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## NORTH AYRSHIRE COUNCIL

6th November 2019

### Planning Committee

Locality	Kilwinning
Reference	19/00443/PPM
Application Registered	7th June 2019
Decision Due	7th October 2019
Ward	Kilwinning

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Site To South Of Wood Farm Kilwinning Ayrshire
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<b>Applicant</b>	Taylor Wimpey West Scotland
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<b>Proposal</b>	Erection of 198 dwellinghouses including formation of site access onto A737, footpaths, landscaping, open space and ancillary infrastructure
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### 1. Description

Planning permission is sought for residential development of an area of land to the west of Dalry Road and south of Wood Farm, Kilwinning. The land is approx. 6.95hecatres in area. The land is bounded to the north by Wood Farm, its access road and open space. To the west is Dalry Road (A737) with houses beyond. To the east is open space sloping down to the River Garnock. To the south is a footpath and open space with residential properties beyond. The site is identified in the Local Development Plan (LDP) as an Additional Housing Allocation.

Permission is sought for 198 units comprising a mix of detached, semi-detached and terrace dwellinghouses with associated roads and landscaping. Some plots would have detached garages. The proposed development includes all associated access roads, footpaths, open spaces, public utilities infrastructure and a sustainable drainage system (SuDS) in the form of a detention basin. Landscaping is proposed on open spaces throughout the site.

The site undulates slightly rising from the west and then falling away to the south-east. The proposed plots at the western end of the site would be approx. 30m AOD. This would fluctuate by about 0.5m throughout the site except towards the south-east corner where the

plots would be approx. 27m AOD. The SuDS basin would be in the south-eastern corner of the site.

The application 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 PAC notice was received 11th September 2018 (ref: 18/00818/PREAPM). The proposal was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 on the 17th September 2018 (ref: 18/00819/EIA). The Council, as Planning Authority, adopted the screening opinion that given the nature, scale and location of the proposed development, an Environmental Impact Assessment (EIA) would not be required.

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

#### PAC report

The PAC report notes the publicity measures undertaken and a public event was held on the 25th October 2018. The report notes there were 87 attendees at the event. Comments raised include; concern over traffic issues, access, flooding, school and doctor capacity, infrastructure, pedestrian links, loss of prime agricultural land, car parking issues in town and at railway station, loss of views, construction impacts, housing affordability, need for new houses, boundary treatments, open space, local shops, ecological impacts, noise and light pollution.

The applicant also met with the Kilwinning Community Council and contacted local members and Ayrshire College. The applicant also allows members of the public to register on their website to follow the proposal and has 86 persons currently registered.

#### Planning Statement

The planning statement summarises the planning background, including the LDP2 allocation and policy context. The statement sets out the context of the site within Kilwinning and the wider area. It also sets out the concept behind the design and various processes that have occurred before submission of the application.

#### Design and Access Statement

The document appraises the site in terms of landscape, linkages, and the wider settlement character. and an outline of the principles behind the proposed design of the site, drawing on the above characteristics and public consultation. 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 which it considers the application demonstrates.

#### Health Impact Assessment: Access Management Statement

This sets out how the proposed development will connect into the adjacent Core Path and cycle network, maintaining or enhancing current levels of public access. No adverse impact on active travel provision are predicted to arise from the development. Additional users on the Core Path network and Nation Cycle Network are not expected to have any adverse impacts. The proposal is considered to have excellent non-vehicular access.

## Flood Risk Assessment

This identifies that the site is not impacted by fluvial flooding. The report identifies that the site could potentially be at risk of surface water flooding and that a separate drainage strategy has been prepared.

## Drainage Strategy

The document sets out proposals for the foul and surface water drainage for the site. The capacity required to meet a 1 in 200-year flood event and climate change is set out. The report concludes that there will be capacity within the site to deal with the projected levels.

## Landscape Visual Appraisal

This appraises the likely visual impact of the development from within 1km of the site. The appraisal concludes that the development would have a low impact on the landscape character of the area. There are no predicted significant landscape or visual impacts.

## Site Investigation

The report sets out potential contamination from historical uses, ground conditions, with recommendations for design, and recommendations for any remediation, if required. There were no elevated contaminant concentrations identified, with risks to health, plant life and the water environment considered to be low. No invasive species were identified and there is not considered to be a risk from historic mine workings, radon or gas.

## Transport Assessment

This considers the potential trip generation and distribution characteristics of the development. The site is accessible by sustainable transport and integrate well into the existing network. The site can be safely accessed by private vehicles and would not compromise the safety or efficiencies of existing road users.

## Preliminary Ecological Appraisals (Sept 2018 and Oct 2019)

The site comprises improved grassland fields separated by scrub, hedgerows and post and wire fencing. The habitats and plant species recorded are widespread and common. No further habitat assessment is recommended. There is negligible roosting opportunity for bats. Advice is given if heavy engineering works are planned for within 30m of the buildings at Wood Farm, an assessment of those buildings for bats could then be required. There is some suitable bat foraging and commuting habitat within and along the boundaries of the site. Biodiversity enhancement recommendations are made. If works do not commence before 7th March 2020, it is considered further protected species surveys be carried out. This matter can be addressed by an appropriate condition.

## Utilities Report

This sets out the utilities that would likely serve the site and the contact the applicant has had with the relevant service providers.

## Air Quality Information

This sets out that screening of the proposal in terms of air quality has indicated a full assessment should be carried out. This is due to the potential number of vehicle trips per day generated by the proposal.

## Energy Statement

The statement assesses the likely energy demands of the development and the possibility of a heat network being incorporated into the development. It is concluded that that a heat network is not feasible for this site for technical and commercial viability reasons. The proposal is for a low density development adjacent to other low density residential developments. There are no large scale heat sources within the vicinity. The statement also sets out the efficiencies of the house design, to reduce energy usage, and the potential energy which could be generated through the use of solar panels within the development.

The Town and Country Planning (Scotland) Act 1997 states that when determining planning applications regard shall be has to the provisions of the development plan, so far as material to the application, and to any other material considerations.

The relevant policies of the Local Development Plan adopted November 2019 (LDP) are Strategic Policy 1: Spatial Strategy; Strategic Policy 2: Placemaking; Policy 1: New Homes and Maintaining an Effective Housing Land Supply; Policy 22: Water Environment Quality; Policy 27: Sustainable Transport and Active Travel and Policy 31: Future Proofing for Heat Networks

## 2. Consultations and Representations

Neighbour notification was carried out and the application was advertised. There has been 1 representation received which can be summarised as follows;

1. The houses at the western end of the southern boundary of the site should be single storey. This would mean they do not overlook the existing single storey houses to the south.

*Response: The proposed houses in this location are 2 storeys in height. They are 16m from the boundaries of the houses to the south, with a public footpath in between. Their Finished Floor Level would be approx. 0.8m higher than the gardens of the houses to the south. They would be some 22.6m from the rear elevations of the houses to the south, at the closest point. Therefore, it is not considered that there would be any significant overlooking impact from the houses in this location. An analysis of wider amenity impacts is given below.*

**Kilwinning Community Council** object to the proposal, due to the increase in the number of cars turning into Dalry Road at peak times. The development does not meet the needs of changing demographics and there should be single storey houses for older people. There are too many units proposed and there should be no more than the 173 recommended in the LDP. There is no provision for children's play area and McGavin Park is across Dalry Road which has speeding drivers.

*Response: The Council's Active Travel and Transportation and Transport Scotland were consulted and offer no objection. Their responses are summarised below. The mix of house*

*types is acceptable for the location as is the number. The figures quoted in the LDP are indicative only. It is not considered there is a need for play provision within the site given the access and links from the site to the surrounding area including McGavin Park which is some 160m to the south. There are pedestrian crossings on Dalry Road at McGavin Park.*

**Scottish Water** - No objections.

*Response: Noted*

**Scottish Natural Heritage** - Offer no comment

*Response: Noted.*

**West of Scotland Archaeology Service** - consider that there is potential for material associated with prehistoric occupation in the vicinity of the area, due to the presence of 'Druids' Grove Mounds' 150m to the north-east, as shown on the 1908 Ordnance Survey maps, and other such sites to the east. There is also the possibility of a cist being found in the area in the 19th century, although this could be at another Woodside in Ayrshire. It is suggested that an archaeological survey be carried out prior to commencement and suggest a condition for any permission.

*Response: Noted. Such a condition could be added to any permission.*

**SEPA** - No objection. The site is outwith the fluvial flood extent. Advice to the applicant is given.

*Response: Noted.*

**NAC Flooding** - No objections. Further details of drainage including; management; exceedance flow-path including appropriate mitigation; land drainage; overflow and access for SuDS Basin; compliance with principles of SuDS Manual and confirmation of discharge rates and locations.

*Response: Noted. Conditions could be attached to any permission requiring such relevant details to be submitted.*

**Transport Scotland** - No objections. Conditions relating to the junction with the A737, its footpath, bus stops and landscaping of its frontage should be attached to any permission.

*Response: Noted. Such conditions could be added to any permission.*

**NAC Regeneration (Active Travel and Transport)** - No objections. Discussions with the applicant regarding the layout. Further information required for the Road Construction Consent is given. Any planning permission should be subject to conditions requiring the footpaths at Plots 163 and 181 to link to the existing footpath network. The existing bus stop locations on the A737 adjacent to the site, on both sides of the road, to be upgraded with new bus shelters and high access kerbs to the satisfaction of Strathclyde Partnership for Transport and the Council.

*Response: Noted. Conditions could be attached to any permission regarding links to the footpath network and the bus stops.*

**NAC Environmental Health** - No objections. Soil samples taken once the route of the water supply pipes are known should be submitted, as recommended in the Site Investigation Report by Mason Evans dated April 2019, to ensure correct types of pipe. The applicant must demonstrate that the increased road traffic shall not have a detrimental effect on local air quality to result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure. A suggested condition to deal with this is provided. Advice on construction is also provided to applicant.

*Response: Noted. A condition regarding soil samples could be attached to any permission. A condition relating to air quality assessment and potential mitigation, if required, could be attached to any permission.*

**NAC Education** -The applicant has provided details of potential completion rates and Education has made no further comment.

*Response: Noted.*

### **3. Analysis**

As noted above the site is allocated as a Housing Site in the Local Development Plan (LDP) adopted October 2019. Strategic Policy 1 states that the Council wants to direct the right development to the right place. Policy 1 states that residential development will be supported in principle on Housing Sites. The site has an indicative capacity for 173 homes in the LDP. However, it is not considered that the proposal for 198 homes is excessive, and the layout of the proposal is assessed below. The proposal is considered to accord with Strategic Policy 1 and Policy 1 of the LDP and the principle of development for residential purposes is therefore acceptable.

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.

The proposed site is some 150m from the River Garnock to the east. This is a more than sufficient buffer. SEPA were consulted, offering no objection and confirming the development is outwith the river flooding zone. NAC Flooding also offer no objection subject to conditions regarding drainage. The proposal is therefore considered to accord with Policy 22 of the LDP.

Policy 31 of the LDP states that the Council will support proposals for the creation or enhancement of district heat networks. Proposals for 50 or more residential units which would not result in the creation or enhancement of district heat networks should include: provision for on-site heat recovery and re-use infrastructure; or a heat network generation and distribution infrastructure plan; or demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical or economic reasons.

The applicant has provided an Energy Statement which explores the possibility of a district heating system. It concludes that such a system is not feasible on technical and economic

grounds. The proposal is for a low density residential development with no large scale heat source nearby (e.g. industrial uses) which could be used to provide a district heating system. Establishing a district heating system in such circumstances would make the development commercially unviable. However, the statement also explains how energy usage would be minimised through the energy efficiency of the homes built and renewable energy, through solar panels, could be generated. It is estimated that 40% of the energy requirements of the development could be generated through on roof solar panels.

It is considered that that the applicant has demonstrated that a district heating system is not feasible for this site. They have also provided information as to other forms of renewable energy which could be employed. As such, the proposal accords with Policy 31 of the LDP.

Strategic Policy 2 of the LDP sets out the six qualities of a successful place: distinctive, safe and pleasant, resource efficient, welcoming, adaptable, easy to move around and beyond. Policy 27 of the LDP relates to sustainable transport and active travel. This states that Council will support development which meets criteria including improving accessibility to amenities, mitigates adverse impacts of significant traffic generation, provides safe and convenient sustainable transport options, and takes a design-led collaborative approach to street design.

In terms of Policy 2, it is not considered adaptability is relevant as the proposal relates to a residential development with little prospect of future change of use. Resource efficiency is considered above, and it is considered to meet this quality.

The application proposes 198 units of 9 house types. The house types are a mix of two-storey two, three and four bedroom properties. The houses would be finished with tile roofs and a mix of render and facing brick. A mix of detached, semi-detached and terraced houses are proposed, each with private amenity space and dedicated parking. The proposed private amenity space for each property is considered acceptable. The residential areas to the south and west are of a similar type. The separation distance and position of the houses is also considered to ensure minimal overlooking or overshadowing impacts within the site.

The southern boundary of the site would be the closest point to any existing residential area. At its western end, the southern boundary of the site is some 5m, at its closest point, from the rear boundaries of the houses to the south. However, the actual houses themselves would be at least 16m from the boundaries of the houses to the south, with a public footpath in between. The window to window distance between the houses to the south and the proposed development would be some 22.6m. Given this it is not considered that there would be any significant overlooking impact from the houses in this location.

The layout of the properties has been designed in accordance with 'designing streets' principles and is assessed to meet the qualities of a successful place set out in the Scottish Government guidance, which is also the basis for LDP Strategic Policy 2. The layout has been designed to provide a welcoming entrance into the town. The proposal has been designed to face onto the A737, which is the primary route into Kilwinning from the north, with landscaping between the road and the houses. The other side of the A737 at this point comprises rear garden boundaries. The northern edge of the development would be defined by the boundary with Wood Farm and its access road, while the easternmost houses would have an outlook over the River Garnock. On the southern edge of the site, the layout proposes links to the existing footpath network, which could be required by condition.

Internally, the road layout has created a hierarchy of streets with landscaped courtyards and other open spaces. There are footpaths proposed to create linkages within the site and the layout has been designed in consultation with the Council's Active Travel and Transpiration section. There is a variety of house types and a variety of finishes in render and facing brick to create visual interest. The layout of the proposal is considered to create a high level of amenity for the occupants of the houses.

The footpath network gives links into to the town and the Core Path network. The town centre is some 850m to the south whilst the train station is approx. 1.2km distant. The nearest schools are some 575m to the south. There are bus stops along Dalry Road (A737) with north and southbound stops immediately adjacent to the site. Given the number of house units proposed and potential bus network users, a condition could be attached to the permission requiring upgrade of those bus stops.

The north-west corner of the site would be a landscaped area and there would be landscaping and a SuDS basin in the south-eastern corner. Within the site there would be smaller areas of landscaping and landscaped areas on the northern and western boundaries. A condition requiring specific landscaping details could be attached to any permission. There is no specific active play equipment proposed. However, McGavin Park is some 160m to the south and it is not considered that specific play equipment is required within the site.

Given the above the proposal is considered to meet the relevant qualities of a successful place, as set out in Strategic Policy 2. The proposal also meets Policy 27 of the LDP as it improves accessibility to amenities, mitigates adverse impacts of significant traffic generation, provides safe and convenient sustainable transport options, and takes a design-led collaborative approach to street design.

The proposal is held to accord with the relevant policies of the LDP. Accordingly, the application should be approved subject to the conditions referred to in this report.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That prior to the commencement of the development, a written scheme of investigation for a programme of archaeological works shall be submitted to the Council, as Planning Authority, for written approval and agreement of the West of Scotland Archaeological Service. Thereafter any programme of works as agreed will be carried out in accordance with the written scheme to the satisfaction of the Council, as Planning Authority.

##### **Reason**

1. In recognition of the potential archaeological interest of the site.

##### **Condition**

2. That prior to the commencement of the development, the results of soil samples taken from the route of water supply pipes, as recommended in the Site Investigation Report



by Mason Evans dated April 2019 Project Reference P16/608, and details of proposed water supply pipe shall be submitted to the Council, as Planning Authority, for written approval. Thereafter the pipes shall be installed in accordance with any details agreed.

**Reason**

To ensure the correct type of water supply pipes are used and to meet the requirements of NAC Environmental Health.

**Condition**

3. That prior to the commencement of the development, details of the effect increased road traffic will have on local air quality shall be submitted to the Council, as Planning Authority, for written approval. Any details shall include an assessment of whether there would be any detrimental effect on local air quality or increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure. If there would be any detrimental effect on local air quality or increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure, then the details must also include details of remediation measures. Thereafter, the development will be carried out in accordance with any details as may be approved.

**Reason**

To ensure an appropriate assessment of potential air quality impacts and to meet the requirements of NAC Environmental Health.

**Condition**

4. On the basis works do not commence prior to 7th March 2020, that prior to the commencement of the development a Preliminary Ecological Appraisal, dated not less than 6 months before the proposed date of commencement, shall be submitted to the Council, as Planning Authority, for written approval. Thereafter the development will be carried out in accordance with the details of any Appraisal as may be approved.

**Reason**

To ensure an appropriately up-to-date Preliminary Ecological Appraisal in recognition of the possibility of protected species to move onto the site and in accordance with the recommendation of the Preliminary Ecological Appraisal dated October 2019, submitted as part of this application.

**Condition**

5. Prior to the construction of any other part of the development, the new priority junction with the A737 and the widening of the footpath on the eastern side of the A737 shall be constructed to the satisfaction of North Ayrshire Council as Planning Authority, in consultation with Transport Scotland, unless otherwise agreed in writing.

**Reason**

To ensure an appropriate access from the trunk road and to meet the requirements of Transport Scotland.

**Condition**

6. Prior to the commencement of the development, the bus stops adjacent to the site, on both sides of the A737, shall be upgraded to the satisfaction of North Ayrshire Council, as Planning Authority, in consultation with Transport Scotland

**Reason**

In order to ensure appropriate bus stops in recognition of the size of the development and to meet the requirements of NAC Active Travel and Transportation, Strathclyde Partnership for Transport and Transport Scotland.

**Condition**

7. That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council, as Planning Authority, a scheme of landscaping including measures for separation of the site from Wood Farm, boundary details for the western boundary onto the A737, details of hedgerows/trees to be retained, plant/shrub species, planting densities, soil treatment and aftercare.

**Reason**

To ensure an appropriate landscaping scheme in the interests of visual amenity and to meet the requirements of Transport Scotland.

**Condition**

8. That any landscaping scheme as may be approved under Condition 7 shall be carried out in the first planting season following completion or occupation of the houses, whichever is soonest, or unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority. 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**

To ensure an appropriate landscaping scheme in the interests of visual amenity.

**Condition**

9. That prior to commencement of the development, details of drainage proposals including;

- i) a maintenance plan and schedule showing the party or parties responsible for the upkeep of all surface water infrastructure assets;
- ii) full design details of the exceedance flow-path including appropriate mitigation;
- iii) a strategy for dealing with land drainage and/or any existing field drains;
- iv) drawings showing the overflow device and access arrangements for the proposed SuDS Basin;
- v) material to demonstrate that the discharge of surface water to the water environment accords with the principles of the SuDS Manual (C753), published by CIRIA in November 2015, and complies with the terms of The Water Environment (Controlled Activities) (Scotland) Regulation 2011 (as amended); and
- vi) confirmation of discharge rates and locations along with details of appropriate water quality treatment measures.

**Reason**

To ensure appropriate drainage of the site and to meet the requirements of NAC Flooding.

**Condition**

10. That within 6 months of the date of the completion of the houses on Plots 163 and Plots 181 respectively, footpath links to the core path network to the south of the site will be completed to the satisfaction of North Ayrshire Council, as Planning Authority, unless otherwise agreed in writing.

**Reason**

To ensure appropriate pedestrian links from the site to the south and to meet the requirements of NAC Active Travel and Transportation.

Russell McCutcheon  
Executive Director (Place)

For further information please contact Mr Iain Davies on 01294 324320.

## Appendix 1 – Location Plan

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