
NORTH AYRSHIRE COUNCIL

26th October 2022

Planning Committee

Locality	Kilwinning
Reference	22/00137/MSCM
Application Registered	25th February 2022
Decision Due	25th April 2022
Ward	Kilwinning

Recommendation	Approved subject to Conditions
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Location	West Byrehill Industrial Estate Byrehill Place West Byrehill Kilwinning Ayrshire
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Applicant	Persimmon Homes & Ashtenne Industrial Fund LLP
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Proposal	Approval of matters specified in conditions of planning permission in principle ref. 20/00323/PPM for residential development comprising the erection of 426 dwellinghouses and associated infrastructure
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1. Description

Background

Planning permission in principle for residential development and associated uses at West Byrehill, off Pennyburn Road in Kilwinning, was granted subject to conditions on 11th November 2015 (ref. 13/00038/PPPM) and subsequently renewed by the Council's Planning Committee on 24th June 2020 (ref. 20/00323/PPM) with variations to conditions 1 (j) and 2. The 2013 application for planning permission in principle (ref. 13/00038/PPPM) was submitted to the Council during the preparation of LDP1. To avoid being premature, the application was not reported to the Planning Committee until 28th May 2014, following the adoption of LDP1 earlier that month. The report to the Planning Committee states:

"Indicative proposals, used to inform the supporting Pre-Application Consultation process (PAC) and a 'Development Framework Document' (DFD), offer some details of the potential layout and form of the development. The DFD indicates that the site would be divided into housing phase packages and an area identified as a neighbourhood centre. It is indicated that between 475-505 residential units could be accommodated and that the neighbourhood

centre would comprise 743m² of retail space (1 no. 371.5m² detached food retail unit and 4 no. 92.875m² terraced retail units)."

The Planning Committee was minded to grant the application subject to a Section 75 obligation. In 2015, this requirement was superseded by a much broader legal agreement in relation to the upgrading of strategic junctions at various locations in the Irvine Bay area. This legal agreement was between the Council and Transport Scotland and did not bind the applicants for the development at West Byrehill. The purpose of the agreement was to provide a mechanism whereby the Council committed to funding any upgrades of strategic junctions, including the Pennyburn Roundabout, to unlock strategic development sites such as West Byrehill. This agreement remains extant.

The eventual decision on planning application (ref. 13/00038/PPPM) was taken on 11th November 2015, following the Planning Committee's agreement that the planning permission could be granted without the need for the originally envisaged Section 75 obligation. The conditions attached to the permission address a range of other matters, including the timing of any strategic road upgrades in the vicinity of the site.

In summary, the Planning Committee was advised that, notwithstanding the indicative capacity of 400 houses as stated in the Local Development Plan, the Development Framework Document, on which the decision was based, envisaged a housing development with between 475 and 505 houses.

The combination of the current proposal of 426 houses plus the 72 currently being built would give a total of 498 at West Byrehill. As such, the proposed development is within the limits envisaged when the original application for permission in principle was granted by the Council, which was subject to pre-application public consultation and scrutiny beforehand. There are currently no proposals to develop a neighbourhood centre at West Byrehill.

Description

It is proposed to build 426 houses on the site in six phases, making use of the existing road layout which was formed when West Byrehill was first developed in the 1970s. The site area extends to 25.5 hectares.

This application relates to the conditions attached to the planning permission in principle (ref. 20/00323/PPM). For ease of reference, the scope of the conditions is set out below:

1. Submission of detailed layout plans, drawings and supporting information, including flood risk assessment;
2. Time limits for submission of matters specified in conditions;
3. Requirement to take account of 'Designing Streets' and 'Designing Places' policy documents;
4. Details of open space and future maintenance arrangements;
5. Details of low or zero carbon generating technologies;
6. Review and implementation of Ecology Assessment Survey
7. Desktop study of contamination on the site;
8. Phasing of development, taking account of transport requirements (unless otherwise agreed)
9. No direct access is permitted onto the A78 trunk road;
10. Details of a barrier alongside the site boundary with the A738 and A78 trunk roads.

The submitted plans, drawings and supporting information collectively represent the applicant's submission to the matters specified in the above conditions. The following supporting information reports have been submitted:

- Design and Access Statement
- Flood Risk Assessment (updated September 2022)
- Drainage Strategy (updated September 2022)
- Ecology Assessment
- Noise Impact Assessment
- Open Space Strategy
- Landscape Management Habitat Plan
- Energy Statement (updated August 2022)
- Site Investigation Report (submitted September 2022)

The approval of this application, subject to any further conditions as may be required, would enable the proposed development to proceed in terms of the submitted phasing plan. The phasing plan indicates that the first two phases would be developed to the north of Byrehill Drive, starting at the northwest, then at the northeast. The remaining four phases would be developed progressively starting from the southeast and moving towards the west. The applicant anticipates that 40 houses would be completed per year. Based on this estimate, it would take over 10 years to complete the entire development. It is intended that all of the houses within the development would be developed for owner occupation.

As noted above, the development would be based around the established framework of roads and paths already in place at West Byrehill, which was originally developed for industrial purposes by Irvine Development Corporation in the 1970s. Over a thirty-year period, West Byrehill Industrial Estate accommodated a number of businesses including Campbell Distillers, Fullarton Computer Industries, Industrial Cleaning Services and Work 4 Wear. During the first decade of the twenty first century, all of the above factories closed. Four large factory buildings were demolished, and the sites cleared.

Only two of the original factory buildings remain. Whilst an ambulance station was built in 2000, followed by Montgomerie House in 2005, much of the site has remained vacant and derelict. In 2012, enquiries commenced in relation to redevelopment of West Byrehill for housing and related mixed uses. This process involved a revised allocation for the land in the Local Development Plan of 2014. As noted above, a planning application for permission in principle was submitted in 2013 (ref. 13/00038/PPPM) and was subsequently granted in November 2015.

The proposed development layout has therefore been largely dictated by both visible infrastructure (i.e. roads, paths and street lighting), as well as infrastructure below the ground (e.g. services such as water supply pipes, sewers, gas pipes, telecoms, and electricity cables). In addition, the established woodland planting along the outer edges of the site would be retained as part of the proposed development, with further trees and landscaping provided within the site. A key part of the green infrastructure would be the de-culverting of the Penny Burn, which flows across the northwestern edge of the site. The Penny Burn was culverted during the 1970s when the industrial estate was first developed. Another significant element of green infrastructure would be the provision of a large open space near to the centre of the site on land that was never previously developed with factory buildings.

Whilst six phases of development are proposed, the applicant intends to develop the site as a series of five separate neighbourhoods. The largest of the neighbourhoods, to be known as Linear Parks, would be split into two phases. During the processing of the application, a number of modifications were made to the street design in response to discussions with officers from Active Travel & Transportation. Some commentary on each proposed neighbourhood follows below:

Village Green

This neighbourhood would have 44 houses. All houses would have two storeys with front/rear gardens and in-curtilage parking. There would be a mix of detached, semi-detached and terraced homes. Village Green would be accessed from the existing western section of Byrehill Drive. It would have a cul-de-sac plan, with one main street and a secondary street leading off. It would border established woodland planting on the northwest and northeast boundaries. Along the east, it would border a strip of open grassland to the rear of a single storey factory building (currently occupied by a battery recycling company). There would be a SuDS basin to the south of the housing. Village Green would be located across the road from the main area of public open space for West Byrehill, where a play area would be provided for children as well as grass and landscaping. The existing path connection to the bus stop on Stevenston Road would be upgraded to provide a direct link from Village Green, including the provision of a 3m wide footbridge over the de-culverted Penny Burn. A link to the existing path connection leading east would also be provided.

Westfields

There would be 84 houses in this neighbourhood. As with Village Green, all houses would have two storeys in a mix of detached, semi-detached and terraced homes. Westfields would be accessed from the existing western end of Byrehill Drive. The street layout would be in the form of a loop with several short cul-de-sacs leading off at the south. It would border the de-culverted Penny Burn to the west, with unimproved grassland and established woodland further west (beyond which is the A738 Stevenston Road). There are further established woodland areas to the south, beyond which is the A78 Kilwinning Bypass. Westfields would be broken up with areas of open space, and footpaths would lead through the housing towards the main public open space to the east. There would be a SuDS detention basin to the south of the housing, with a pumping station to be sited beside the basin.

Linear Parks

This neighbourhood would extend across much of the southern edge of West Byrehill. It would have 124 houses, with a similar mix as the other neighbourhoods. It would be sited close to the ambulance station to the east of Byrehill Place with a swathe of open space - the linear park - running southeastwards and creating separation from the neighbourhood of The Fairway. There would be one vehicular access point into Linear Parks from Byrehill Place, leading into a looping street to the west with a lengthy cul-de-sac to the east that terminates in a looping street. Linear Parks would extend northwards to reach the main area of public open space at its western end. There would be two SuDS detention basins, one at the southwest corner and the other at the southeast corner. There would be a number of footpath connections from the housing onto the Linear Parks walkway, from where there would be direct links into the large open space serving the whole of West Byrehill, to the neighbouring Fairway housing and to Byrehill Place. To the south of Linear Parks, the existing woodland belt which separates West Byrehill from the A78 dual carriageway would

be retained. Acoustic fencing would be provided on the rear boundaries of the housing closest to the A78.

The Fairway

This 115 home neighbourhood would be situated between Linear Parks and Byrehill Drive. The proposed housing would have a similar mix to the other neighbourhoods, all with two storeys. There would be three vehicular access points into The Fairway, all from Byrehill Drive. The first would be close to the existing roundabout where Byrehill Place and Byrehill Drive intersect. The second and third vehicle access points would be within the eastern part of the neighbourhood, beyond Montgomerie House. The street layout would be fully interlinked, without cul-de-sacs. Pathways would be provided north-south through the neighbourhood, using the streets, to provide through connections to/from Linear Parks and the adjoining housing at Forest Wynd. A SuDS detention basin would be provided at the low point in the southeast corner, where the site adjoins the Kilwinning - Largs railway. The existing railway maintenance access (for Dubbs Junction) would be retained.

Forest Wynd

The final neighbourhood, with 78 houses, would be located at the northeastern corner of West Byrehill. There would be two vehicular access points, both from Byrehill Drive. The streets would be fully interlinked. As with the other neighbourhoods, the housing mix would include detached, semi-detached and terraced houses. Through footpath connections would be provided to north and south and would pick up on existing pedestrian links with Pennyburn Road and on the northern edge of West Byrehill. A landscape buffer would be provided on the western boundary of the neighbourhood where it would adjoin the Council's transport depot.

Byrehill Drive and Byrehill Place

Both existing roads would be modified to include traffic calming (narrowing) measures combined with pedestrian crossing opportunities.

Housing design

There would be 15 house 'types' used throughout the development. Each neighbourhood would have a mix of house types selected from the range of 15. The proposed external finishes for all of the housing, and common to all neighbourhoods within the development, would be as follows:

Roof tiles: grey

External walls: red or buff brick with cream/white render

Windows and rainwater goods: white uPVC

Boundary treatments: open plan to front; 1.8m close boarded timber fencing to enclose rear gardens; 2m acoustic fencing on selected plots to safeguard against effects of traffic noise from A78 dual carriageway and the ambulance depot; 1.8m mesh fencing on southern development boundary to safeguard against the risk of people/pets walking onto A78.

Landscaping and Open Space

In terms of topography, the land at West Byrehill falls mainly from west to east and from north to south. The level difference ranges from approx. 24m AOD in the northwest to 12m AOD in the southeast. The ground on the site is generally level because of previous platforming works for factory developments.

As noted above, the site would be provided with a large area of open space on previously undeveloped land. The open space would include areas of mown grass, pathways, a play area, tree and shrub planting. Other areas of open space in the development would include landscaped corridors with footpaths (some also suitable for cycling use), woodland, wildflower meadow planting, ornamental planting, informal children's play facilities and the naturalisation of the Penny Burn following the removal of the culvert within which it is currently contained. The existing woodland areas around the perimeter of the site would be retained providing containment and screening. Maintenance of the landscaping would initially be undertaken by the developer then passed over for long term management by a factor. The costs of grounds maintenance would be arranged by the factor and paid for by residents of the development.

Site investigation and remediation

Given the history of the site, a site investigation carried out on behalf of the applicant by a specialist firm has indicated where there are areas of contaminated land which would require to be remediated prior to development taking place. Site investigation has also established the ground conditions for the purposes of foundation design. The site is not within a High-Risk area of former mineworkings, as identified by The Coal Authority.

As a large and largely unmanaged brownfield site, West Byrehill has been adversely affected by significant fly-tipping of commercial waste, especially at its eastern end where the road terminates. There are smaller pockets of fly-tipping evident in the northwest of the site.

In addition to the large areas of vacant and derelict land, existing uses at West Byrehill include one factory unit, an ambulance station, a three-storey office building (Montgomerie House), and a transport depot operated by the Council (which includes one of the original factory buildings and open yard areas). Being developed at present is a housing estate of 72 houses for rent by Cunninghame Housing Association, which is due for completion in 2023. A separate major planning permission was granted in 2020 for this development (ref. 20/00106/PPM and modified by 20/01053/PP).

On-site infrastructure

As noted above, much of the existing below ground utilities, sewers and water supply pipes would be retained and adapted for use in the proposed development. In addition to the development of new roads and paths, the submitted plans indicate the positions and designs of the above ground gas governor stations, electricity sub-stations and a pumping station. All of these items would be of standard size and fully enclosed. Landscaping would be provided around these installations in the interest of visual amenity.

Off-site infrastructure

Condition 8 of the PPPM identified that, after 180 housing units are developed at West Byrehill, (inclusive of the first phase of housing being built by Cunninghame Housing Association), a number of options must be considered with respect to potential upgrades to junctions at Pennyburn Road/Stevenston Road and at the Pennyburn Roundabout. Discussions in relation to this condition are ongoing. However, the determination of this application can take place in advance of the discussions being concluded.

The application site is identified by the LDP as part of the General Urban Area of Kilwinning. It is also identified in the LDP as being a housing development site with an indicative capacity of 400 dwellings. The application requires to be considered in terms of Strategic

Policy 2 (Placemaking) of the adopted LDP. Consideration also requires to be given to Policy 14 on Green & Blue Infrastructure, Policy 22 on the Water Environment, Policy 23 on Flood Risk Management, Policy 27 on Sustainable Transport/Active Travel, Policy 29 on Low and Zero Carbon Energy systems for new buildings and Policy 31 for Heat Networks.

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 14-Green & Blue Infrastructure

Policy 14:

Green and Blue Infrastructure

All proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure (including open space), ensuring no unacceptable adverse environmental impacts occur.

Green and blue infrastructure should be multi-functional, accessible and integral to its local circumstances. For example, Sustainable Urban Drainage Systems (SuDS) have the potential to play a key role in the delivery of meaningful blue and green infrastructure, providing amenity and improving biodiversity as well as providing a sustainable flood risk solution. We will require details of the proposed arrangements for the long-term management and maintenance of green infrastructure, and associated water features, to form a key part of any proposal.

Our Open Space Strategy (2016-2026) highlights the need for an audit which identifies valued and functional green and blue infrastructure or open space capable of being brought into use to meet local needs. We will support the temporary use of unused or underused land as green infrastructure including where it consists of advanced structure planting to create landscape frameworks for future development. Support will be given to proposals which seek to enhance biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. We will also support proposals that are in accordance with the vision and outcomes of the Central Scotland Green Network as well as those of the Garnock Connections Project.

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 pipeworks 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

Neighbour notification was carried out in accordance with statutory procedures and the application was advertised in a local newspaper. One representation was received. The matters raised are summarised below:

1. The plans for much need housing on this site are fully welcomed, as there has not been many new houses built in the town in recent years. With the ongoing trend of working from home many local families are now seeking larger 4 bed homes to accommodate permanent office spaces within the home. In the current plan there is an overprovision of 2-3 bed smaller homes yet not many larger 4 bed homes. In the wider north Ayrshire area, the

majority of homes available for sale are 2-3 bed therefore this new development must be reviewed in terms of house type ratio, with a larger number of 4 bed homes.

Response: Noted. There are a number of 4-bedroom houses proposed (18 in total). The mix of housing is based on market research carried out by the applicant and reflects the likely market demand in the area. However, in the event of greater demand for more four-bedroom homes during the anticipated 10-year development period, it would be open for the applicant to submit further applications to revise the housing mix.

2. The proposed bridge to the north of the site crossing the Pennyburn looks narrow and should be 3 metres wide to accommodate cyclists and wheelchair users' access to public transport links and the wider path network. There is no detail of lighting throughout the open space areas. Adequate lighting should be provided to provide safe waking routes after dark.

Response: Noted. In relation to the proposed footbridge over the Penny Burn, the applicant has advised that "this is something that we propose to accommodate and a 3m wide route will extend to the eastern edge of the site." The layout plan has since been revised in this respect. In relation to the lighting provision on footpaths, the applicant advised that "where appropriate we are happy to incorporate lighting along footways adjacent to open space areas. This can be agreed with NAC Roads."

3. The recently completed Persimmon estate in Irvine was of a very poor finish with loose red chip driveways being used resulting in the streets being a mess, a danger to people with mobility issues and damage to vehicles as the chips end up all over the carriageways and paths. A tar or solid block driveway should be used. The quality of the finish on this estate was also very poor with stained bricks, poor looking fencing and a general run-down feeling in comparison to other new build estates. Greater detail should be placed on providing an attractive housing development with a good quality materials.

Response: The applicant advised that Persimmon Homes "no longer use red chip driveways - the driveways in this development will be tarmac. The external building materials proposed are similar to Clyde Shores in Saltcoats. Persimmon as a whole has begun to focus more on quality than quantity and this, I trust is apparent in more recent developments."

4. The proposals here include some very long and straight sections of road and I ask that traffic calming measures are included to prevent vehicles speeding. The mini roundabout at Pennyburn Road/Stevenston road should be upgraded to traffic lights to deal with the increase in traffic and provide a safe pedestrian signalised crossing point. The existing Pennyburn Road to West Byrehill and access roads should be resurfaced as they are in a very poor condition due to heavy goods vehicles using them for many years.

Response: Since the representation was submitted (March 2022), considerable discussion and work has taken place on the detailed road layout design, with the final revision (September 2022) resulting in horizontal alignments designed to restrict speeds above 20mph within the neighbourhoods. The existing roads (Byrehill Place and Byrehill Drive) would be traffic calmed which would incorporate pedestrian crossing areas at narrowed sections. Condition 8 of the PPP sets a cap on development of 180 units before off-site mitigation may be required and sets options for altering this cap. Consideration of condition 8 is ongoing to establish the way forward. Until that work is complete up to 108 units can be

constructed onsite after the 72 homes approved under consents 20/00106/PPM and 20/01053/PP have been deducted. Comprehensive resurfacing of the existing adopted roads within the site would take place as and when required: localised resurfacing would take place during the formation of traffic calming works and would be governed by the RCC for the scheme.

Consultations

NAC Environmental Health - the 3 conditions in planning consent 20/00/323/PPM that are relevant Environmental Health considerations are as follows:

1. Condition 1c relating to the siting and design...of all buildings.
Concern has been raised in relation to the potential noise impact of siren testing at the ambulance station, as well as the impacts of rail noise and road noise. Noise targets may not be achievable within some of the houses under an 'open window strategy,' with consultants advising that some noise targets may only be achieved under a 'closed window strategy,' which is not considered acceptable to Environmental Health officers on the grounds of noise impacts. Comments have also been raised in relation to noise impacts from any existing commercial undertakings at the time of the consent being granted.
2. Condition 1g relating to design and location of boundary treatments
Relevant drawings are included and should be installed as per the location and height (2 metres) as detailed in Consultant's report -Appendix C.
3. Condition 7 relating to desk study to assess likelihood of contamination...and remediation proposals shall be submitted
An intrusive site investigation report has been submitted, which exceeds the requirements of the condition and identifies remediation measures to be undertaken.

Response: Noted. With regard to noise impacts and based on a number of site visits at different time periods, it is considered that the proposed noise mitigation measures as set out in the consultant's report would be adequate to safeguard the amenity of future occupiers. It should be noted that there are no significant noise generating uses currently at West Byrehill. As noted above, there is one factory unit, one office building, a council transport depot and an ambulance station. The factory unit is located directly opposite new housing being built by Cunninghame Housing Association. No noise generating activities have been observed. Siren testing at the ambulance station takes place during daytime hours over a short duration and is not considered to be disruptive to sleep patterns. The ambulance station is located opposite the large area of open space proposed in the development, with the nearest housing shielded by the station building itself. Acoustic fencing would be provided to safeguard the nearest housing from noise impacts at the A78 dual carriageway. The railway line, to the southeast of the site is some distance away from the nearest housing, is separated by existing tree cover, proposed landscaping and a SuDS detention basin. A general condition would be attached to implement the recommendations contained in the supporting documents (including methods to address contaminated land and noise impacts).

NAC Flooding Officer - The updated flood risk assessment finds that the proposed development would be beneficial in terms of flood management and downstream flood risk. This relies partly on the design of the proposed footbridge, the design of the proposed open channel and the design of the offline flood storage area being in accordance with the design

recommended in the FRA. In the interest of flood risk management, details of these features should be confirmed. The design of the channel is unlikely to be fully known until CAR approval by SEPA. The drainage layout and the site plan does not show any works to form the flood storage area, nor does it show any designed flood flowpath between the open culvert and the storage area or how this storage area would drain after it is flooded. These details should be confirmed.

Response: Noted. Subject to a confirmatory condition, the submitted information would enable the approval of the proposed drainage arrangements, taking flood risk into account.

NAC Active Travel & Transportation - advise as follows:

The applicant has amended the layout more in keeping with the Scottish Government's Designing Streets policy. Several minor comments have been made which should be addressed:

- o The minimum road width at chicanes on the main roads should be 3.7m, preferably 4.1m;
- o The applicant has provided a maximum road width of 4.8m on the majority of the tertiary streets. Albeit this could be acceptable the applicant may wish to consider introducing areas where the street width is 5.5m;
- o Applicant to confirm that four-bedroom dwellings have a minimum of three parking spaces and double width driveways;
- o A controlled signal crossing could be potentially required on the A738. The developer should discuss this with Transport Scotland.

Condition 8 of the PPPM has not been addressed within the submission. This would mean that 108 further houses could be built and occupied until the threshold of 180 is reached. Anything beyond that figure will mean that one of the requirements of condition 8 needs to be met unless an alternative is agreed on by the Council in consultation with Transport Scotland.

Response: Noted. The outstanding technical issues relating to the street, road and path design have been raised with the applicants. 4.1m chicanes for the main routes have been incorporated into a revised site plan (October 2022). The applicant advises that increasing road widths to 5.5m on tertiary routes could have a counter-effect on the 20mph speed limit design. As such, the plans will remain unaltered in this respect. The applicant has also confirmed that the 4 bedroom 'Thornwood' house shows a 7.5m driveway to accommodate 3 vehicle spaces in line with the SCOTS national parking standards. Discussion is to take place with Transport Scotland in relation to a potential pedestrian crossing, which would be progressed through RCC if deemed necessary by the trunk road authority. Finally, discussions in respect of condition 8 are ongoing. A condition could be attached to reiterate the requirements of this condition, reflecting that 108 further houses could be built/occupied at West Byrehill until the threshold of 180 is reached. This would take account of the 72 houses currently being built for social rent by Cunninghame Housing Association.

NAC Education - no objections and advise that there is presently sufficient capacity in the associated schools to accommodate the first phase of the proposed development in terms of the submitted phasing plan. Education is not seeking a contribution for the development but may require to re-zone catchments in Kilwinning primary schools in order to accommodate children during later phases.

Response: Noted. At the time the PPPM was granted, the catchments for St Luke's and St Winning's Primary Schools were modified to reflect the roll projections at that time. There are six primary schools in Kilwinning (four of which are non-denominational). The timing of future phases in the development would be dependent on the outcome of discussions in relation to condition 8 of the PPPM, which relates to traffic impacts.

SEPA - Having checked SEPA's previous responses to 20/00106/PPM (PCS/170088, 18/3/2020) and 13/00038/PPPM (PCS/124680, 14/2/2013), it is noted the SEPA did not object or request that any conditions were attached to planning permission. It is understood that surface water flooding may affect parts of this site. Reference should therefore be made to Table 1, Consultation framework for development management of the SEPA Triage Framework and Standing Advice and comments provided in previous responses.

Response: Noted.

Scottish Water - no objection. The site has been included in SW's strategic water and wastewater network studies and we are engaging directly with the developer regarding the outputs, which will identify if any network enhancements are required to support the development. SW advise the following: There is currently sufficient capacity in BRADAN Water Treatment Works to service the development. There is currently sufficient capacity for a foul only connection in the STEVENSTON POINT PFI Waste Water Treatment works to service the development. The development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team to apply for a diversion.

Response: Noted. The applicant is aware of the above and is working with Scottish Water on the matters raised.

Transport Scotland - no objections.

Response: Noted.

Kilwinning Community Council - no comments.

3. Analysis

Planning permission in principle was granted during 2015 and again in 2020 for residential development at West Byrehill following the re-allocation of the land through the Local Development Plan (LDP) of May 2014 for residential purposes.

This application seeks the approval of details relating to the conditions attached to the permission in principle. Since the principle of residential development has already been established, the application requires to be assessed in relation to Strategic Policy 2 (Placemaking) of the adopted LDP. Consideration also requires to be given to Policy 14 on Green & Blue Infrastructure, Policy 22 on the Water Environment, Policy 23 on Flood Risk Management, Policy 27 on Sustainable Transport/Active Travel, Policy 29 on Low and Zero Carbon Energy systems for new buildings and Policy 31 for Heat Networks.

In terms of Strategic Policy 2, the Placemaking Policy sets out the six qualities of a successful place which proposals are required to meet, which are as follows:

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

The submitted Design and Access Statement explains the rationale for the layout and house designs. The proposed development would provide a range of houses which have been selected by the developers from their current range of house types. Whilst similar housing has been developed in recent years elsewhere in North Ayrshire (Irvine and Saltcoats), the developer has not previously built houses in Kilwinning. It is considered that the chosen designs would be appropriate for this particular site, taking into account its setting and adding variety to the housing stock in the town. It is considered that the proposed external finishes (in terms of colour and texture) would be compatible with the site and local area, including grey roof tiles and light render/brick wall finishes. The external finishes would complement the housing currently being developed at West Byrehill by Cunninghame Housing Association.

The orientation of the front elevations of the houses towards the existing roadways and the large area open space would help to make the development welcoming. Once inside the development, the emphasis is on the creation of traffic-calmed residential streets which all have houses facing onto them, again contributing to a welcoming streetscape. A range of landscaped open spaces and footpaths leading into the site from the adjacent streets of Pennyburn Road and Stevenston Road would also contribute to a sense of welcome.

It is considered that the proposed development would create a safe and pleasant addition to Kilwinning by creating a new neighbourhood with generous landscaping and open spaces which would respect the existing housing nearby (including the new housing by CHA and existing housing at nearby Pennyburn), avoids any overlooking, overshadowing or other adverse amenity impacts. Importantly, the development would be designed to integrate with the surrounding area through new path connections.

The development would be resource efficient in terms of siting, design and heat/power systems, with access arrangements designed to enhance pedestrian links between the site and the surrounding area. The development would result in a new 3m wide pedestrian/cycle link through the site to complement the existing paths in the area. This would enhance connectivity for future residents between the site and the surrounding areas. The site would also be linked, via existing footpaths, to bus stops on Stevenston and Pennyburn Roads. These linkages demonstrate that the development would be easy to move around and beyond, with an emphasis on walking and cycling.

In terms of adaptability, the proposed development has been designed to meet the needs of a range of households, providing a range of modern two-, three- and four-bedroom homes. Therefore, it is considered that the proposed development would contribute positively to the placemaking in Kilwinning through appropriate siting, design, layout, open spaces, landscaping, connectivity and its relationship with the surrounding area. The proposal therefore accords with Strategic Policy 2.

Turning to other relevant policy considerations as set out above:

Policy 14 - Green & Blue Infrastructure

West Byrehill was developed in the 1970s when very different standards for engineering in relation to the natural environment were in place. This included the culverting of the Penny Burn and the trapping and disposal of surface water from hardstandings and roads direct to the public sewer.

In terms of the proposed green and blue infrastructure proposed for the development, the following key points should be noted:

- Penny Burn to be de-culverted and appropriate planting/landscaping provided to support biodiversity and facilitate the restoration of the watercourse;
- Remediation of identified contaminated land using methods recommended in the site investigation report;
- SuDS detention basins to be provided for the treatment and attenuation of surface water (rainfall run-off);
- Large areas of open space to be provided and enhanced through the planting of trees, shrubs and plants chosen for their amenity benefits and to enhance biodiversity;
- Maintenance of all areas of open space and landscaping to be carried out through a factoring arrangement on a permanent basis;

The proposal therefore accords with Policy 14.

Policy 22 - Water Environment Quality

The policy objective is to ensure no unacceptable adverse impact on the water environment as a result of development activity. In respect of this application, the most relevant criterion is (a) - protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity). As noted above, a key element of the development involves the de-culverting of the Penny Burn in the northwestern part of the site. The removal of the 1970s culvert scheme and the restoration of an open channel provides a valuable opportunity for enhancing the natural environment. The channel design is intended to provide sufficient capacity against future flood risk. The distance away from the nearest housing to the development is considered sufficient. Details of planting for the banks of the Penny Burn have been provided as part of the landscaping scheme for West Byrehill. In addition to the de-culverting works, the development involves the creation of a number of SuDS detention basins, all of which would further act to improve the water environment and support biodiversity. In summary, the proposals are satisfactory in respect of Policy 22.

Policy 23 - Flood Risk Management

As noted above the proposed development was subject to consultation with the Council's Flooding Officer who assessed the Flood Risk Assessment and offered advice on measures to enhance the performance of the drainage systems serving the proposed development. The measures to be adopted have been illustrated within additional plans. The proposal accords with Policy 23.

Policy 27 - Sustainable Transport and Active Travel

The site already benefits from an established network of footpaths which were developed when West Byrehill was first established as an industrial estate. The footpath links would be retained and enhanced, providing convenient external links to both Stevenston Road and Pennyburn Road. Additional footpath links, also suitable for cycling on, would be provided

within the site to ensure good linkages between the neighbourhoods and to connect up the areas of open space.

In addition, the site is located within easy walking distance of three primary schools, local shops and food outlets, a playpark, and existing areas of open space. There are bus stops on both Stevenston Road and Pennyburn Road. Kilwinning railway station can be reached on foot or by bus and is approx. 15 minutes walk from the site. Kilwinning town centre is approximately 20-25 minutes walk from the site, as is the nearest secondary school. Sufficient levels of car parking have been proposed for the housing, and visitor parking would be spread evenly throughout the development. Finally, the site is well located in relation to the strategic road network, with the A78, A737 and A738 trunk roads all being located nearby (via Pennyburn Road). Condition 8 of the planning permission in principle provides for off-site road junction upgrading work, setting out a number of options for possible approval. None of the options come into effect until the number of houses at West Byrehill reaches 180. Discussions are ongoing in respect of the most appropriate solution. In summary, the proposals accord with Policy 27.

Policy 29 - Energy Infrastructure - Low and Zero Carbon Energy systems for new buildings
The applicant has submitted an energy strategy, which was updated in August 2022 following concerns expressed in relation to the long-term suitability of a number of issues identified. A fabric first approach has been adopted, ensuring that high standards of insulation are provided in conjunction with appropriate building materials including high performance low U-value windows and doors, a highly efficient heating system and roof mounted solar PV panels. Later phases of the development would be enhanced further in line with forthcoming amendments to the building standards and may include heat pumps. The applicant states:

"Persimmon's new homes are currently built to fully comply with the current Scottish Building Standards and in compliance with policy 29 at least 10% of the carbon emissions reduction will be through low and zero-carbon generating technologies. As a minimum our average headline CO₂ 'dwelling emission rate' as measured by SAP surpasses the current minimum performance levels expected of Bronze active. A fabric first approach ensures that they are warm, comfortable and affordable homes to run."

Collectively, the measures proposed would exceed the requirements of Policy 29.

Policy 31 - Future Proofing for Heat Networks

The submitted Energy Strategy considers the potential of the site for communal systems to produce heat for the housing. In this respect, the applicant states:

"At this point Persimmon are exploring two options for a site only heat network either based on centralised air source heat pumps or ground source heat pumps which distribute heat to individual homes based on demand. Both systems would be managed by an energy supply company. If either of these options prove viable planning permission will be sought for a heat network to serve later phases."

A condition could be attached to require an update of the strategy following the completion of the first phase. The proposal accords with Policy 31.

There are no other material considerations. In summary, the application is considered to accord with the LDP. The proposed development would secure the delivery of a housing site

that was identified and allocated through the development plan process. Accordingly, the application should be approved subject to conditions.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That the development hereby approved shall be implemented in accordance with the details and recommendations contained in the submitted plans, drawings and supporting documents, all to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing. Prior to commencement, the layout and the site plan shall be updated to show the works to form the flood storage area including any designed flood flowpath between the open culvert and the storage area, the details of which shall be agreed in writing before drainage works commence.

Reason

In the interests of ensuring the development is implemented in accordance with the submitted details and to ensure final details of flood control measures are submitted and approved.

Condition

2. That the development shall be implemented in accordance with the phasing plan hereby approved unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

Reason

In the interest of the amenity of the area.

Condition

3. That the landscaping and open space provision shall be provided on a phase-by-phase basis. The implementation of the main area of open space to serve the development shall be agreed in writing by North Ayrshire Council as Planning Authority.

Reason

In the interest of the amenity of the area.

Condition

4. 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 planting 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 the interest of the amenity of the area.

Condition

5. The development hereby approved shall commence in phases, and in accordance with the following transport requirements, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority and in consultation with Transport Scotland. For the avoidance of doubt, not more than 108 houses constructed within the red line boundary shall be occupied until either:

(i) An updated transport assessment has been submitted to and approved by the planning authority, in consultation with Transport Scotland, confirming that additional development can be accommodated within the capacity of the trunk road network; OR

(ii) An updated transport assessment has been submitted to and approved by the planning authority, in consultation with Transport Scotland, confirming that additional development can be accommodated within the capacity of the trunk road network in the event of the implementation of appropriate measures identified within the approved transport assessment; OR

(iii) The modifications to the A78(T)/A738(T) Pennyburn Roundabout, generally as indicated in SIAS drawing number 75064-1 titled 'Pennyburn Roundabout Signalisation - Revision 1', and the modifications to the A738(T)/Pennyburn Road mini-roundabout and the A738(T) Whitehirst Road signalised to form a roundabout junction generally as indicated in SIAS drawing number 75064-5 titled Whitehirst Park Road have been implemented; OR

(iv) North Ayrshire Council as Planning Authority Planning Authority or any other party has concluded an appropriate legal agreement or agreements for the funding and implementation of the works to mitigate the development.

Reason

To restrict the scale of the development prior to the implementation of mitigation in the interests of protecting the safety and free flow of traffic on the trunk road network near the site, after deduction of the 72 houses constructed by Cunninghame Housing Association.

Condition

6. That, following the completion of the first phase of housing, the Energy Strategy for the remainder of the development shall be updated for the written approval of North Ayrshire Council as Planning Authority. The update shall reflect progress made towards the options identified in the August 2022 version of the Strategy, namely, centralised air source heat pumps or ground source heat pumps to distribute heat to individual homes based on demand. Thereafter the updated Energy Strategy as may be approved shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To ensure that new heating technologies are fully considered and utilised in order to reduce carbon emissions over the lifespan of the development.

James Miller
Chief Planning Officer

For further information please contact Mr A Hume Planning Officer on 01294 324318.

Appendix 1 – Location Plan

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