
NORTH AYRSHIRE COUNCIL

24 June 2020

Planning Committee

Locality	Kilwinning
Reference	20/00106/PPM
Application Registered	13th February 2020
Decision Due	13th June 2020
Ward	Kilwinning

Recommendation	Approved subject to Conditions
-----------------------	--------------------------------

Location	West Byrehill Industrial Estate Byrehill Place Kilwinning Ayrshire
-----------------	-----------------------------------------------------------------------

Applicant	Dawn Homes Limited
------------------	--------------------

Proposal	Residential development comprising 76 no terraced and semi-detached dwelling houses with associated infrastructure and landscaping
-----------------	------------------------------------------------------------------------------------------------------------------------------------

1. Description

Planning permission is sought for a major residential development on vacant land at West Byrehill in Kilwinning. A site inspection was undertaken by planning officers during early March 2020.

The 3ha site is roughly rectangular in shape and lies to the east of the remaining industrial/storage building of West Byrehill Industrial Estate and west of the Council's transport depot, beyond which is the office block known as Montgomerie House. To the south is a large expanse of former industrial land that is entirely cleared of all buildings and overgrown with grasses and wild plants. Beyond is the A78 Kilwinning Bypass which follows an east-west alignment. Nearby is the Kilwinning Ambulance Station. To the north is a public footpath which follows the edge of an established belt of plantation woodland, beyond which is Pennyburn Road. The site has a flat topography and is comprised of rough grassland and scrub. A double row of hawthorn trees crosses the site, indicating what remains of a former farm track that once connected Stevenston Road to the railway line before the area was developed for industry in the 1970s. There are no buildings on site and historic map evidence indicates that it has not previously been developed. Whilst being within an industrial estate, it is evident that no development has taken place on the land in the past, other than the provision of underground sewers.

It is proposed to erect 76 dwellings on site comprising a mix of semi-detached and terraced house types. The development would be a combination of houses for sale, by Dawn Homes, and social rent, by Cunninghame Housing Association. There would be 40 houses built for sale, mostly 3 bedroom terraced homes as well as some 2 bedroom units. The remaining 36 houses would be mostly 2 bedroom units. In total, there would be nine variations in terms of house types, most of which would have 2 storeys with a small number of single storey houses included for elderly residents or wheelchair users (6 no.). All of the houses within the development, irrespective of tenure, have been designed to complement each other. The houses would be finished primarily in a light-coloured render with facing blockwork or brickwork to provide features around doors and ground floor windows. Roofs would be finished with grey concrete roof tiles and windows would be in uPVC (colour to be specified). All houses would have front and rear garden areas. In curtilage parking would be provided for plots with larger front gardens. For the houses on the western and southwestern edges of the site, which would face onto Byrehill Place, smaller front gardens facing onto footpaths would be provided, with parking provided to the rear.

The proposed development includes all associated access roads, footpaths, open spaces, public utilities and infrastructure and a sustainable drainage system (SuDS) in the form of a large detention basin in the southwest corner of the site. A play area would be provided in the northwest corner of the site.

A processing agreement was entered into following collaborative pre-application discussions between the applicant's agents and Council officers in relation to the site layout. This resulted in a number of modifications to ensure the principles of Designing Streets and Placemaking were fully embedded in the submitted application.

The proposed street layout utilises an interconnected grid of small blocks with one vehicular access onto Byrehill Drive and pedestrian footpath connections to the west, north and south of the site. The proposed terraced houses adjacent to Byrehill Place would face onto a wide footpath bounded by a hedgerow with grass verge beyond (all parking would be to the rear, as noted above). The houses adjacent to Byrehill Drive would be sited with their gables facing the road. The houses on the eastern boundary would all back onto the transport depot, bounded with a screen fence. The houses along the north boundary would either back on or be gable on to the existing pedestrian footpath, which would be retained and connected into the development with three separate link points. The road and path surfaces would be varied to indicate a hierarchy of routes within the site, and speed reduction features would be integrated into the road design. Visitor parking would be spread throughout the site.

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

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

The site is identified as a general urban area in the adopted Local Development Plan. The proposed development would be the first phase of the development of the West Byrehill site, with planning permission in principle having been granted in 2015 for residential development and a neighbourhood centre (ref. 13/00038/PPPM).

The proposal is classed as a major development in terms of The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. A pre-application consultation (PAC) was required and a PAC notice was received on 24th September 2019 (ref. 19/00724/PREAPM). The application is subject to a processing agreement.

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 29th October 2019 at the Cranberry Moss Community Centre in Pennyburn. The report notes there were 11 attendees at the event. In addition to oral feedback provided during the event, one feedback form was received by email. Comments raised included concerns about the busy roads near the site especially near St Luke's Primary School at school opening/closing times as well as the impacts of construction traffic. Feedback also indicated support for the retention of the trees between the site and Pennyburn Road.

Design and Access Statement

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

Site Investigation Report/Coal Mining Risk Assessment

A comprehensive range of site investigation, combining both desktop studies and intrusive investigation has been undertaken, concluding that the site is not at risk from any historic coal workings in the area. The findings will inform land engineering operations and foundation design, including ground gas protection measures.

Transport Assessment

The report studies the accessibility of the site in relation to the surrounding road and footpath network. It considers measures which could be incorporated into the development to promote active travel as well as the use of public transport. This concludes that information relating to local walking, cycling and public transport facilities should be left in each house by the developer for the first owners/tenants.

Health Impact Assessment

The report primarily considers access to the site by active means such as walking and cycling. Together with the findings of the Transport Statement, it highlights that due to its location, the proposed development, together with measures proposed in relation to improving local footpath connections, would be capable of supporting active and healthy lifestyles.

Flood Risk Assessment and Drainage Strategy Report

The study considers all potential sources of flooding and considers site drainage. It concludes that the site is not at risk from coastal or fluvial flooding. Localised undulations currently contribute to some rainfall gathering in parts of the site, which would be resolved by the construction of a formal system of drainage and SuDS features. A SuDS detention pond has been proposed to attenuate surface water flows in excess of site discharge limits. The report concludes that, by implementing the recommendations it contains, the proposed development would not be at risk of flooding, would not increase the risk of flooding elsewhere, and that the development can be drained in a sustainable manner.

Ecology Report

The report follows a survey of the site for European Protected Species and other habitats. The report takes into account the relevant legislation and makes a series of recommendations in relation to the need for further surveys prior to development to protect birds and mammals, and to prepare a biodiversity action plan for implementation by the developer.

Noise Assessment

The consultant's report identifies the sources of noise around the site. These include the adjacent council transport depot, industrial units and the ambulance station/workshop. Various tests were undertaken to analyse the noise generated by specific activities e.g. ambulance sirens, forklift and refuse vehicle movements and others. The report indicates that plots 1 - 16 (to the west of the site) would be the most exposed to daytime ambulance alarms tests. Mitigation measures have been recommended, which would be provided in the form of specially designed wall vents, high performance double glazing units and, for the eastern boundary, acoustic fencing.

Relevant Development Plan Policies

SP1 - Towns and Villages Objective

Towns and Villages Objective

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

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

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North

Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.

c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.

d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.

e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:

- o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).

- o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.

f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

Strategic Policy 2

Placemaking

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

Six qualities of a successful place

Distinctive

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

Welcoming

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

Safe and Pleasant

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

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

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

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

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

Easy to Move Around and Beyond

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

Detailed Policy 1 -New Homes/Land Supply Policy 1:

New Homes and Maintaining an Effective Housing Land Supply

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

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

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

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

Detailed Policy 22 - Water Envir Quality

Policy 22:

Water Environment Quality

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

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

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

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

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

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

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

Detailed Policy 23-Flood Risk Management

Policy 23:

Flood Risk Management

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

Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

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

Detailed Policy 27

Sustainable Transport and Active Travel

We will support development that:

contributes to an integrated transport network that supports long term sustainability

- reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities
- provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.
- 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.
- 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.
- 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.

- 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.
- 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:

- the implications of development proposals on traffic, patterns of travel and road safety.
- 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.
- the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.
- 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.
- committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
- 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.
- The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
- The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
- 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:

- National Cycle Network (NCN) Route 73 (North) between Brodick and Corrie on the Isle of Arran
- NCN Route 753 between Skelmorlie and Ardrossan
- 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 31 - Future Proofing for Policy 31:

Future Proofing for Heat Networks

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

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

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

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

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

2. Consultations and Representations

The application was subject to the statutory neighbour notification process, which included an advertisement in a local newspaper. No representations were received.

NAC Active Travel and Transportation - No objection. An assessment of the strategic road network in the vicinity of the site was carried out during 2015, which concluded that up to approximately 180 houses could be completed within West Byrehill without having a detrimental impact on the current operation of the adjacent strategic road network. As such, no strategic infrastructure improvements are required in the immediate timescale to accommodate the proposed development. In addition, pre-application discussions have taken place with the development to establish an internal street design that is acceptable and meets with 'Designing Streets' principles.

Response: Noted. The planning permission in principle for West Byrehill, dating from 2015, also reflects the above findings. Final specifications for street surfaces would be addressed at the road construction consent stage.

NAC Environmental Health - no objection, with a range of comments provided in relation to noise impacts from nearby industrial/commercial uses and air quality.

Response: This consultation response was issued to the applicant's consulting engineers. Their feedback on the matters raised has been delayed due to the relevant specialists being furloughed as a result of Covid-19. However, given that planning permission in principle for residential development on the site has previously been granted, the matters raised by Environmental Health, which are of a technical nature, can be addressed by condition. This would enable the remaining technical work to be undertaken in relation to noise mitigation and air quality prior to the commencement of the development.

NAC Flooding Officer - no objection, with a range of comments provided in relation to flood risk for consideration by the applicants.

Response: The consultation response was issued to the applicant's consulting engineers who provided a detailed response to the points raised. Accordingly, all of the technical matters relating to surface water drainage and flood risk have been addressed in the supporting information.

SEPA - no objection on flooding grounds, with advice provided in relation to surface water and foul water drainage systems. The drainage serving the development must take into account the risk of flooding from rainfall sources and the overland flow implications in the event of large volumes of rain water.

Response: Noted. Adequate technical information in relation to drainage has been submitted with the application.

Scottish Water - no objections. The site is served by public sewers and the public water supply and there is currently capacity within the systems. The developer should contact Scottish Water for further advice regarding network connections once planning permission has been granted.

Response: Noted. An informative can be attached to address the points raised by Scottish Water.

3. Analysis

In accordance with statute, planning applications require to be determined in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. As noted above, the site is allocated as a housing site in the North Ayrshire Local Development Plan (LDP), adopted November 2019. In the foreword of the LDP, it is stated that:

'We recognise that building new homes will be important to growing our population and we have planned for more than 4000 new homes being built in the next 10 years. Our focus is on the deliverability of these sites.'

Strategic Policy 1 (Towns and villages objective) of the LDP states that the Council wants to provide the right new homes in the right places. Policy 1 states that residential development will be supported in principle on housing sites. Furthermore, Schedule 4 of the LDP sets out a list of Regeneration Opportunity sites across North Ayrshire and indicates that the entire West Byrehill site has an indicative capacity of 400 housing units. The approval of residential development in 2015 also established the principle of housing on the site. The proposed development of the first phase at West Byrehill would deliver 76 new houses on a site which was previously released through the 2014 Local Development Plan. Accordingly, the proposal is in accordance with Strategic Policy 1 and Policy 1 of the LDP.

Strategic Policy 2 of the LDP sets out the six qualities of a successful place as follows:

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

The proposed development incorporates a range of complementary house designs, mostly in two storeys. Within the wider context of Pennyburn, which consists of early 1970s housing by the Irvine Development Corporation, the housing layout and design would contrast significantly. However, the proposed development would be separated by Pennyburn Road and an established tree belt. The effect of these physical 'edges' to the existing housing at Pennyburn would provide separation and ensure that the new development appears as a separate estate in its own right, with its own identity and character. It is considered appropriate to attach a condition which would require further details with regards to the external finishes to ensure the final choice of materials is appropriate for the locality and contains enough variety to provide visual interest.

The development layout consists of a network of small interconnected blocks which will promote a permeable, pedestrian friendly environment and provide attractive enclosed streetscapes. In general, the houses would face onto streets, with instances where rear fences require to face onto the site boundaries kept to a minimum. A drawing showing how the street elevations would look has been submitted, which illustrates the gentle topography of the site and the variation in designs through each of the proposed streets. Since the houses would face onto their streets, there would be a high degree of passive surveillance from windows. It is considered that this arrangement would create a safe and pleasant residential environment. The short block size and narrow width of the streets would

reduce vehicle speeds, with the parking provision and vehicle infrastructure designed to limit their effects on pedestrians and the appearance of the streets. Following the input of NAC Active Travel and Transportation during the pre-application stage, the internal road layout has been reorganised to have a clear hierarchy of streets marked out by transition areas where the road surface material and/or colour changes.

The layout of the site has been designed in order to ensure that the houses do not have their privacy or access to daylight affected through overlooking or overshadowing from other properties. Each house would be provided with a private back garden enclosed by 1.8m high fencing. It is considered that the use of front boundary treatments, especially on the parts of the site which face outwards, would enhance the appearance of the area. The 'industrial estate' road width of Byrehill Place which leads into the site from Pennyburn Road would be reduced in width by traffic calming and landscaping works in order to create a more welcoming residential character, and to facilitate safer pedestrian crossing, whilst taking account of the traffic generated by the nearby ambulance station, factory units and NAC transport depot. Full details of all the boundary treatments at the development could be ensured via condition. Due to the noise concerns raised by Environmental Health in relation to the transport depot, acoustic fencing and glazing designed to reduce noise is likely to be required for parts of the site.

In light of the above consideration, it is considered that the proposed development meets the six qualities of a successful place, and therefore is in accordance with Strategic Policy 2.

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

Taking both of these policies together, there are no watercourses which run through or adjacent to the site, nor are there any nearby which could pose any risk of flooding to the proposed development. As such, the site is at little or no risk of fluvial flooding. There is a limited risk of pluvial (surface water) flooding since the site levels currently lie below the levels of Byrehill Drive and Byrehill Place. Both these roads were constructed at a slightly higher level than the natural ground level of the application site, thus causing surface run off from the road drainage to collect on the lower ground of the site, occasionally causing ponding when rainfall levels are very high. Additional drainage studies have been undertaken in this regard to ensure that appropriate measures will be taken during the course of development to prevent any surface water causing adverse impacts within the development and on the surrounding area. The drainage studies indicate that site levels would be adjusted to prevent surface water flooding. Proposed road levels would have flow paths to direct any overland surface water towards the detention basin. It has also been confirmed by the consulting engineer that no houses would be affected in the event of the detention basin overtopping, as overflow measures have been included in the design. Each of the driveways would have porous paving and there would be filter trenches provided alongside the roads. The consulting engineer has confirmed that all aspects of surface water management would accord with the current edition of the SuDS Manual. The foul drainage arrangements would then utilise existing public waste water system and it has been confirmed by Scottish Water that the infrastructure has sufficient capacity to deal with the increase which would result from the proposed development. In terms of the public water supply network, Scottish Water has confirmed that there is adequate capacity

available to serve the development. In summary, the proposal accords with Policies 22 and 23 of the LDP.

Policy 27 relates to sustainable transport and active travel. The site is located at the western end of Kilwinning. Whilst the site is easily accessible by car from the trunk road network (A78 and A738), it is noted that Pennyburn Road (a short walk to the north of the site), is a bus route which provides regular local services between Ardrossan and Kilmarnock. The bus service also links Pennyburn Road to Kilwinning railway station and the town centre. In addition, the site is within 15 minute walk of Kilwinning Station and 20 minutes of the town centre. There is also a footpath to Stevenston Road to the northwest, and several primary schools within walking or cycling distance. Overall, the site is well located for public transport and active travel links.

The internal layout of the site has been drawn up to ensure that the walking and cycling is supported and encouraged. The street layout has been designed in accordance with Designing Streets, and road alignment/design should assist in reducing vehicle speeds to 20mph and prioritise the pedestrian. A clear road hierarchy has been produced within the site based on traffic flow predictions, and the different levels of road will be clearly distinguishable by surface composition and colour and by footpath provision. In summary, the proposal is considered to be in accordance with Policy 27.

Policy 31 relates to future proofing for heat networks. Through a 'fabric first' approach, the proposed development would utilise building designs which would reduce the energy requirements for heating through high standards of insulation. In addition, the houses have been oriented to take advantage of solar gain and natural light where possible. The site is not considered to be a suitable candidate for a district heating system. The proposal accords with Policy 31.

In conclusion, the proposal is considered to be in accordance with all of the relevant policies of the LDP. The development would secure the delivery of a major housing site which has been identified and allocated as part of the development plan process. Accordingly, the application is recommended for approval subject to the conditions referred to in this report.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the commencement of the development hereby approved, the applicant shall submit the following for the written approval of North Ayrshire as Planning Authority:

- Full details of the wall vent and glazing systems for houses where noise reduction measures are recommended in the submitted noise impact assessment by Bureau Veritas (March 2020);
- Full details of the proposed acoustic fencing for the boundary of the site with the transport depot, and
- A scheme of maintenance for the acoustic fencing,

For the avoidance of doubt, the materials used for constructing the acoustic fencing shall require a mass per unit of area in excess of 12kg/m², with no gaps at the joints between timber boards. The acoustic fencing shall be erected in accordance with such details before any of the associated houses are occupied and thereafter retained permanently in accordance with the scheme of maintenance as may be approved, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interests of residential amenity.

Condition

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

Reason

In order to ensure that the external finishes are of an appropriate standard in the interests of amenity.

Condition

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

Reason

In the interests of environmental protection and human health.

Condition

4. That prior to the commencement of the development hereby approved, the recommendations contained in the submitted Ecological Assessment (January 2020), including further survey work and the preparation of a biodiversity action plan shall be undertaken for implementation by the applicant during the course of the development under the supervision of the ecological consultant, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interests of environmental protection.

Condition

5. That the plot boundary treatments as illustrated on the approved plans shall be erected prior to the occupation of each house within the development to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the boundary treatments for each of the houses are erected in the interests of amenity.

Condition

6. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare, taking account of the required biodiversity action plan. Thereafter, all planting, seeding or turfing comprised in the details as may be approved 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. Any trees or plants which, within a period of five years from their 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 order to ensure that the site is appropriately landscaped in the interests of amenity.

Condition

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

Reason

In the interests of environmental protection and human health.

Russell McCutcheon
Executive Director (Place)

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

Appendix 1 – Location Plan

DO NOT SCALE Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. North Ayrshire Council Licence Number 100023393.

