
NORTH AYRSHIRE COUNCIL

25th January 2023

Planning Committee

Locality	North Coast and Cumbraes
Reference	21/01174/PPM
Application Registered	8th December 2021
Decision Due	8th April 2022
Ward	North Coast

Recommendation	Approved (1) subject to the completion of a Section 75 Agreement on the required educational contributions, and (2) Conditions noted within the Report
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Location	Site To North Of Summerlea Road And West Of Snowdon Terrace Seamill West Kilbride Ayrshire
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Applicant	Persimmon Homes Fao Mr Kevin Murphy
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Proposal	Erection of 220 dwelling houses and associated infrastructure and landscaping
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1. Description

Planning permission is sought for residential development of an area of land to the south of Portencross Road, west of Snowdon Terrace and north of Summerlea Road, West Kilbride. The land is approx. 10.7hecatres in area. The land is bounded to the west by a footpath Wild Cat Lane, which is part of the core path network, with countryside beyond. To the north across Portencross Road is also countryside. To the east Snowdon Terrace is part of the Trunk Road (A78) with houses beyond. The southern side of Summerlea Road also has houses.

The site is identified in the Local Development Plan (LDP), which was adopted in November 2019, as a Housing Allocation with an indicative capacity of 175 units. The LDP identifies any application for the site would require potential mitigation of an Air Quality Assessment, Health Impact Assessment, Education Contribution Assessment, Flood Risk Assessment and Water and Drainage Assessment. Trees on the southern end of the site, and an area of Wild Cat Lane to the west, outwith the site, are covered by a provisional Tree Preservation Order (TPO), which was designated by the Council in September 2022.

Permission is sought for 220 units comprising a mix of detached, semi-detached and terrace dwellinghouses with associated roads and landscaping. Some of the proposed plots would have detached garages. The proposed development includes 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 within open spaces throughout the site.

The site is relatively flat with some undulation and a slope from east to south-west. The proposed plots at the western end of the site would be approx. 27m AOD with the plots on the eastern side approx. 31-32m AOD. The SuDS basin would be in the south-western 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 10th February 2020 (ref: 20/00117/PREAPM).

The proposal was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 on the 10th of January 2020 (ref: 20/00012/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 11th March 2020. The report notes there were 92 attendees at the event. Comments raised include concern over loss of greenspace, flooding of northern portion of site, access onto and crossing of A78, concern that house types and finishes were not suitable, need for affordable housing, and too dense a layout.

The report states that the proposal has been reduced from 263 units to 220 units with an associated increased amount of open space and landscaping. A proposal for a crossing of the A78, a wider range of house finishes and increased links within and outwith the site have also been introduced.

Supporting Statement

The statement summarises the planning background, including the LDP allocation and policy context.

Design and Access Statement

The document appraises the site in terms of landscape, linkages, and the wider settlement character. It outlines 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. It considers the application

demonstrates the qualities of a successful place. An addendum to the statement was provided following changes to the layout through the application process.

Health Impact Assessment

This Assessment considers the current health profile of West Kilbride and health care provision. It considers the local medical practice is running at approx. 80% of capacity and the development should not therefore have a detrimental impact on the practice. The assessment states that a proposal in accordance with the six principles of a successful place should have a positive impact on health. The proposal has been designed to encourage interaction and active travel, with a mix of adaptable housing being proposed.

Flood Risk and Drainage Assessment

This Assessment identifies that the site is not at material risk of fluvial, surface water, groundwater or tidal flooding. The proposed SuDS scheme is considered to deal with surface water drainage

Transport Assessment

This Assessment considers the potential trip generation and distribution characteristics of the development. The site is considered to be accessible by sustainable transport and to 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 Appraisal (December 2021)

The site comprises semi-improved grassland, cultivated land, scattered scrub and scattered broadleaved trees. No evidence of any species of particular conservation note or rarity and no evidence of non-native invasive species. There is no roosting or hibernation potential for bats. The trees around the site provide opportunity for some nesting birds. It is not considered the site provides secure enough conditions for roosting, being on the urban edge and adjacent to the trunk road. It is unlikely to be a priority location for geese with better opportunities in other fields between West Kilbride and Hunterston. Biodiversity enhancement recommendations are made.

Tree Report

This Report assesses the condition of the existing trees on and around the site. It is considered the trees are in generally reasonable condition and no emergency interventions are required.

Air Quality Information

This document states that the proposed development is not predicted to have a significant impact on local air quality. Good practice mitigation for dust during construction is set out.

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 unviable for this site for technical reasons. The proposal is for a relatively 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.

Education Impact Assessment

This Assessment sets out the applicant's consideration of the impact of the development on West Kilbride Primary school. The report does not agree with the Council's calculations of impact on the school. However, it considers that the primary school is likely to require an additional hall to meet PE and dining provision. It is considered that a financial contribution of £522,324.40 (or £2,008.94 per house) would be required from the site.

The Town and Country Planning (Scotland) Act 1997 states that when determining planning applications regard shall be had 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 LDP are Strategic Policy 1: Spatial Strategy; Strategic Policy 2: Placemaking; Policy 1: New Homes and Maintaining an Effective Housing Land Supply; Policy 18: Forestry, Woodland, Trees and Hedgerows; Policy 22: Water Environment Quality; Policy 27: Sustainable Transport and Active Travel, Policy 29: Energy Infrastructure Development; and Policy 31: Future Proofing for Heat Networks

National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on the 11th January 2023 and is a material consideration for any planning application.

2. Consultations and Representations

Neighbour notification was carried out and the application was advertised. There have been 158 objections, 1 representation of support and 3 neutral representations. The objections can be summarised as follows:

1. Principle - The site should not have been allocated in the LDP. There is no need for private houses in the village as shown in the assessment carried out for the LDP. Social housing should be provided. A brownfield site should be considered. The changes since the adoption of the LDP, including the pandemic and the allocation of Hunterston as a national development site, means the allocation is no longer supportable. There are other sites around the edge of the village which are considered more suitable. A site on the east side of the A78 would avoid traffic issues.

The LDP states that development outwith boundaries of villages will be resisted. The proposal does not meet the Countryside Objective of the LDP. The development of the land would not meet other policies in the LDP. A site at Meadowfoot Road was refused for houses and the same reasons apply here. The land is prime agricultural land. The proposal is only to allow the Council to collect more tax revenue.

The proposal does not accord with the Planning (Scotland) Act 2019 which says open space strategies are required nor does it accord with NPF4 which requires an 'infrastructure first' approach to community development.

Many objections make reference to what are considered conditions imposed by the Scottish Government's Reporter when allocating the site in the LDP.

Response: The site has been allocated as suitable for housing. The LDP was examined by the Scottish Government and the site was included in the LDP having been considered appropriate through that process. The Council adopted the LDP in November 2019. As such the principle of houses on this site has been established and the development must therefore be determined against the relevant policies of the LDP. The Countryside Objective is not relevant to an allocated housing site. The proposal is considered against NPF4 below.

2. Density/Layout - The number of units and density proposed is out of keeping with the location. The LDP identifies around 175 units as being suitable and this application seeks 220, a 25% increase. A number of units should be removed. There would be areas of cramped development. This proposal could add an additional 1000 residents to the village. The scale is out of keeping with the village. The layout will give the appearance of a bolted-on development.

The proposed rear boundaries with Wild Cat Lane will have a negative impact on this local walking route. The building line on the east does not respect the properties to the south. The easternmost plots should be removed, and a landscape buffer introduced to create a more welcoming site and reduce the density. The easternmost houses appear too close to the road.

There is insufficient landscaping and greenspace proposed. There is no community space proposed. The layout does not make the most of the views i.e., to the west, whilst blocking the view from the existing village. The views of Arran within the site are limited to points around the SUDs pond and properties on the western side only.

NatureScot, in relation to the allocation of the site in the LDP, advise that a poorly designed development could have adverse impacts on local landscape character and setting. The layout will impact on the privacy of the properties to the south.

Response: The capacity identified in the LDP is indicative only and this application must be considered on its merits. It is noted that a density of approx. 20.55units per hectare for this site is comparable to the Montgomerie View development at the southern end of the village (20.5units per hectare), built in the last few years. It is not considered the scale or density of the development is out of keeping with settlement.

The proposal for rear boundaries to Wild Cat Lane have been removed. The layout has been amended with none of the houses backing onto Wild Cat Lane. The amendments have also facilitated views through the site east/west to maintain views towards Arran from the A78. The layout, including impact on adjacent houses, and landscaping is considered more fully below. However, it is considered appropriate to have houses on the eastern side facing onto the road.

3. Design - The proposed finishes and design are not in keeping with the rest of West Kilbride. Buff and red brick are not common features. Given the location a blonde tone brick and darker roof finish would have a better appearance. The designs do not take cues from the vernacular of the village.

This is a very prominent location. The house designs are out of keeping with the adjacent houses which are typically older and have unique architectural design. The houses should be 1.5 storey as a maximum. The house designs as proposed are incongruous and not distinctive. The designs appear more suited to an urban location than a countryside edge. The design of the houses is standard with no account of the area.

Response: The finishes and house types have been amended to include a wider range of materials and the introduction of 1.5 storey house types. These issues are considered more fully below.

4. Access/Roads - The A78 is extremely busy at certain times, and it can be very difficult to join from side roads. Pedestrians can struggle to cross the road. The proposal would more than triple the number of vehicles using Summerlea Road which is already a busy junction. The submitted transport assessment is incorrect and contradictory. The A78 is unsafe and there should be no development at this location in principle.

The new access onto the A78 is considered to be in the wrong place. The proposed 'ghost lane' is inadequate. The proposed cycle path does not link to any other cycle-friendly routes. Wild Cat Lane is a narrow unpaved path. The proposed junctions will exacerbate problems on the road network. A roundabout at Portencross Road/Snowdon Terrace would be a better solution.

The main access should be from Portencross Road. That road should be widened with traffic signals at the crossroads with the A78. The 30mph zone the A78 should be extended with further speed restrictions. A 30mph speed limit should be imposed on Portencross Road. No construction traffic should use Summerlea Road and there should be no off-site parking of construction vehicles.

Response: As above, the principle of development has been established. Changes to the A78 would be a matter for Transport Scotland. Both Transport Scotland and NAC Active Travel and Transportation have no objection to the proposal. Their responses are set out more fully below. It is considered there is sufficient space within the site for construction traffic. However, a Construction Traffic Management Plan could be required by condition. Any illegal or dangerous parking associated with the development would be a matter for the Police and/or the relevant Roads Authority.

5. Public Transport/Active Travel - The village is poorly served by public transport. Car parking in the village is very difficult and the development would exacerbate this matter. There is no extra capacity for parking at the train station. It is not considered occupants of the site will wish to cross the road by foot and walk-up hill to the village services, including the primary school which already has parking issues. A contribution by the developer towards parking provision should be made. The current bus times do not connect properly with the train service.

Portencross Road crossroads and the A78 to the immediate north and south are seriously hazardous. A traffic controlled pedestrian crossing at Portencross Road crossroads is already required.

Response: The comments about existing public transport are noted. However, the site is adjacent to existing bus stops and within 20minutes walk of the train station. The site is some 500m from the town centre of West Kilbride. NAC Active Travel and Transportation

has no objection in respect of the proposed parking. A pedestrian crossing of the A78 could be required by condition of any permission.

6. Education - The school is operating to capacity and cannot deal with an increased number of children from 220 units. There is no secondary school in the area. Nursey provision is inadequate. The Education Impact Assessment appears to criticise the Council's calculations in order to justify the plans and diminish any contribution. No application should be considered until a contribution to the primary school is agreed.

Response: NAC Education has been consulted and has confirmed that the primary school is not at capacity. However, it is acknowledged that the school will require works to upgrade future capacity. A contribution towards this upgrade could be secured through a legal agreement if planning permission is granted.

7. Village Services - The doctors' surgery and dentist service is very poor, and the development would adversely affect these services. Other services such as sewerage and emergency services are inadequate. Green spaces within the village have suffered due to overuse. The developer should contribute to infrastructure outwith the influence of the proposed development. The developer should keep adjacent properties advised of the progress of any works.

Response: The principle of the development has been assessed through the LDP allocation and found to be acceptable, subject to a consideration of impact on school capacity. Scottish Water has confirmed that there is sufficient wastewater capacity. The NHS has confirmed the village medical practice is not closed to further registrations. Interactions between the developer and residents through construction is not a material consideration for this application. However, the applicant has been made aware of the concern and should any statutory nuisance occur during construction NAC Environmental Health has power to take action as appropriate.

8. Environment - Loss of trees and destruction of habitat. The site is used by a wide variety of animal life. No details of tree protection. The site should be left as an area of natural beauty. The land has value to the village in terms of amenity and health benefits. Has an EIA been carried out? This is quality arable land and should not be lost. Gas boilers are not sustainable and renewable heat sources should be invested in. The loss of the space will have an impact on the physical and mental health of residents. Some trees on Wildcat Lane were planted as memorials.

Response: Details of tree works has been provided. Ninety trees are identified within or adjacent to the site. These are along the northern side of Summerlea Road and Wild Cat Lane. The development would require the removal of 8 trees and a further 6 trees require further investigations. Any permission could be subject to conditions requiring confirmation of proposed tree works and details of tree protections for the other trees. Trees in this area are also now subject to a provisional Tree Preservation Order and the Council will retain control over works to these trees if the TPO is confirmed.

The proposal was screened for EIA, and it was considered that an EIA was not required. However, a Preliminary Ecological Appraisal was required. Such an appraisal has been carried out and there is no evidence of any habitat or species of particular conservation note or rarity. Policy 29 of the LDP requires a developer of new houses to provide information as

to how the development will utilise low and zero and carbon technologies and this can be secured by condition if permission is granted.

9. Flooding - The proposal will add to flooding problems. There will be nowhere for water to run off from flooded roads. Some local residences have septic tanks which empty into the burn at Wild Cat Lane. It is not clear what will happen to this burn. The burn should be protected and not contaminated.

Response: The site is not identified by SEPA as being prone to river or coastal flooding. The very north-western boundary with Wild Cat Lane is identified as potentially susceptible to surface water flooding. This area would not be developed being a buffer between the nearest houses and Wild Cat Lane. The nearest houses would sit some 2.5m above the boundary with Wild Cat Lane. Surface water from the development would be stored in a SuDS basin which would then drain to the burn. NAC Flooding has no objection to the proposal and details to confirm drainage could be added to any permission.

10. Affordability - Affordable homes are required as are smaller house types. Eleven 2 bedroom houses out of 220 is considered inadequate. Smaller houses are needed to reflect the ageing profile of the population.

Response: There is no requirement for affordable houses within the Local Development Plan. Through the design changes to the site, the housing mix now comprises twenty 2-bedroom houses, sixty 4-bedroom houses and one-hundred and forty 3-bedroom houses.

11. Economic - There will be negligible local economic benefit. Any construction workers will have to be brought in from elsewhere. The reputation of the builder does not inspire confidence. This model of housebuilding brings nothing to local communities. The site could take many years to complete. Construction practices should be controlled to ensure quality and minimise impact on neighbours. The view of Arran will be lost, which will be detrimental to tourism.

Response: It is not considered the development will significantly impact tourism in the area. The reputation of an applicant is not material to a planning application. NAC Environmental Health has power to take action against any statutory nuisance during construction works.

12. Process - The plans were announced prior to Christmas which is considered was deliberate to ensure most people would be distracted. The consultation carried out by the applicant was a farce.

Response: The pre-application process carried out by the applicant met the statutory requirements of that time. There is no restriction on when a planning application may be submitted.

The comment in support of the development can be summarised as follows:

1. Great to see investment in the area. The revenue from new properties will help local services. Hope the site is of a quality to match the Hope Homes development.

Response: The revenue from such development is not a material planning consideration. The design and layout etc. are considered below.

The neutral representations can be summarised as follows:

1. Not against the principle of development but consider the proposed level will have an impact on local services.

Response: The principle of the development has been assessed through the LDP allocation and found to be acceptable, subject to a consideration of impact on school capacity.

2. The West Kilbride Golf Club would like assurances that there will be no flooding issues affecting their site. Any issues which do arise should be addressed immediately with no expense to the club. Details of likely discharge into the watercourse across the club land are sought. Should an emergency outflow to the sea be required?

Response: Noted. Details of drainage could be secured by condition should permission be granted. In terms of effect on neighbouring land this would be a private legal matter. However, the applicant has been made aware of these concerns and advised to contact the Club should permission be granted.

Consultations

West Kilbride Community Council (WKCC) - Object to the proposal. The units are a significant increase on the capacity in the LDP. It is claimed by the applicant that this is to provide 2-bedroom houses. However, only 11 such houses are provided. The density of housing is 9.6 per acre but the northern portion is as high as 11 per acre. The design of the houses is not in keeping with the area. Building should be low rise to respect views of the Clyde. If approved, no amendments to house type should be permitted.

The Reporter considering the LDP stated that landscaping should be carefully considered to respect public views across the Clyde and screening to local residents. NatureScot stated that poorly designed development could have adverse impact on local landscape character and setting and could impact coastal views towards Arran.

Any developer should contribute to local infrastructure outwith the site and should financially contribute to education contribution without any conditions. The A78 at the proposed access is susceptible to flooding and the burn which is piped through the fields appears to be cut off. No confirmation that the burn can take the runoff from the SUDs pond has been provided. It is also not clear if the existing sewers can cope. No landscaping for the eastern boundary is proposed. The existing trees on site should be retained. The electricity substation is not shown on the plans.

The traffic surveys would have been carried out when numbers were reduced due to the pandemic. There is likely to be 400 traffic movements a day during construction. A controlled crossing at this point would not be acceptable as it is within 50m of a de-restriction speed sign. A ghost island would similarly be unsuitable. Any traffic lights would have a significant effect on traffic on the A78. No access should be taken from the A78 or Summerlea Road. The access should be from Portencross Road. No construction traffic should be parked on Summerlea Road.

The Health Impact Assessment does not accurately reflect the increase in West Kilbride's population. Other Local Authorities have put a moratorium on new houses until the health service can deal with any increase.

Following changes to layout, WKCC consider the fundamental issue of crossing the A78 has not been addressed. There is no room on the eastern side of the A78 for a footpath. They do not consider the physical dimensions of the road have been checked. Any crossing near the junction of the A78 and B7048 would be dangerous. Extending the 30mph zone is unacceptable and could only be done by Transport Scotland.

If permission is to be granted, the following conditions should be considered by the Planning Committee: i) a construction management plan including no construction traffic from Summerlea Road, ii) tree protection during construction, iii) measures for controlling dust during construction; iv) a transport movement plan, agreement with Roads Authorities regarding crossings; v) measures for controlling noise during construction; vi) hours of construction to be restricted to minimise disturbance; vii) confirmation that the Wild Cat burn will not be cut off, viii) all existing drainage to Wild Cat burn to be maintained; ix) all issues road safety issues to be taken into account; and x) contractor to issue monthly newsletter to adjacent properties

Response: As outlined above, the design has changed through the application process. The layout has changed to introduce through views to the coast and Arran. There are now twenty 2-bedroom houses and 1.5 storey properties, and a wider mix of materials have been introduced. The proposed density of the site is 20.55 units per hectare, or 8.3 units per acre. These units are considered more fully below. Future amendments to house types, if any were sought, would have to be considered on their own merits at that time.

A contribution to the impact on the primary school could be sought through a legal agreement. NAC Flooding has no objection to the proposal and details of the SuDS scheme could be confirmed by condition. Scottish Water has no objection. The works to trees are considered below.

NAC Active Travel and Transportation and Transport Scotland have no objections. Transport Scotland required further survey work to be carried out by the applicant. The NHS has confirmed the local medical practice is open to further registrations.

In terms of conditions, any attached to a planning permission must meet the tests set out in the Scottish Government's Planning Circular 4/1998 i.e., they must be necessary, relevant to planning, relevant to the development, enforceable, precise, and reasonable in all other respects. Conditions should not duplicate the effect of other legislation.

Recommended conditions are set out below. It is considered that points i) – iv) raised by WKCC are covered by the conditions. Points vii) and viii) can be addressed in the conditions relating to drainage and flood management. Points v) and vi) are considered to be controlled by environmental legislation under which NAC Environmental Health can take action. As such these are not considered relevant to planning and would duplicate other legislation. Point ix) is addressed as part of the consideration of public comments above. Point x) is not relevant to planning. However, the developer has stated that they are willing to issue monthly development updates to WKCC or a representative of their choice ahead of their meetings. This would be a private matter between the WKCC and the developer.

Scottish Water - No objections. There is current sufficient capacity at the local water treatment works and for a foul connection. The applicant is advised to engage with Scottish Water.

Response: Noted

West of Scotland Archaeology Service - consider that the site lies in landscape populated with recorded archaeological sites. The site contains traces of cultivation remains in the form of rig and furrow and abuts an area of recorded prehistoric cropmarks. There is a good chance of unearthing visible or buried unrecorded remains.

It is suggested that if permission is granted, a condition should be imposed which required the submission of a scheme of investigation to be agreed. Any development should thereafter be carried out in accordance with such a scheme.

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

NAC Flooding - No objections. There is a limited degree of surface water flooding on the edge of the site. The applicant has submitted an acceptable flood risk assessment. If permission is granted, then conditions should be imposed relating to: details addressing run-off entering the north-east corner of the site; an assessment of flood risk from the proposed surface water infrastructure; detailed design of the SuDS basin; confirmation of ground levels for the western side; and full details of water quality treatment measures.

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

Transport Scotland - No objections subject to conditions. The development shall not commence until a detailed design of the access onto the A78 and alterations to the geometry of the road, is submitted to the Council and Transport Scotland for approval. Any scheme approved will thereafter be carried out in accordance with any details approved. Details of a signal-controlled pedestrian crossing and of any footpath between the crossing and the junction with Portencross Road as well as an uncontrolled crossing must also be submitted and approved. These must be constructed prior to occupation of the development. A Travel Plan that sets out proposal for reducing dependency on the private car shall also be submitted as should details of the boundary treatments with the A78. A Construction Traffic Management Plan shall be submitted and details of what that should include are given. Details of street lighting should also be provided.

Response: Noted. The requirements of Transport Scotland could be governed by condition. In respect of the street lighting within the site that would be a matter for the required Roads Construction Consent and not a matter for the planning application.

NAC Regeneration (Active Travel and Transport) - No objection. The final location of the crossing of the A78 should be agreed with Transport Scotland. It is recommended that the 30mph speed limit on the A78 be extended to the north so that the crossing can be close to the junction with the B7048, this would then require amended footpaths within the site. It is considered that the change of speed limit could be a condition of any planning permission. If this cannot be achieved, then the crossing should be constructed as shown. It is also considered that a condition should be attached requiring the widening of the existing footway on the B7048 from the A78 to No. 30 Portencross Road.

Response: A condition relating to pavement widening of B7048 could be attached to any permission. However, the change of the 30mph zone for the A78 is not a planning issue and

cannot be controlled through the planning permission. It would be a matter for Transport Scotland as Trunk Road Authority. The requirement for a crossing for the A78 could be governed by condition and could allow Transport Scotland to consider the position and enter into discussions with the developer in respect of the speed limit.

NAC Environmental Health - No objections subject to conditions. A desk study of likely contamination should be carried out with appropriate investigation and remediation if required. Any unsuspected contamination found during works shall be brought to the attention of Environment Health. The proposed dust mitigation measures should be included in Construction Environmental Management Plan (CEMP). The CEMP should be submitted for prior approval of the Council. The contents of the Air Quality Impact Assessment are noted and that it was prepared for 264 units and not 220 units. Advice on construction time and methods is provided to the applicant.

Response: Noted. A condition regarding contamination could be added to any permission, if granted, as could a condition relating to dust. Environmental Health can take action against any statutory nuisance regardless of the planning position.

NAC Education -A forecast of 68 children being generated from the development. This is calculated at 0.31 children per house. The applicant's report which claims this will fall to 0.11 children per house following the first cohort is noted. However, NAC Education use 0.31 as the average. This is based on knowledge of the wider area. For example, there are currently 0.45 children being generated by the completed development at Montgomerie Park, Irvine and 0.5 children at Tarryholme, Irvine.

West Kilbride Primary has a maximum capacity of 437 pupils. That would be 100% occupancy. Capacity has been reduced to 410 pupils to reflect the operational difficulties should capacity rise above 90%. The school requires 3 General Purpose (GP) spaces. There are currently 3 at West Kilbride, namely the music room, AV room and library.

It remains NAC Education's position that 2 additional classrooms will be required to bring the primary school to an 18-class structure, to accommodate the children from this development. An additional hall to adequately provide PE and lunches for this number of classes would be required. This would allow the school to continue to operate with the existing GP rooms.

Response: Noted. The applicants have submitted their own Education Impact Assessment which recognises a contribution to mitigate the impact on the primary school is required. The extent of the impact differs between the applicants and NAC Education. However, if permission is granted it could be subject to a S.75 Legal Agreement to contribute to the requirements of the primary school. This would allow the Council and applicant to continue discussions on the nature and extent of any contribution. Planning permission would not be issued unless and until such an Agreement is made.

NHS - Confirmed that the local medical practice has not been closed for new patient registrations. The NHS Primary Care Team works closely with the practice on any issues raised by patients.

Response: Noted.

3. Analysis

All planning applications are required by the Planning Acts to be determined with regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. It is considered that the main considerations for this application are therefore the North Ayrshire Council Local Development Plan (LDP) adopted November 2019 and the Scottish Government's National Planning Framework 4 (NPF4).

It is considered that the LDP and NPF4 are broadly similar. NPF4 has 33 policies on a wide range of considerations. In respect of this application, it is considered that the relevant policies of NPF4 are Policies 1, 2 and 3, which relate to sustainable places; Policy 6, which relates to trees; Policy 13, which relates to sustainable transport; Policies 14 and 15, which relate to liveable spaces; Policy 16 which relates to providing quality homes; Policy 18 which relates to an infrastructure first approach; Policy 21 which relates to opportunities for play; and Policy 24 which relates to digital infrastructure.

The site is allocated as a Housing Site in the LDP. Strategic Policy 1 states that the Council wants to direct the right development to the right place. It also states that developer contributions will be required where any identified capacity issues arise. Policy 1 states that residential development will be supported in principle on Housing Sites.

The site has an indicative capacity for 175 homes in the LDP. However, it is not considered that the proposal for 220 homes is excessive, and the layout of the proposal is assessed below. The site layout proposes a density of some 20.55 units per hectare, which is similar to the most recent development of this scale in West Kilbride, Montgomerie View, which is also accessed off the A78.

The site is identified in the LDP as requiring an Education Impact Assessment. This Assessment has been carried out and the applicant recognises the impact of the proposal on the local primary school. NAC Education has stated that a contribution to the school would be required. The level of contribution would be a matter for agreement, and this could be secured through a S.75 Legal Agreement, and would be agreed between the Council and applicant, if permission is granted. The permission would not be issued unless and until such an Agreement had been made.

The applicant has also produced a statement, as a requirement of Policy 16 of NPF4, explaining the contribution of the development to local housing, again acknowledging the need to contribute to the local school infrastructure and the provision of play space which will be accessible to all. This is noted.

Subject to such a Legal Agreement, 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. As the site is allocated in the LDP and the required statement has been provided, the proposal also accords with Policy 16 of NPF4. As a need for a contribution to the local school is identified, the proposal, subject to a Legal Agreement, also accords with Policy 18 of NPF4.

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. NPF4 also embodies the six qualities of a successful place in planning policies. The NPF4 wording is slightly different. However, it is considered they are similar to Strategic Policy 2.

Policy 22 of the LDP states that development will be required to ensure no unacceptable adverse impact on the water environment. Development should ensure that appropriately sized buffer strips are maintained between the built and water environments.

Policy 26 of the LDP states that the Council will encourage the provision of digital infrastructure to new homes.

The proposal includes open space within the site and along both the western edge and northern end of the site, including play space. There would be smaller areas adjacent to public footpaths and the SuDS basin. The open space accounts for approx. 16.5% of the total site. The houses would be a mainly two storeys although there would be one and half storey properties along the northern and eastern boundaries. The landscaping strategy would be to retain existing trees where possible and plant trees throughout the streetscene. Open space and public facing front gardens would be edged with hedges. Play areas would be a mix of formal equipment and natural landscaping.

The layout of the site has been redesigned through negotiation with Planning Officers. The site would have a principal access on the eastern side, from the A78. There would be a secondary access on the southern boundary, from Summerlea Road. The site would be largely aligned east/west with houses facing outwards on all edges of the site. The east/west roads would provide views through the site and from the exiting settlement towards the coast and Isle of Arran. The housing on the edge would ensure the development faced the existing road and path network and ensured a welcoming appearance. The centre of the site would have a mixture of detached and terrace houses facing onto a green open space. This would be split in two by the principal access road. The road would have a landscape feature.

The southern boundary would have detached houses in larger plots facing onto Summerlea Road, which reflects the settlement pattern on the opposite side of that road. Two properties would have private drives off that road whilst the other eleven proposed properties would share three accesses. To the immediate north would be rows of similar houses with open space and a play area.

The western side of the site would principally have detached houses facing west, which would provide an open boundary between the development and Wild Cat Lane. The footpath links from the development to Wild Cat Lane would be provided at both the northern and southern ends. Development on this side of the site would be some 16m from the watercourse on the opposite side of Wild Cat Lane. NAC Flooding has no objection to the drainage proposal submitted and further details could be governed condition. Footpath links could be governed by condition to ensure they are provided prior to the occupation of the closest houses.

The northern boundary would also be open, which would create a landscaped area, including play provision between the houses and the western side of the B7048. The houses in this location would be one and half storey to limit any visual impact outwith the settlement. The north-eastern corner would provide a landscaped buffer further softening the appearance of the development when viewed on approach from the north. Details of the landscaping and play areas could be governed by condition if permission is granted.

The eastern side of the site would have a mixed of detached, semi-detached and terraced houses facing onto the A78. However, these properties would have no individual vehicular access and would be accessed from within the site. There would be one and half storey properties at the southern end to reflect the property types on the western side of the A78 to the south. The property types to the north would be two storeys to reflect those on the opposite side of the A78. The existing stone wall on the eastern boundary would be retained and re-aligned at the access. Details of boundary treatments can be governed by condition if permission is granted.

As stated above the proposed houses would be of various sizes. The two storey properties would mainly have pitched roofs with gable features. The one and half storey properties would have gable dormer windows. There would be a mix of finishes with white render predominating, with features such as buff-coloured cills and stone finishes for some properties. Some properties would be finished in brick. Roof material would also vary with grey and red tile proposed with properties being fitted with solar panels. It is noted that there is a mix of such finishes within the area and the mix should provide visual interest throughout the site.

Each property is considered to have adequate garden space and there is not considered to be any significant overshadowing or overlooking within the site. The development would be some 25m from the nearest properties to the east and approx. 35m from the nearest properties to the south. Given the distances it is not considered that the development would result in any significant overlooking or overshadowing outwith the site. The properties would be fitted with a fibre connection for communications access.

Given all of the above, the proposal is considered to accord with the 'distinctive,' 'safe and pleasant,' 'welcoming' and 'adaptable' qualities of Strategic Policy 2. Given the separation distance to the nearest watercourse, the proposal is also considered to accord with Policy 22 of the LDP. The proposal includes provision for play, both informal and with formal equipment and as such accords with Policy 21 of NPF4. The provision of fibre connections for communication access accords with Policy 26 of the LDP and Policy 24 of NPF4.

Part of the southern boundary of the site is within a TPO. The application has assessed the impact on these trees and also those on Wild Cat Lane, which are outwith the application site. It is proposed to remove a total of 8 trees from a total of 90 specimens. Those to be removed are at the positions of the proposed accesses at the western end of the southern boundary. A further 6 trees, adjacent to those to be removed, are assessed as requiring further investigation as works progress. It is considered that the impact of the works on the wider tree coverage would be minimal, and the loss of the trees would not unduly impact on amenity. As the trees requiring further assessment are within a TPO, the Council would retain control over those trees. Any further works would require to be approved by the Council. If permission is granted, tree protection measures during construction for the trees to be retained could be required by condition. As above, landscaping including tree planting is proposed and further details could be governed by condition.

The site mainly comprises semi-improved grassland and cultivated land with some scattered scrub. The scattered broadleaved trees on the edge are noted. The site is considered to be essentially an arable farming habitat type. As such there is no evidence of any species of particular conservation note or rarity. There is also no evidence of non-native invasive species. The use of the field for foraging wildfowl is noted. However, it is unlikely to be a priority location with better opportunities in other fields between West Kilbride and

Hunterston. It is noted that there are approx. 290ha of similar habitat north of the site, west of the A78 and south of Goldenbrry Hill alone.

An ecological assessment with recommendations for biodiversity enhancement has been submitted as part of the application. This includes recommendations for landscaping which use native species and provision of hedgerow and scrub planting. Garden boundaries should include base gaps for species movement. Trees on access roads can reduce bat collision and bat and bird boxes should be installed.

The biodiversity recommendations are noted and as details of landscaping and boundaries are required by condition, they could include such recommendations to ensure implementation.

Given the above, it is considered the proposal accords with Policy 18 of the LDP. As biodiversity can be enhanced and the tree cover of the area improved, it is also considered the proposal accords with Policies 3 and 6 of NPF4.

As stated above, the site was allocated in the LDP as suitable for housing. The site sits on the western side of the A78 and is adjacent to existing bus stops. The site is some 500m from the town centre and under 20mins walk from the train station. The proposal has been designed to allow travel through and beyond the site with links to Wild Cat Lane and Summerlea Road. From those locations access can be made to the coast across West Kilbride Golf Course, to Portencross and beyond on the core path network. It is considered the proposed parking is appropriate and the developer has provided information to demonstrate bin collection can be carried out within the site.

Transport Scotland and NAC Active Travel and Transportation have no objections. The requirements of Transport Scotland with regard the accesses and crossing can be governed by condition, if permission is granted. The requirements of NAC Active Travel and Transportation, with respect to the non-trunk road network, can also be governed by condition. Given the above the proposal is considered to accord with the 'easy to move around and beyond' quality of Strategic Policy 2 and Policy 27 of the LDP and Policies 13 and 15 of NPF4.

Policy 29 of the LDP states that proposals for all new buildings will be required to demonstrate at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation of low and zero-carbon generating technologies.

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 assessed the possibility of a heat network. A heat network is considered unviable for technical reasons due to the proposal being for a relatively low-density development next to other similar uses. There are no large-scale heat sources in the area. Given the nature of the proposal and neighbouring

houses, it is considered this assessment is reasonable and the proposal meets Policy 31 of the LDP.

The Energy Statement also sets out the energy efficiencies in house design. The layout of the site has allowed for solar gain and energy generation from solar panels and maximising shelter from prevailing winds. The proposed houses would fully comply with Scottish Building Standards. The compliance with Building Standards is noted and as this would be a matter through the Building Warrant process, it is considered appropriate to require details to be confirmed by condition prior to the commencement of any development, if approved. Subject to such a condition, the proposal is considered to accord with Policy 29 of the LDP.

Given the above the proposal is also considered to meet the 'resource efficient' quality of Strategic Policy 2. As all qualities of a successful place are met, the proposal also accords with Policy 14 of NPF4.

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 and on conclusion of an Agreement under S.75 of the Town and Country Planning (Scotland) Act 1997, as amended, in relation to an education contribution.

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

In recognition of the potential archaeological interest of the site.

Condition

2. That prior to the commencement of the development, a desk study of the site to assess the likelihood of contamination and assist the design of an appropriate site investigation and subsequent suitable risk assessment, including remediation proposals if required, shall be undertaken. The study shall be verified by a suitably qualified Environmental Consultant and shall be submitted to and approved by the Council, as Planning Authority, prior to commencement of the development.

Reason

To ensure appropriate consideration is given to the likelihood of contamination of the site.

Condition

3. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of NAC Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of Council as Planning Authority.

Reason

To ensure appropriate remediation of any unsuspected contamination which may be uncovered during works.

Condition

4. On completion of the development, written verification detailing what was done by way of any remediation shall be submitted to the Council, as Planning Authority.

Reason

To ensure appropriate record of any remediation works which may have been carried out.

Condition

5. That prior to the commencement of the development, a Construction Environmental Management Plan (CEMP) shall be submitted for the approval of the Council, as Planning Authority. The CEMP shall include the proposed Dust Mitigation recommended in Appendix 6 of the Air Quality Impact Assessment report by ITP Energised, Project No 4667 v1, submitted as part of this application, dated 25th November 2021. The CEMP shall also include a Construction Traffic Management Plan which will include details of construction vehicle wheel washing. The development will be carried out in accordance with any CEMP as may be approved.

Reason

To minimise impact from construction particularly in respect of dust and construction traffic.

Condition

6. That prior to the commencement of the development, the detailed design for the proposed access to the trunk road, shall be submitted to the Council, as Planning Authority, for approval in consultation with Transport Scotland as the Trunk Roads Authority. Detailed designs shall be to a standard compliant with DMRB CD 123.

Reason

To ensure appropriate access to the trunk road and to meet the requirements of Transport Scotland, as Trunk Roads Authority.

Condition

7. There shall be no access to or from the A78 trunk road until the new access to the trunk road has been constructed and completed in accordance with any details as approved under Condition 6. For the avoidance of doubt no access for construction traffic shall be taken from Summerlea Road.

Reason

To ensure appropriate access to the trunk road, allow the formation of a site compound and to allow the development of the site in an appropriate manner.

Condition

8. That prior to the commencement of the development, details regarding the design for the proposed geometric alterations to the A78/B7048 priority junction, shall be submitted to and approved in writing by the Council, as Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority. Any approved works shall be carried out prior to the occupation of any part of the site.

Reason

To ensure appropriate alterations to the junction in the interests of road safety and to meet the requirements of Transport Scotland, as Trunk Roads Authority.

Condition

9. That prior to the commencement of the development, detailed design and final location for the proposed signal-controlled pedestrian crossing shall be submitted to the Council, as Planning Authority, for approval in consultation with Transport Scotland as the Trunk Roads Authority. Any crossing as may be approved shall be constructed prior to the occupation of any part of the site.

Reason

To ensure an appropriate crossing in the interests of road safety and to meet the requirements of Transport Scotland, as Trunk Roads Authority.

Condition

10. That prior to the commencement of the development, detailed design of the A78 footway between the pedestrian crossing and the A78/B7048 junction shall be submitted to the Council, as Planning Authority, for approval in consultation with Transport Scotland as the Trunk Roads Authority. Any footway as may be approved shall be constructed prior to the occupation of any part of the site.

Reason

To ensure an appropriate footway in the interests of road safety and to meet the requirements of Transport Scotland, as Trunk Roads Authority.

Condition

11. That prior to the commencement of the development, details regarding the design for the proposed geometric alterations to the A78/Summerlea Road priority junction, shall be submitted to and approved in writing by the Council, as Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority. Any approved works shall be carried out prior to the occupation of any part of the site.

Reason

To ensure appropriate alterations to the junction in the interests of road safety and to meet the requirements of Transport Scotland, as Trunk Roads Authority.

Condition

12. That prior to the commencement of the development, detailed design and final location for the uncontrolled pedestrian crossing shall be submitted to the Council, as Planning Authority, for approval in consultation with Transport Scotland as the Trunk Roads

Authority. Any crossing as may be approved shall be constructed prior to the occupation of any part of the site.

Reason

To ensure an appropriate crossing in the interests of road safety and to meet the requirements of Transport Scotland, as Trunk Roads Authority.

Condition

13. That prior to commencement of the development, a Phasing Plan shall be submitted for approval by the Council, in consultation with Transport Scotland as the Trunk Roads Authority. The development will thereafter be carried out in accordance with any phasing plan as may be approved.

Reason

To allow the impact of the phasing of the works on the trunk road network to be assessed and to meet the requirements of Transport Scotland, as Trunk Roads Authority.

Condition

14. That prior to the occupation of any part of the development, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved by the Council, as Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority.

Reason

To ensure travel to and from the site is considered fully to minimise vehicular traffic movement and to meet the requirements of Transport Scotland, as Trunk Roads Authority.

Condition

15. That prior to the commencement of the development details of all boundary treatments both within and on the edges of the site shall be submitted to the Council, as Planning Authority, for approval. Any boundary for the edge of the trunk road will be approved in consultation with Transport Scotland. Any proposed new boundary treatments shall include 13cm x 13cm gaps to allow animal movement.

Reason

To ensure appropriate boundary treatments in the interests of visual amenity, road safety and biodiversity.

Condition

16. That prior to the commencement of the development details of all existing and proposed landscaping and play areas, including management and maintenance details, shall be submitted to the Council, as Planning Authority, for approval. Landscaping shall include the recommendations set out in Section 7, Paras 3 – 5 and 10 of the Ecological Assessment report by JDC Ecology, submitted as part of this application, dated 1st December 2021.

Reason

To ensure appropriate landscaping and play areas in the interest of amenity and biodiversity.

Condition

17. That any landscaping scheme as may be approved under Condition 16 shall be carried out in the first planting season following completion or occupation of the houses within the relevant phases approved under condition 13, whichever is soonest, or unless otherwise agreed in writing by the 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 the Council, as Planning Authority, gives written consent to any variation.

Reason

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

Condition

18. That the any play area for the southern end of the site approved under Condition 16 shall be erected and available for use prior to the occupation of any houses on Plots 19 to 26 or Plots 56 to 64 unless otherwise agreed in writing by the Council, as Planning Authority.

Reason

To ensure timely provision of play areas.

Condition

19. That the any play area for the northern end of the site approved under Condition 16 shall be erected and available for use prior to the occupation of any houses on Plots 181 to 189 or Plots 201 to 204 unless otherwise agreed in writing by the Council, as Planning Authority.

Reason

To ensure timely provision of play areas.

Condition

20. That prior to the commencement of the development details of tree protection measures during construction shall be submitted to the Council, as Planning Authority. The details should conform with BS 5837. Prior to the commencement of plots 44-52 an Arboricultural Impact Assessment to agree driveway positions n is to be submitted to and approved by the Council, as Planning Authority. Any details as may be approved will be implemented prior to the commencement of any works.

Reason

To ensure adequate protection of trees during construction.

Condition

21. That prior to the commencement of the development details of footway widening on the B7048 to a minimum of 2m, unless otherwise agreed in writing with the Council, as Planning Authority, from the junction of the A78 to No. 30 Portencross Road shall be submitted to the Council, as Planning Authority, for approval. Any details as may be approved shall be carried out prior to the occupation of the development.

Reason

To ensure appropriate footway links between the site and the eastern end of the B7048

Condition

22. That prior to the commencement of the development, details of measures to address the runoff entering the northeast corner of the site from the A78 and B7048 road junction are submitted to the Council, as Planning Authority, for approval. Thereafter the development will be carried out in accordance with any details as may be approved.

Reason

To ensure appropriate consideration of the potential for runoff from the road network into the north-eastern corner of the site.

Condition

23. That prior to the commencement of the development, an appropriately detailed drainage assessment identifying any potential flood risk from the proposed surface water infrastructure at times up to and including the 1 in 200 year the critical storm event (plus climate change and urban creep allowances) shall be submitted to the Council, as Planning Authority, for approval. Where flood risk is confirmed, flood flow-paths should be designed and maintained to disperse exceedance flows to the water environment without affecting people and property during times of intense rainfall. Such flood flow-paths should be provided for approval prior to the commencement of the development.

Reason

To ensure flood risk from the surface water drainage infrastructure is appropriately assessed and flood flow-paths designed where necessary, in the interest of the proper drainage of the site.

Condition

24. That prior to the commencement of the development, the detailed design of the SuDS basin shall be provided to the Council, as Planning Authority, for approval. This should include measures such as a section of reduced crest level that would control overtopping when the holding capacity of the basin is exceeded, either during periods of intense rainfall or when the outfall is blocked. Thereafter the development will be carried out in accordance with any details as may be approved.

Reason

To ensure the SuDS basin is appropriately designed to mitigate intense rainfall or outfall blockage.

Condition

25. That prior to the commencement of the development, details of the site levels for the western side of the site shall be submitted to the Council, as Planning Authority, for approval. Thereafter the development will be carried out in accordance with any details as may be approved.

Reason

To ensure the western side of the development will not impact on the area of existing flood risk.

Condition

26. That prior to the commencement of the development, full details of water quality treatment measures are submitted to the Council, as Planning Authority, for approval.

Thereafter the development will be carried out in accordance with any details as may be approved.

Reason

To ensure appropriate water quality treatment measures

Condition

27. That the footpath links on the eastern side of the site shall be formed and open prior to the occupation of the adjacent house. The footpath link on the southern side of the site shall be formed and open prior to the occupation of Plot 53. The footpath link on the southern side of the western side of the site shall be formed and open prior to the occupation of Plots 190 and 191. The footpath link on the northern end of the western side of the site shall be formed and open prior to the occupation of Plot 153.

Reason

To ensure timely footpath connections in the interests of active travel links from the site.

Condition

28. That, prior to the commencement of the development hereby approved, a statement containing details of the heat and power systems for the houses, which shall include low or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be submitted for the written approval of the Council, as Planning Authority. Thereafter, the development shall be implemented in accordance with such details as may be approved unless otherwise agreed in writing with the Council, as Planning Authority.

Reason

In the interests of environmental protection in accordance with Policy 29 of the adopted Local Development Plan.

Condition

29. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed finishing materials for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.

Reason

In order to ensure that the finishing materials are high quality and attractive; in the interest of the visual amenity of the area.

James Miller
Chief Planning Officer

For further information please contact Mr Iain Davies on 01294 324320

Appendix 1 – Location Plan

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