the area resulting in a significant adverse impact on the landscape setting of West Kilbride.
4. The proposed development would be contrary to the General Policy of the Adopted North Ayrshire Local Development Plan, as there would be insufficient capacity within the educational provision for the area to accommodate the development. The applicant has failed to assess any contribution for infrastructure or developer contributions to address this matter as required in terms of criterion (g).



Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr Ross Middleton Planning Officer on 01294 324379.

Appendix 1 – Location Plan

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