
NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	Irvine
Reference	19/00930/PPM
Application Registered	9th January 2020
Decision Due	9th May 2020
Ward	Irvine South

Recommendation	Approved subject to Conditions
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Location	Phase 2 Site to North Of Tarryholme Pond Irvine Ayrshire
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Applicant	Irvine Housing Association
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Proposal	Erection of 77 no dwellinghouses to include associated roads, footpaths, open space, landscaping and associated SuDS infrastructure
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1. Description

Planning Permission is sought for a major residential development on a 3.93ha site in the Tarryholme area of Irvine. The proposal is phase two of the Tarryholme residential development; phase one has recently been completed and lies immediately to the west of the site. The site is bounded to the northwest by a woodland strip adjacent to St Andrews Way (the Tarryholme distributor road). To the northeast of the site is a wooded wetland habitat adjacent to the Warrix Interchange and directly to the east is the A78 Irvine Bypass. To the south of the site is the Tarryholme pond and surrounding open space. The site itself is largely flat and has been cleared of vegetation in conjunction with phase one of the Tarryholme development.

It is proposed to erect 77 dwellings on the site comprising a mixture of semi-detached and terraced house types. A total of 11 house types have been included, ranging from 2 bedrooms to 4 bedrooms and incorporating wheelchair accessible, amenity and general needs accommodation. The houses range from one to two storeys in height and all feature gabled roof designs. Finishing materials are to be a mix of grey or red concrete roof tiles, red or buff facing brick, white render, black uPVC rainwater goods and white uPVC windows, fascias, soffits and bargeboards. Some of the house types have car ports.

The proposed development includes all associated access roads, footpaths, open spaces, public utilities and infrastructure and a sustainable drainage system (SuDS) in the form of a large detention basin in the southeast corner of the site.

The proposed street layout utilises three access points from the phase one development to the west. Each of these access points would lead to a self-contained cul-de-sac or loop road housing clusters. For the northern and central sections, the buildings are based around courtyard style arrangements. For the southern section a loop road layout has been proposed. A pedestrian path links these three sections along the eastern edge of the site. Beyond the path is a public open space/flood plain area. One hundred and ten in curtilage parking spaces and twenty-four visitor spaces have been provided equating to 174% provision.

In the adopted Local Development Plan the site lies within a General Urban Area allocation. The relevant policies of the Local Development Plan (LDP), adopted November 2019, are as follows:

- Strategic Policy 1: Spatial Strategy - the Towns and Villages Objective;
- Strategic Policy 2: Placemaking;
- Policy 1: New Homes and Maintaining an Effective Housing Land Supply;
- Policy 22: Water Environment Quality;
- Policy 23: Flood Risk Management;
- Policy 27: Sustainable Transport and Active Travel;
- Policy 29: Energy Infrastructure Development; and
- Policy 31: Future Proofing for Heat Networks.

Pre-application planning advice was initially sought for the development of the entire site (Phases 1 and 2) in September 2016 (16/00913/PREAPP). Planning Permission for phase one of Tarryholme was granted in January 2018 (17/01096/PPM) and the 87 houses of this phase have been completed. Design improvements were obtained by the Case Officer to ensure that a second road access into the development site was secured as part of Phase 1 of the development.

The applicant submitted a Proposal of Application Notice for phase two in August 2019. A pre-application meeting took place in Cunninghame House on the 3rd September 2019 between the applicants, their agents, NAC Planning and NAC Active Travel and Transportation. Following this meeting written pre-application advice was provided by NAC Planning (19/00613/PREAPM) which questioned the suitability of the proposed road layout comprising of three unconnected sections and suggested that the internal road layout would benefit from a north/south connection. The development layout which has been submitted was not significantly amended as a result of these discussions although a footpath was added to the east of the site creating a pedestrian link between the three sections. At the pre-application stage it was also suggested that the applicant look into the possibility of a northern pedestrian link onto St Andrews Way. This suggestion was ultimately discounted by the applicant due to there being no footway on the southern side of St Andrews Way where the proposed footpath would connect, and that they do not consider that this would serve a pedestrian desire line.

The proposal was screened in September 2019 in order to determine whether an Environmental Impact Assessment (EIA) was required (19/00592/EIA). An EIA was not

required. The application is subject to a processing agreement. It was not possible to meet the target date on the processing agreement due to an objection from SEPA which was not withdrawn until July 2020.

The following supporting information has been submitted with the application:

Design and Access Statement: The document appraises the site in terms of landscape, linkages, and the wider settlement character. It then goes on to outline the principles behind the proposed design of the site, drawing on the above characteristics. It sets out the details of the layout and proposed house types with information on each type. The document summarises the qualities of a successful place, taking account of national planning policies on Designing Places and Designing Streets.

Supporting Planning Statement: Following comments from the case about the site layout, the applicant submitted a further support document which provides more detail regarding the design of the site layout and attempts to justify it against the relevant Planning policies.

Ground Investigation Report: Dated September 2017, this report was an initial ground investigation for the entire Tarryholme site and does not relate specially to phase two. Issues which were considered to be invasive plants, geology, mining and contamination.

Pre-application Consultation Report: The PAC report notes the publicity measures undertaken and a public event was held on 2nd of October 2019 at the Riverside Lodge Hotel. The report notes there were two attendees at the event. One comment feedback sheet was received which noted a support for the proposed development. The PAC report outlines the applicant's response to the matters which were raised. The PAC report also notes the pre-application meeting with North Ayrshire Council Planning on the 3rd of September 2019 as noted above and details the applicants' response to the issues raised during this meeting.

Preliminary Ecological Appraisal: A total of ten habitats were found in the application site. An invasive non-native species, Himalayan Balsam, was found to be present on site. No evidence of bats or Great Crested Newts was found. No evidence of otters was found on site; however, otters are known to be present in the River Irvine and Annick Water and may make use of the ponds adjacent to the development site. One active badger sett was found 20m to the east of the site. A number of mitigation measures are suggested by the report.

Coal Authority Report/ Coal Mining Risk Assessment: Four mine shafts have been located and consolidated as parts of earlier civil engineering works. The risk assessment does not identify any additional coal mining risks.

Transport Statement: The report concludes that the site has reasonable access to sustainable transport networks with a bus stop being located 700m to the northwest on Annick Road and Irvine Railway Station being located 1,800m away. A footpath to the west of the site entrance to Phase One Tarryholme crosses the Annick Water and leads to Irvine Town Centre. The Traffic Impact Assessment produced for Phase One took into account the potential for Phase two and recommended a banned right turn at the St Andrews Way/A71 junction, which has now been implemented. Following these works it was concluded that the local road network would continue to operate satisfactorily with the addition of both phases one and two.

Drainage Statement (DA): Originally the applicant submitted the DA for the entire Tarryholme site conducted in October 2017. Following requests from NAC Flooding the applicant submitted an updated DA relating specifically to the phase two site dated July 2020. Foul water connections will transport waste water to a pumping station to the south of the site via an existing foul water sewer. Surface water will be collected, treated and attenuated before being discharged into the existing surface sewers. A SuDs detention basin is to be located in the southeast corner of the site.

Flood Risk Assessment (FRA): The applicant did not originally submit a FRA despite being advised that it would be required at the pre-application stage. A FRA was submitted following SEPA's objection to the application. The Annick Water is located approximately 200m to the northeast of the site and the River Irvine is located approximately 350m to the south. The confluence of these two rivers is located approximately 600m to the southwest of the site. "Burn 1" drains the site and is located immediately to the east of the site; it discharges into the Annick Water. The majority of the site lies outwith the 1 in 200-year functional fluvial floodplain. Finished floor levels will require to be approximately 9.1m above ordinance datum (AOD).

Relevant Development Plan Policies

SP1 - Towns and Villages Objective Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.

- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
 - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
 - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of

densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 1 -New Homes/Land Supply

Policy 1:

New Homes and Maintaining an Effective Housing Land Supply

In principle we will support and promote residential development of the 51 effective housing supply sites shown in Schedules 2a and 2b. We will protect them by resisting alternative development, including significant reductions in capacity which would undermine our ability to confirm an ongoing 5-year land supply.

In principle, we will also support and promote residential development of our 27 long-term housing sites shown in schedule 3. In particular, but not limited to, where they would contribute to our ongoing 5-year effective land supply.

Notwithstanding the above, we will support ancillary development for a range of accommodating and integrated uses including locally important community, leisure, and other employment uses like shops, banks, cafes, workshops, garages, and small offices within these sites where they would not negatively impact upon our ability to maintain an effective 5 year housing land supply.

We will monitor the delivery of new homes in North Ayrshire through a housing land audit to ensure the maintenance of an effective five-year supply of land for housing. Where we identify and confirm a shortfall we will consider innovative approaches to enable development in the first instance. We will only support new housing proposals where they would help us achieve the vision, for example by aligning with the principles of the spatial strategy and being compliant with other aspects of the plan particularly by way of impact on committed infrastructure and the environment.

Detailed Policy 22 - Water Envir Quality

Policy 22:

Water Environment Quality

Proposals for additional cemetery provision to meet identified needs within our locality areas of Irvine, Kilwinning, Arran, North Coast, Three Towns and Garnock Valley will be supported where unacceptable environmental and amenity impacts are avoided. Groundwater assessments may be required to support proposals with mitigation measures identified and agreed where necessary.

We will support development that helps achieve the objectives of the Water Framework Directive and the River Basin Management Plan for Scotland. Generally, development which would lead to the deterioration of the water environment will be resisted unless it would deliver significant social, environmental or economic benefits.

Development will be required to ensure no unacceptable adverse impact on the water environment by:

- a) Protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity);
- b) Protecting and enhancing existing flood plains; protecting opportunities for public access to and recreation and enjoyment on and around lochs, rivers, burns, wetlands and the coastal marine area; and
- c) Having regard to any designated Bathing Waters. Where engineering works are required in or near water bodies, there will be a presumption in favour of soft engineering techniques and against the culverting of watercourses, unless there is no suitable alternative. Proposals for culverting of watercourses for land gain may only be justified if the applicant can demonstrate that:
 - o No other practical option exists that would allow the watercourse to remain open; and
 - o The proposed development is of over-riding public interest.

We support connection to public sewerage systems in the first instance but recognise that wastewater solutions must be affordable and delivered at the most appropriate scale and that in many cases septic tank systems can be the most sensible solution for a household or small community (this also might be bespoke for our island communities). We will consider the cumulative impact of such solutions and support a preference for community solutions.

Development should ensure that appropriately sized buffer strips are maintained between the built and water environments.

Indicative Width of watercourse (top of bank)	Indicative Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
15-15m	12-20m
15m+	20m+

Detailed Policy 23-Flood Risk Management

Policy 23:

Flood Risk Management

We will support development that demonstrates accordance with the Flood Risk Framework as defined in Scottish Planning Policy and shown in schedule 7, relevant flood risk management strategies and local flood risk management plans. We will also support schemes to manage flood risk, for instance through natural flood management, managed coastal realignment, wetland or green infrastructure creation.

Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only

be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

- o Clearly set out measures to protect against, and manage, flood risk.
- o Include sustainable urban drainage systems (SuDS) where surface water is proposed to be discharged to the water environment, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended.
- o Include provision of temporary/construction phase SuDS.
- o include appropriate long-term maintenance arrangements.
- o Be supported by an appropriate flood risk assessment where at risk of flooding from any source in medium to high risk areas and for developments in low to medium risk areas identified in the risk framework (schedule 7).
- o Take account of SEPA's flood risk and land use vulnerability guidance (2018) and any relevant updates to, or replacements of this guidance.

Detailed Policy 27

Sustainable Transport and Active Travel

We will support development that:

contributes to an integrated transport network that supports long term sustainability

- o reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities
- o provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.
- o reduces the need to travel or appropriately mitigates adverse impacts of significant traffic generation, road safety and air quality, including taking into account the cumulative impact.
- o takes a design-led, collaborative approach to street design to provide safe and convenient opportunities for integrated sustainable travel in the following order of priority: pedestrians, people on cycles, people using collective transport (buses, trains etc.) and people using private transport.
- o considers the potential requirements of other infrastructure providers, including designing for the potential development of district heat networks by for example incorporating access points into the transport network to allow for future pipe development or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.
- o enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of infrastructure necessary to support positive change in transport technologies, such as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.
- o considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gales.

Proposals are expected to include an indication of how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.

We will take account of:

- o the implications of development proposals on traffic, patterns of travel and road safety.
 - o Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not achievable, we may seek the provision of subsidised services until a sustainable service is achievable.
 - o the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.
 - o the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.
 - o committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
 - o specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.
 - o The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
 - o The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
 - o The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.
- Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

National Development:

The National Walking and Cycling Network (NWCN) was designated as a national development within the National Planning Framework (NPF3). This is an ambitious project which aims to grow Scotland's network of paths from 6,000 to 8,000 km by 2035. Key routes in North Ayrshire which will contribute to this network are detailed below. These are being developed in partnership with Sustrans and Scottish Natural Heritage as lead organisations for the delivery of the NWCN.

These include the development of an off-road alignment for:

- o National Cycle Network (NCN) Route 73 (North) between Brodick and Corrie on the Isle of Arran
- o NCN Route 753 between Skelmorlie and Ardrossan
- o While not explicitly referenced in NPF3, support will be given to development of an off-road alignment for NCN Route 7 between Kilwinning and Kilbirnie.

Detailed Policy 29 - Energy Infrastructure Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through

the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

Detailed Policy 31 - Future Proofing for Policy 31:

Future Proofing for Heat Networks

We will support proposals for the creation or enhancement of district heat networks in as many locations as possible in North Ayrshire (even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future).

We will seek to identify and safeguard existing and future heat network generation and distribution infrastructure, including piperuns and pipework within, and to the curtilage of, new developments.

Proposals for development that constitute a significant heat source or substantial development* which would not result in the creation or enhancement of district heat networks should include:

- i) provision for on-site heat recovery and re-use infrastructure; or
- ii) a heat network generation and distribution infrastructure plan (a district heating plan), taking into account the potential to connect to future heat demand sites; or
- iii) demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical (proximity, geography, safety etc) or economic reasons.

* 'Substantial' developments consist of urban extensions, large regeneration areas or large development sites subject to master planning or large mixed use developments and major sites (50 residential units and above). There is, however, an element of judgment that will need to be applied here and it might be that some other locations offer significant potential for heat networks due to their local context, support from the local authority, and 'buy in' from developers.

2. Consultations and Representations

The standard neighbour notification was undertaken, and the application was advertised in the local press. No letters of representation were received.

Consultations:

Irvine Community Council: No comments.

North Ayrshire Council (NAC) Flooding: No objections. Recommend that a V-notch be cut into the proposed detention basin to channel the flow onto Tarryholme pond in an event the basin capacity exceeding the 1 in 200 years design flow.

Response: Noted, this recommendation could be ensured via condition.

Scottish Environment Protection Agency: Initially objected to the proposal in January 2020 on the grounds that it may put buildings and people at flood risk. SEPA required a FRA to be submitted using the flood extent from the River Irvine Flood Study and that details be provided on how the finished floor levels have been set. This information was provided in the FRA submitted in June 2020 and SEPA subsequently withdrew the objection.

Response: Noted.

NAC Active Travel and Transportation: Defer making a decision, due to lack of information. There are lengths of streets where speeds greater than 20mph. No flow diagram or street hierarchy plans have been submitted. There is excessive infrastructure and appears to be unnecessary culs-de-sac.

Response: The applicant could resolve the issue of speeds exceeding 20mph through additional horizontal deflection or traffic calming. Likewise, the excessive infrastructure could be removed relatively easily. NAC Active Travel and Transportation has confirmed that these issues can be dealt with at the Roads Construction Consent phase. The issue regarding the lack of a clear street hierarchy and unnecessary culs-de-sac would require a more significant revision of the site layout which the applicant does not support.

Scottish Water: No objections.

Response: Noted.

NAC Education: The site is located in the catchment of located in the catchment for Glebe and St Mark's Primary Schools (Greenwood and St Matthew's Academies). Glebe Primary is currently operating with an occupancy of 80% and St. Mark's with 74%. Therefore, the primary schools in the surrounding area have the capacity to deal with the proposed development. An additional 75 proposed units have already been taken into account when calculating the occupancy of Glebe Primary.

Response: Noted.

NAC Environmental Health: No objections subject to conditions covering air quality, contamination and construction.

Response: Conditions could address the air quality and contamination issues; however, the construction issues are covered by other legislation and do not require planning conditions.

The Coal Authority: Initially objected to the proposal due to the site being in a high-risk area and having two mine shafts located within the site and another located adjacent to the northwest boundary. The information provided in the Coal Mining Risk Assessment was not considered to adequately address these issues. The applicant was able to submit additional information which the Coal Authority considered to be satisfactory and therefore withdrew the objection.

Response: Noted.

West of Scotland Archaeology Service: The site is already too disturbed due to groundworks associated with previous phases to hold much potential for archaeological remains.

Response: Noted.

3. Analysis

In accordance with statute, planning applications require to be determined in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Strategic Policy 1 (Towns and Villages Objective) of the LDP states that within the General Urban Area, proposals for residential development will accord with the LDP in principle, and applications will be assessed against the policies of the LDP. Policy 1 states that residential development will be supported in principle on housing sites. Tarryholme Phase Two is identified in the LDP as a housing site with an indicative capacity of 109 houses. The proposal is for 77 houses which is significantly less than the indicative capacity. This reduction is a result of part of the site being undevelopable due to potential flood risk. Flood risk and mining constraints were identified as a potential development constraints by Irvine Development Corporation when carrying out the initial studies into the suitability of the site for residential development. The site has been allocated for housing in successive Local Plans and therefore the principle of the development is acceptable in terms of Strategic Policy 1 and Policy 1. The details of the application remain to be assessed in terms of the other relevant policies of the LDP.

Turning firstly to Strategic Policy 2: Placemaking, this policy states that all development proposals are expected to meet the six qualities of successful places which are as follows:

- distinctive,
- safe and pleasant,
- resource efficient,
- welcoming,
- adaptable,
- easy to move around and beyond.

The Council has also produced 'Neighbourhood Design Guidance' which further elaborates on how new residential developments are expected to be designed in order to meet the qualities of successful places. The other relevant document relating to development layout is the Scottish Government's 'Designing Streets'.

Despite NAC Planning highlighting to the applicant that the layout required revision at pre-application stage, the layout which was submitted remained unchanged with the exception of the inclusion of a footpath link along the eastern edge of the site. The applicant has declined several subsequent requests by NAC Planning to revise the layout. The applicant's justification for the proposed layout is contained within the Design and Access Statement and further correspondence from the agent expanding on the points made in this document. The justification provided for a cul-de-sac development layout and what the Design Statement calls 'core and cluster accommodation' or what the Planning Support Statement calls 'homezones' is that this layout promotes a quiet, calm and defensible environment which is suited to intended residents of the development which includes vulnerable groups such as veterans or people with disabilities.

The tenure of a proposed development is not a material planning consideration and there are no planning restrictions that would ensure that the proposed houses were only let to vulnerable groups. Furthermore, it is not considered that any evidence has been provided to substantiate the claim that the proposed cul-de-sac layout would be any more defensible than an interconnected street layout as used for phase one and as suggested by Planning. The proposed layout would make the site difficult to move around internally, and the only linkage between the three sections is a footpath to the east of the houses. The lack of internal linkages would discourage pedestrian travel and promote car use as it would increase walking distances. The proposed layout would not be in-keeping with the layout established in phase one of Tarryholme and there would be a clear distinction between the two parts of the development, despite the use of the same house types in both phases.

The advice of Designing Streets relating to culs-de-sac can be summarised as culs-de-sac should only be utilised where no alternative street layouts are possible. In this instance, alternative street layouts would be possible on the site and the justification provided for the cul-de-sac layout is considered to be inadequate.

The proposed mix of two storey and single storey dwellings is considered to be satisfactory in terms of external appearance and would provide a variety of housing sizes and cater for a range of needs. The appearance of the house types and the palette of finishing materials would be in-keeping with phase one which is considered an appropriate approach. The site has been designed in order to ensure that the houses do not have their privacy or access to daylight affected through overlooking or overshadowing from other properties. It is considered appropriate to attach a condition which would require further details with regards to the external finishes to ensure the final choice of materials is appropriate for the locality and contains enough variety to provide visual interest.

All of the proposed houses would have a private back garden which would be delineated by 1.8m high timber fencing. The gardens would be separated from each other by 1.5m high timber fencing. Front gardens would be open in character and would in most instances feature in-curtilage parking spaces; in some instances, the driveways would be longer and would be located to the sides of the houses. The site would feature a large area of open space to the east located on the functional floodplain. This area would be separated from the housing by a regraded slope of approximately 0.5m in height. Further details regarding this slope are required and could be ensured via condition. In addition, there would be smaller green areas surrounding the SuDs basin and the Scottish Water pumping station in the southeast and southwest corners of the site respectively. There are currently insufficient details regarding landscaping, although further details could be ensured via condition.

Whilst it has been assessed that the proposed house designs accord with the principles of placemaking, it would have been preferable for the culs-de-sac within the layout to be amended to form an inter-connecting street block. Nonetheless, the applicant's reasons for the inclusion of a cul-de-sac street are noted. On balance, there are many other positive aspects within the overall development which would result in the creation of a successful place in terms of the Six Qualities set out in Strategic Policy 2.

Policy 22 of the LDP states that development will be required to ensure no unacceptable adverse impact on the water environment. Development should ensure that appropriately sized buffer strips are maintained between the built and water environments. Related to this issue is Policy 23, which deals with flood risk management.

The site is located close to two major rivers; the River Irvine and the Annick Water, and the confluence thereof also lies close to the site. Furthermore, the unnamed 'Burn 1' is located immediately to the east of the site and drains the main Tarryholme pond into the Annick Water. North Ayrshire Council undertook a study into flood risk in the lower River Irvine Valley and this suggests that the eastern portion of the site adjacent to Burn 1 would be at risk of a 1 in 200-year flood event plus 44% uptake for Climate Change. The area of the site most at risk of flooding would not be developed and would be left as open space. Following the guidance of NAC Flooding, the finished floor levels of the houses in the proposed development would be raised a minimum for the 1 in 200-year plus climate change plus a 0.5m freeboard level. This equates to 9.1m AOD.

In terms of drainage, the foul water would be discharged via an existing foul water drain which crosses the site into the pumping station in the southwest corner of the site. Surface water will be collected and attenuated in the proposed SuDs detention basin in the southeast corner of the site before being discharged into the public surface water sewer. The proposed flooding and drainage arrangements are considered to be acceptable and the proposal accords with Policies 22 and 23.

Policy 27 relates to sustainable transport and active travel. The site has relatively good pedestrian access with footpaths providing direct access to Irvine Town Centre approximately 1km away via Milgarholme Park. The town centre is where the nearest shops and the nearest railway station are located. The nearest bus stop is located on Annick Road some 700m to the northwest of the site. There is only a single point of vehicular access into the Tarryholme area. This access was upgraded to be a 'no right turn' access as part of phase one which was to facilitate the free flow of traffic out of Tarryholme. Car parking spaces are to be provided totalling 174% provision, which is considered acceptable given the suburban location. The proposed internal site layout, as discussed previously, promotes car use over active travel and fails to establish a clear hierarchy of streets. However, given the peripheral location of the site, and the lack of further development opportunities nearby, it is considered that the internal layout would have a minimal impact on the surrounding travel network and would not have a significant negative impact on the sustainability of the local travel network. On balance, it is considered that the proposal accords with Policy 27.

Policy 29 requires that proposals for all new buildings demonstrate at least 10% of the current carbon emissions reduction set by building standards will be met through the installation of low or zero carbon generating technologies (LZCGTs). The proposal would achieve a LZCGT abatement of 20.25% through the use of solar photovoltaic panels and a Flue Gas Heat Recovery Systems (FGHRS) within each dwelling. The proposal therefore accords with Policy 29.

Policy 31 relates to future proofing for heat networks. During the early project stages, the feasibility of a district heat network was considered using Linear Heat Density calculation which divides the projected annual heat demand by the length of the heat network required. This calculation indicated that a district heat network would not have been viable for the proposed development. This economic justification for not adopting a district heating system is accepted and the proposal accords with Policy 31.

The proposed development accords with all of the relevant policies with the exception of the internal layout in terms of Strategic Policy 2: Placemaking. On balance, as noted above, as there are many other positive aspects within the overall development which would result in the creation of a successful place in terms of the Six Qualities of a successful place. The proposed development would provide 77 new homes which accord with the majority of the relevant policies, and it is therefore recommended that Planning Permission be granted subject to conditions.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the external finishes are appropriate.

Condition

2. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.

Reason

In order to ensure that the site is appropriately landscaped.

Condition

3. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

Reason

In order to ensure that the approved landscaping is carried out and maintained.

Condition

4. That prior to the commencement of the development hereby approved, the applicant shall submit full details of the localised regrading for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, these details shall contain section drawings of the slope at appropriate intervals throughout its length, details of its construction and details of its finish. The development shall then progress in accordance with such details as may be approved.

Reason

In order to ensure that the appearance of the slope is acceptable, in the interest of amenity.

Condition

5. That the ecological mitigation measures set forth on pages 22-23 of the "Tarryholme (Phase 2), Irvine Preliminary Ecological Appraisal" (document no. 8882) prepared by McTaggart Construction and issued on the 24th of October 2019, shall be fully implemented prior to and maintained during the construction of the development hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the development does not adversely affect protected animals or habitats.

Condition

6. That prior to the first occupation of the development hereby approved, a V-notch shall be cut into the detention basin to channel the flow into the large pond to the south of the basin in the event of the basin capacity exceeding the 1 in 200 years design flow, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To prevent flooding in the event of the basin capacity exceeding the 1 in 200 years design flow.

Condition

7. That prior to the commencement of the development hereby approved, the applicant shall assess if a Detailed Air Quality Assessment is required to ensure that the development will not impact ambient air quality at any sensitive receptors and submit the findings to North Ayrshire Council. If required, a Detailed Air Quality Assessment will be submitted to the satisfaction of North Ayrshire Council prior to the commencement of the development.

Reason

In order to ensure that the air quality is acceptable; in the interest of amenity.

Condition

8. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of North Ayrshire Council Environmental Health. Thereafter a suitable investigation strategy as agreed with

North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the site is not contaminated; in the interest of amenity.

Russell McCutcheon
Executive Director (Place)

For further information please contact Mr John Mack on 01294 324794.

Appendix 1 – Location Plan

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