
NORTH AYRSHIRE COUNCIL

2nd September 2020

Planning Committee

Locality	North Coast & Cumbrae
Reference	20/00388/PPPM
Application Registered	29th May 2020
Decision Due	29th September 2020
Ward	Dalry And West Kilbride

Recommendation	Refused
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Location	Site To East Of Hillcrest Chapelton Road Seamill West Kilbride Ayrshire
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Applicant	Hope Homes Scotland
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Proposal	Planning Permission in Principle for residential development with associated landscaping, access, engineering and other associated works
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1. Description

This is an application for planning permission in principle for a residential development of an area of land to the east of Chapleton Road (B7047), West Kilbride. The land is approx. 7.32 Hectares in area. The land is roughly triangular in shape, bounded to the west by the B7047. To the east is the Largs/Kilwinning railway line. To the south is a field boundary with countryside beyond. The site is identified in the Local Development Plan (LDP) as Countryside.

The site undulates south to north. An indicative site plan has been submitted with a layout comprising of 100 units, two access roads from the B7047, drainage and landscaping. As the application is in principle, further applications would be required on the details of the site should this application be granted.

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 18th December 2018 (ref: 18/01108/PREAPM).

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

PAC report

The PAC report notes the publicity measures undertaken and a public event was held on the 28th February 2019. The report notes there were 10 attendees at the event. Comments raised include; concern over need for housing in West Kilbride, loss of agricultural land, impact on infrastructure including schools. Suggestions were received in respect of house types and numbers and improvements to roads and paths.

Design and Access Statement

The document appraises the site in terms of landscape, linkages, and the wider settlement character, and outlines the principles behind the proposed development, the design principles and a macro-planning approach that the development hopes to employ.

Flood Risk and Drainage Assessment

This Assessment identifies that there is little to no risk of fluvial flooding of the site, and little to no risk of pluvial flooding of the site given the existing railway embankment. It is also considered the site is not at risk of groundwater flooding. In terms of drainage, recommendations are made to ensure that the proposed development could be drained in a sustainable manner. Surface water discharging from the site could be restricted through SUDS infrastructure. It is not considered that development would increase the risk of flooding elsewhere.

Landscape Strategy Report

This Report sets out the considerations in relation to landscaping for the site within the indicative layout. The applicant states that “a series of design character or treatment areas are proposed with a strong landscape framework to compliment the proposed development features in the context of the rural setting.” The indicative layout indicates a landscape framework both around the perimeter and within the site to create a “layered” landscaping and open space regime.

The indicative layout proposes a woodland buffer at the northern end of the site with the closest house to the existing settlement being approx. 200m to the south. The majority of the houses would be sited at the southern end of the site.

Air Quality Assessment

This Assessment sets out that screening of the proposal in terms of air quality. It concludes that development of the site would have negligible impact on the existing receptors in terms of air quality.

Noise Assessment

This Assessment of noise from the B7047 and the railway line, concludes that relatively low noise levels are predicted. Use of gardens during the daytime will be unaffected by any noise impacts. Any houses within 20m of the road or within 30m of the railway line would

require double glazed windows and acoustic vents. However, the Assessment finds that there will be no significant adverse impacts from noise.

Transport Assessment

This Assessment considers the impact of the proposed development on the local road network and access potential for minimising private car usage. The analysis predicts that the surrounding local network would not be significantly impacted by the development. The site is considered to be accessible by sustainable transport and integrate into the existing network. The site could be safely accessed by private vehicles and would not compromise the safety or efficiencies of existing road users.

Preliminary Ecological Appraisal

The site comprises grazing livestock farmland and there were not any protected species identified on the application site. Two trees with potential roost features for bats were identified. It is recommended that further surveys be carried out.

Education Information

The applicant has considered the likely impact on West Kilbride Primary School. The applicant states that a 100-house development would yield 31 primary school pupils, on the basis of 0.31 pupils per house. On the basis this permission was granted, the applicant plans to build 33 units in the first year, 33 units on the second year and 34 in the final year of construction. This would mean an additional 10, 10 and 11 pupils generated each year.

Health & Wellbeing Report

This Report sets out what the applicant considers to be the health and wellbeing benefits of the development. It states that proximity to walking and cycling networks, and local amenities will reduce reliance on cars and support an active lifestyle, which would be further supported by the links to local buses and trains and cycle storage in each home. Electric vehicle charging points will be available across the site to support electric vehicles. Local ecology would be protected and enhanced through landscaping and open space which would create habitats to encourage wildlife. The built environment would provide good levels of daylight and sound insulation to reduce noise disturbance. High quality finishes would reduce indoor pollution and effective temperature regulation to allow for climate changes.

Sustainability Report and Climate Change Report

The reports states that the development would achieve a platinum standard of sustainability in its buildings. Details are provided of how the houses would be insulated and ventilated to limit heat loss and improve heat recovery. Modular construction techniques would be employed to minimise waste. Houses would have solar panels and battery storage and electric vehicle charging points would be provided. The reports state that the project would have a net-zero operational carbon. The use of timber building materials instead of masonry has been chosen to reduce carbon emissions by 20%.

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 Local Development Plan adopted November 2019 (LDP) are Strategic Policy 1: Spatial Strategy; Policy 1: New Homes and Maintaining an Effective Housing Land Supply; Policy 15: Landscape and Seascape; Policy 16: Protection of our Designated Sites; Policy 18: Forestry, Woodland, Trees and Hedgerows; Policy 27: Sustainable Transport and Active Travel; Policy 29 Energy Infrastructure Development; and Policy 31: Future Proofing for Heat Networks.

Relevant Development Plan Policies

Strategic Policy 1 Spatial Strategy

Our spatial strategy is based on the principle that we want to direct the right development to the right place. This means we want to direct most development to our towns, villages and developed coastline where we have infrastructure capacity to support new development, where there is access to existing services and where we have opportunities to re-use and redevelop brownfield land.

We recognise that for island and rural communities we have to be more flexible to ensure they can grow and thrive too so we have set out a distinct approach for them which continues to promote a sustainable pattern of development but that also empowers our rural economy and communities to develop while protecting our countryside areas as a valuable natural asset. We have indicated what this means on our Spatial Strategy Map and in the mini maps included throughout this Local Development Plan.

Strategic Policy 1 includes objectives and policies for how development can enhance and protect our Towns and Villages, our Countryside and our Coast.

We will assess development proposals against the principles set out in the spatial strategy. All development proposals must also comply with Policy 2: Placemaking and any relevant policies of this Plan. We will resist development outwith the boundaries of towns and villages, except where the development would positively contribute to the vision or priorities identified in the spatial strategy or where detailed policies of the LDP provide support. We will refer to Scottish Planning Policy's presumption in favour of development that contributes to sustainable development in considering proposals that are not supported by the spatial strategy.

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 15-Landscape & Seascape Policy 15:

Landscape and Seascape

We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:

- a) National Scenic Areas
Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:
 - i) the objectives of the designation and the overall integrity of the area will not be compromised; or
 - ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- b) Special Landscape Areas
We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.
- c) Wild Land
We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.
- d) Local Landscape Features
Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:
 - i) patterns of woodlands, fields, hedgerows and trees;
 - ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;
 - iii) settlement setting, including approaches to settlements;
 - iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;

- v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.

Detailed Policy 16- Protection of our Designated Sites

Policy 16:

Protection of our Designated Sites

We will support development which would not have an unacceptable adverse effect on our valuable natural environment as defined by the following legislative and planning designations;

- a) Nature Conservation Sites of International Importance

Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and suitable compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

- b) Nature Conservation Sites of National Importance

Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

- c) Nature Conservation Sites of Local Importance

Development adversely affecting Local Nature Reserves or Local Nature Conservation Sites will generally not be permitted unless it can be demonstrated the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.

- d) Marine Protected Areas

Development likely to have an adverse effect on the protected features of South Arran MPA will not be supported. Proposals are also required to consult with the Clyde Marine Planning Partnership (CMPP).

- e) Biodiversity Action Plan Habitats and Species

Development adversely affecting priority habitats or species set out in the North Ayrshire Local Biodiversity Action Plan will not be permitted unless it can be demonstrated the impacts are clearly outweighed by social or economic benefits of local importance.

f) Protected Species

Development likely to have an unacceptable adverse effect on;

i) European Protected Species (see Schedules 2 & 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.

ii) The Scottish Biodiversity List (SBL) of animals, plants and habitats that Scottish Ministers considered to be of principle importance for biodiversity conservation in Scotland.

Detailed Policy 18 - Forestry, Woodland

Policy 18:

Forestry, Woodland, Trees and Hedgerows

Development proposals will only be supported when it would not result in the loss or deterioration of an ancient or long-established plantation or semi-natural woodland unless there are overriding public benefits from the development that outweigh the loss of the woodland habitat.

Where development includes the removal of woodland, the Scottish Government's Control of Woodland Policy and the current Ayrshire and Arran Woodland Strategy including relevant compensatory planting requirements will be taken into account.

Where the loss of trees, hedgerows or woodlands of merit is unavoidable and compensatory planting is required, replacement trees should be of a similar scale and massing to the loss or if smaller there should be additional tree planting committed to ensure a net gain is achieved. We will also expect developers to engage with Forestry Commission Scotland.

We recognise that trees and woodlands are an important yet dynamic part of our landscape. In recognition of this where a tree (or group of trees) is of significant value to public amenity or where they strongly contribute to the character of a Conservation Area we may consider promoting a formal Tree Preservation Order (TPO). We will normally only do this when there is a clear, pressing and immediate threat to a valuable tree (or group of trees) - not as a matter of course and not in conflict with good arboricultural practice and management. In the case of works to trees covered by a tree preservation order we will support management schemes and maintenance works that adhere to good arboricultural practice.

Generally, we will support proposals for dedicated timber export facilities as well as timber export developments that are combined with other marine based activities on Arran where there are no unacceptable adverse environmental impacts and align with our Placemaking policy. Proposals should also align with Policy 28: Transport as an Economic Driver.

Supplementary Guidance: Trees and Development provides guidance on information required to be submitted as part of planning applications involving tree works as well as matters to consider when designing and constructing development to minimise impacts on trees.

Detailed Policy 27

Sustainable Transport and Active Travel

We will support development that:

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

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

We will take account of:

- o the implications of development proposals on traffic, patterns of travel and road safety.
- o Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not achievable, we may seek the provision of subsidised services until a sustainable service is achievable.
- o the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.
- o the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.
- o committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
- o specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and

- o innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.
 - o The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
 - o The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
 - o The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.
- Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

National Development:

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

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

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

Detailed Policy 29 - Energy Infrastructure Policy 29:

Energy Infrastructure Development

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

Environmental

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

Community

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

Public Safety

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

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

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

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

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

Neighbour notification was carried out and the application was advertised. There have been not any representations received within the public consultation period.

Scottish Water - No objections.

Response: Noted

NatureScot (NS) - Offer no comment. However, when the site was proposed in the draft Local Development Plan, NS (formerly SNH) stated that the site was considered to make an important contribution to the landscape of West Kilbride. Development of the site would have significant and adverse landscape and visual impacts. Development would compromise the quality of the landscape setting, spreading development onto the higher slopes, comprising the established development pattern and resulting in the loss of open space important to the setting of West Kilbride and Tarbet Hill.

Response: Noted.

NAC Flooding - No comment

Response: Noted.

NAC Regeneration (Active Travel and Transport) - It is noted that Transport Assessment indicates the B7047 would be reduced to 30mph. This proposal should be introduced using a 'gateway' feature designed in accordance with Designing Streets principles. Information on the visibility splays for the road and footway junctions are given as well as the need for lighting on the road frontage. It is considered the link to existing footpaths will provide improved access to public transport. Conditions are suggested to ensure the requirements are met.

Response: Noted. Conditions could be attached to any permission regarding the information set out by NAC Regeneration (Active Travel and Transport).

NAC Environmental Health - No objections subject to conditions. A desk study of potential contamination should be undertaken. Any layout should ensure properties are designed and constructed in a manner which ensures occupants are not subject to excessive internal noise levels.

Response: Noted. Such conditions could be attached to any permission and such issues could be fully assessed should there be subsequent detailed planning applications.

NAC Education - There is insufficient capacity within the local school for any units over and above those identified in the land supply.

Response: Noted. As this is an application for permission in principle, should permission be granted a condition would require an Education Impact Assessment to accompany any detailed applications.

West Kilbride Community Council - The development is contrary to the adopted LDP and should be dismissed. The Reporter who assessed the LDP removed this site from being allocated for housing. There are concerns in respect of the impact of water runoff and sewerage. Permitting this site for housing would likely result in developments to the south which would impact on the road network and require further upgrading.

Response: The Community Council's views on both the LDP allocation and the Reporter's assessment are noted and agreed and are considered further below. If permission was granted, details relating to sewage and drainage could be subject to conditions to be required with any subsequent detailed planning applications. Applications for any further development to the south would be determined on its own merits, including any impact on the road network. It is noted that the land to the south is not allocated for development in the LDP.

3. Analysis

As noted above the site is allocated in the LDP as part of the Countryside. The site was proposed for inclusion within the LDP as a site allocated for housing. However, it was removed at Examination and forms part of the Countryside allocation in the LDP.

The site was assessed by the Scottish Government's Reporters in the Examination of the draft LDP in July 2019, on the basis of a proposed indicative capacity of 70 houses. The Reporters found that the site should not be included in the LDP. The Reporters stated development of the site would fundamentally alter the rural character of the area, harming the setting of this part of West Kilbride. Development would be a discordant southward projection divorced from the settlement of West Kilbride. The Reporters recommended that the site allocation be removed from the LDP. The site allocation for housing was removed and the LDP adopted by the Council in November 2019. It is considered that significant weight should be given to the findings of the Examination of the LDP.

Strategic Policy 1 states that the Council wants to direct the right development to the right place. The Countryside Objective of Strategic Policy 1 states that countryside areas are less well suited to unplanned residential developments. The circumstances where residential development outwith towns and villages may be supported are set out and include; development of derelict land; sensitive infilling of gap sites consolidating existing development; new housing which is a replacement or converted building or a house of exceptional design quality; and sympathetic additions to well-defined nucleated groups of four or more houses, up to a 50% of the group with a maximum of four new houses.

It is found that (1) the land is not derelict, being an agricultural field, (2) the site is not a gap site, being on the edge of the settlement, (3) the houses would not be replacement or conversions and it is the principle of a large-scale development rather than the detail of one single house which is being sought, and (4) the development would not constitute an addition to an existing group and rather seeks the principle of the development of approx. 100 houses. Therefore, the proposal is contrary to Strategic Policy 1 of the LDP.

Notwithstanding being contrary to Strategic Policy 1, the application also requires to be assessed against Policy 1: New Homes and Maintaining an Effective Housing Land Supply. The LDP identifies 51 effective housing supply sites comprising an indicative 5152 housing units, including 833 units on sites newly allocated by the LDP. The application site is not one of those sites. The LDP also identifies a further 27 long-term housing sites, comprising an indicative 2116 units, that would contribute towards the Council's ongoing 5-year effective land supply. The application site is not one of those sites.

The latest Housing Land Audit (2018/19) indicates the Council's effective housing land supply exceeds 5-years. Policy 1 only supports new housing development - outwith the total 78 identified sites - in circumstances where there is a shortfall in the effective five-year supply and where development would help achieve the LDP vision, for example by aligning with the principles of the spatial strategy and is compliant with other aspects of the LDP, particularly by way of impact on committed infrastructure and the environment. The effective housing land supply has been further strengthened following the adoption of the LDP and planning permission being granted for 590 units upon the newly allocated sites. The proposal is not required to maintain an effective housing land supply and is therefore also contrary to Policy 1 of the LDP.

Policy 15: Landscape and Seascape states that development will be supported where it protects or enhances the landscape character of an area and avoids unacceptable adverse impacts on landscape areas and features. Although the site is not part of a designated landscape area, it is adjacent to Tarbert Hill which is a non-designated local landscape feature. The Examination of the draft LDP by the Scottish Government's Reporters found

that development of the site would harm the setting of West Kilbride and Tarbert Hill and would fundamentally alter the character of the area.

A Landscape Strategy Report has been submitted which sets out the considerations in relation to landscaping for the site within an indicative layout. As noted above, the applicant states that “a series of design character or treatment areas are proposed with a strong landscape framework to compliment the proposed development features in the context of the rural setting.” The indicative layout indicates a landscape framework both around the perimeter and within the site to create a “layered” landscaping and open space regime.

The indicative layout has the majority of the houses sited at the southern end with the vehicle access to the site being some 320m and 650m from the southern edge of the existing settlement. The most northerly end of the site is described as ‘woodland buffer’ with footpath link. This area would be some 3000sqm in area and the nearest house to the settlement would be some 200m from the settlement. Although this layout is indicative, it demonstrates that any development would appear divorced from the settlement and, with most development on the highest part of the site, prominent in the landscape.

It is considered that the Landscape Strategy does not address the Reporters’ concerns in the removal of the site at the Examination of the LDP. It is not considered there is anything in this application which alters the assessment of the site through the LDP, particularly as this is an application for the principle of development.

Furthermore, NatureScot (formerly SNH) in the response to the consultation on the LDP, as noted above, stated that the site was considered to make an important contribution to the landscape of West Kilbride. Development of the site would have significant and adverse landscape and visual impacts. Development would compromise the quality of the landscape setting, spreading development onto the higher slopes, comprising the established development pattern and resulting in the loss of open space important to the setting of West Kilbride and Tarbet Hill.

The proposal is contrary to Policy 15 of the LDP.

Policy 16: Protection of our Designated Sites states that development which would not have an unacceptable adverse effect on the natural environment will be supported. The site is not part of a specific nature conservation designation but does comprise part of the Countryside allocation. The applicant has submitted a Preliminary Ecological Appraisal which does not identify any protected species on site but recommends further surveys. The applicant states that any landscaping will create habitats to encourage wildlife. As this is an application for permission in principle, conditions could be added requiring those further surveys and landscaping details to be assessed in any future applications. Subject to the satisfactory submission of these further details, the proposal could be held to accord with Policy 16 of the LDP.

There is no forestry, woodland or significant trees on the site. However, there are some hedgerows, particularly at the southern end of the western boundary. Policy 18: Forestry, Woodland, Trees and Hedgerows states where the loss of hedgerows is unavoidable, and where compensatory planting is required, replacement trees should be similar in scale and massing. As this is an application for permission in principle, a condition could be added requiring details of impacts on the hedgerows and potential replacement planting could be

assessed in any future applications. Subject to the satisfactory submission of these further details, the proposal could be held to accord with Policy 18 of the LDP.

Policy 27: Sustainable Transport and Active Travel of the LDP states that development which contributes to an integrated transport network that supports long term sustainability will be supported. Development should provide safe, convenient and sustainable transport options, reduces the need to travel, and mitigates adverse impacts or significant traffic generation. The Scottish Government's Reporters considered this site to be divorced from the settlement of West Kilbride. However, this was in visual terms. It is not considered that in terms of transportation that it could not be successfully integrated into the transport network. NAC Regeneration (Active Travel and Transport) offered no objection subject to conditions. As this application is for planning permission in principle, conditions could be attached to any permission which required further information as part of detailed applications. Subject to the satisfactory submission of these further details, the proposal could be held to accord with Policy 27 of the LDP.

Policy 29 Energy Infrastructure Development of the LDP states that proposals for new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. The applicant has provided details of such information and the wish to make this an exemplar development in terms of carbon reduction. As this application is for planning permission in principle, a condition could be attached to any permission which required further information as part of detailed applications. Subject to the satisfactory submission of these further details, the proposal could be held to accord with Policy 29 of the LDP.

Policy 31 of the LDP states that the Council will support proposals for the creation or enhancement of district heat networks. Proposals for 50 or more residential units which would not result in the creation or enhancement of district heat networks should include: provision for on-site heat recovery and re-use infrastructure; or a heat network generation and distribution infrastructure plan; or demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical or economic reasons. As this application is for planning permission in principle, a condition could be attached to any permission which required this information as part of detailed applications. Subject to the satisfactory submission of these further details, the proposal could be held to accord with Policy 31 of the LDP.

The applicant has provided a statement setting out goals for development. The applicant wishes to create a development which encourages community spirit and innovative use of social open spaces; provides residents with a safe, interesting and healthy environment; provides a diverse mix of house type layout designs which cater for varied individual family lifestyles; appeal to a wide variety of prospective residents of varied income and at all stage of life; is respectful of its surrounding architecture and landscape, whilst maintaining its own character and identity; maximises safe pedestrian intervention and use of amenity space; is economically, socially and environmentally sustainable; and establishes the place making policies of the Scottish Government.

Many of the applicant's aspirations would align with the LDP. However, as set out above many could only be assessed through detailed planning applications. This application is for planning permission in principle and, for the reasons given above, the application does not accord with the LDP. The principle of the development of the site was assessed through the

Examination and was not supported by the Reporters. The Council has accepted this decision.

The proposal is held to be contrary to the LDP, in particular Strategic Policy 1, Policy 1 and Policy 15. The proposal would negatively impact on the countryside location including adverse visual impact on the character of the area, harming the setting of West Kilbride and Tarbert Hill. The site was examined for development as part of the LDP process and found not to be suitable. The site does not form part of the Council's effective housing land supply and there is no need to add this site in order to maintain an effective land supply. There are no material circumstances which outweigh the LDP. Accordingly, the application should be refused.

4. Full Recommendation

Refused

Reasons for Refusal

1. The proposal is contrary to the Strategic Policy 1 of the adopted North Ayrshire Local Development Plan. The principle of the development does not accord with circumstances in which housing development in the countryside can be acceptable. There are no material circumstances which outweigh the LDP.

2. The proposal is contrary to Policy 1 of the adopted North Ayrshire Local Development Plan. The site does not form part of the Council's effective housing land supply and there is no need to add this site in order to maintain an effective land supply. There are no material circumstances which outweigh the LDP.

3. The proposal is contrary to Policy 15 of the adopted North Ayrshire Local Development Plan. The proposal would negatively impact on the countryside location including adverse visual impact on the character of the area, harming the setting of West Kilbride and Tarbert Hill. There are no material circumstances which outweigh the LDP.

Russell McCutcheon
Executive Director (Place)

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

Appendix 1 – Location Plan

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