



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## Planning Committee

A Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 25 January 2023** at **14:00** to consider the undernoted business.

### Meeting Arrangements

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

#### 1 **Declarations of Interest**

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

#### 2 **Minutes**

The accuracy of the Minutes of the meeting held on 23 November 2022 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

#### 3 **21/01174/PPM: Site To North Of Summerlea Road And West Of Snowdon Terrace, Seamill, West Kilbride**

Erection of 220 dwelling houses and associated infrastructure and landscaping (copy enclosed).

#### 4 **22/00890/PPP: Site To North Of Kirn Point, Newton Road, Lochranza**

Planning Permission in Principle for four residential plots and re-aligned access path (copy enclosed).

#### 5 **Urgent Items**

Any other items which the Chair considers to be urgent.

## **Webcasting**

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers, using the press or public seating area or (by invitation) participating remotely in this meeting, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the meeting. This will constitute your revocation of consent.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact [dataprotectionofficer@north-ayrshire.gov.uk](mailto:dataprotectionofficer@north-ayrshire.gov.uk).

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## Planning Committee Sederunt

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Robert Foster (Chair)  
Timothy Billings (Vice-Chair)  
Scott Davidson  
Stewart Ferguson  
Cameron Inglis  
Amanda Kerr  
Davina McTiernan  
Jim Montgomerie  
Ian Murdoch  
Chloe Robertson

Chair:

Apologies:

Attending:



At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

**Present (Physical Participation)**

Robert Foster, Stewart Ferguson, Cameron Inglis, Ian Murdoch and Chloé Robertson.

**Present (Remote Participation)**

Timothy Billings, Davina McTiernan and Jim Montgomerie.

**In Attendance (Physical Participation)**

J. Miller, Chief Planning Officer (Planning); R. Lynch, Senior Manager (Legal Services), A. Little and C. Stewart, Committee Services Officers (Chief Executive's Service).

**Apologies**

Scott Davidson.

**Chair**

Councillor Foster in the Chair.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

**2. Minutes**

The Minute of the meeting of the Planning Committee held on 26 October 2022 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 22/00717/LUE: Hunterston Construction Yard, Fairlie, Largs Certificate of Lawfulness for existing general industrial use (Class 5)**

Clydeport Operations Ltd had applied for a Certificate of Lawful Use or Development (CLUD) to ascertain whether any operations, use of land or building or a breach of a planning condition is or would be lawful for the site at Hunterston Construction Yard, Fairlie, Largs.

The report highlighted that a CLUD was not equivalent in law to a grant of planning permission but the purpose of a CLUD for an existing use was usually to secure immunity from enforcement action by the Planning Authority or to provide certainty for future planning applications.

The Chief Planning Officer advised that there were no requirements for neighbour notification or publicity measures for a Certificate of Lawfulness application and no consultations had therefore been undertaken on the application. Representations had however been received and he provided details of these to the Committee.

The Senior Manager (Legal Services) stated to the Committee the terms of Section 150 of the Town and Country Planning (Scotland) Act 197 and what the Committee required to consider in terms of the Act. He added that if the Committee were minded to refuse the application, the applicant had a right of appeal to the Scottish Ministers and if successful, the Council would be liable for any resultant expenses.

Members asked questions and were provided with further information in relation to:-

- the provision of evidence that demonstrated the industrial use of the site over a period of 10 years;
- Class 5 certification that was not equivalent in law to the grant of planning permission;
- the purpose of a Certificate of Lawful Use or Development (CLUD) for an existing use which is usually to secure immunity from enforcement action by the Planning Authority or to provide certainty for future planning applications;
- any future proposals for the site that would be the subject of a planning application;
- the permanent location of the 3 test wind turbines on the site that would not have been supported by the planning authority, the wind turbines on site that had been in situ for a limited period for testing purposes and therefore within Class 5 uses;
- any enforcement in terms of SSSI that would mainly be for consideration by NatureScot; and
- the application for Class 5 certification that had no bearing on the Special Development Order for Ardeer Peninsula.

Councillor Inglis, seconded by Councillor Ferguson, moved that the application be granted. There being no amendment, the motion was declared carried.

The Committee agreed to grant a Certificate of Lawful Use or Development (CLUD), under Section 150 of the Town and Country Planning (Scotland) Act 1997.

#### **4. Notice under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997: Townhead Close, Largs**

Submitted report by the Executive Director (Place) seeking approval to promote the stopping up of Townhead Close, Largs under sections 207 and 208 of The Town and County Planning (Scotland) Act 1997 at Townhead Close, Largs.

On 24 May 2022, planning permission was granted for the demolition of all existing buildings and structures on site and the development of a single retail unit (for convenience retailing purposes), associated car parking, revised vehicular access, servicing and ancillary development plus hard and soft landscaping at a site at 123-125 Main Street, Largs. The site contains the access from Main Street to Townhead Close, a small, adopted cul-de-sac containing three residential properties and the rear

access to an additional residential property on Waterside Street. In total, the access for four properties would be affected by the development.

The Parking Management Plan, as required by the terms of the condition, has not yet been submitted, however, it is expected that the customer car park would be controlled through APNR licence plate recognition of cars entering and leaving the car park. Residents of Townhead Close would be able to register to have their vehicles excluded from the scheme.

Councillor Murdoch, seconded by Councillor McTiernan, moved to grant authority to promote the stopping up of Townhead Close, Largs under sections 207 and 208 of The Town and County Planning (Scotland) Act 1997 at Townhead Close, Largs. There being no amendment, the motion was declared carried.

The Committee agreed to grant authority to proceed with promoting a Stopping Up Order for Townhead Close, Largs.

The meeting ended at 2.40 p.m.



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**NORTH AYRSHIRE COUNCIL**

25th January 2023

**Planning Committee**

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

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

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

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

Permission is sought for 220 units comprising a mix of detached, semi-detached and terrace dwellinghouses with associated roads and landscaping. Some of the proposed plots would have detached garages. The proposed development includes associated access roads, footpaths, open spaces, public utilities infrastructure and a sustainable drainage system (SuDS) in the form of a detention basin. Landscaping is proposed within open spaces throughout the site.

The site is relatively flat with some undulation and a slope from east to south-west. The proposed plots at the western end of the site would be approx. 27m AOD with the plots on the eastern side approx. 31-32m AOD. The SuDS basin would be in the south-western corner of the site.

The application falls within the category of "major" development, in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. A pre-application consultation (PAC) was required, and a PAC notice was received 10th February 2020 (ref: 20/00117/PREAPM).

The proposal was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 on the 10th of January 2020 (ref: 20/00012/EIA). The Council, as Planning Authority, adopted the screening opinion that given the nature, scale and location of the proposed development, an Environmental Impact Assessment (EIA) would not be required.

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

### **PAC report**

The PAC report notes the publicity measures undertaken and a public event was held on 11th March 2020. The report notes there were 92 attendees at the event. Comments raised include concern over loss of greenspace, flooding of northern portion of site, access onto and crossing of A78, concern that house types and finishes were not suitable, need for affordable housing, and too dense a layout.

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

### **Supporting Statement**

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

### **Design and Access Statement**

The document appraises the site in terms of landscape, linkages, and the wider settlement character. It outlines the principles behind the proposed design of the site, drawing on the above characteristics and public consultation. It sets out the details of the layout and proposed house types with information on each type. It considers the application

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

### **Health Impact Assessment**

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

### **Flood Risk and Drainage Assessment**

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

### **Transport Assessment**

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

### **Preliminary Ecological Appraisal (December 2021)**

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

### **Tree Report**

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

### **Air Quality Information**

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

### **Energy Statement**

The statement assesses the likely energy demands of the development and the possibility of a heat network being incorporated into the development. It is concluded that that a heat

network is unviable for this site for technical reasons. The proposal is for a relatively low-density development adjacent to other low density residential developments. There are no large-scale heat sources within the vicinity. The statement also sets out the efficiencies of the house design.

## **Education Impact Assessment**

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

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

The relevant policies of the LDP are Strategic Policy 1: Spatial Strategy; Strategic Policy 2: Placemaking; Policy 1: New Homes and Maintaining an Effective Housing Land Supply; Policy 18: Forestry, Woodland, Trees and Hedgerows; Policy 22: Water Environment Quality; Policy 27: Sustainable Transport and Active Travel, Policy 29: Energy Infrastructure Development; and Policy 31: Future Proofing for Heat Networks

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

## **2. Consultations and Representations**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The neutral representations can be summarised as follows:

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

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

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

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

## **Consultations**

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

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

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

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

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

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

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

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

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

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

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

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

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

*Response: Noted*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Response: Noted.*

### 3. Analysis

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

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

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

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

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

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

Subject to such a Legal Agreement, the proposal is considered to accord with Strategic Policy 1 and Policy 1 of the LDP and the principle of development for residential purposes is therefore acceptable. As the site is allocated in the LDP and the required statement has been provided, the proposal also accords with Policy 16 of NPF4. As a need for a contribution to the local school is identified, the proposal, subject to a Legal Agreement, also accords with Policy 18 of NPF4.

Strategic Policy 2 of the LDP sets out the six qualities of a successful place: distinctive, safe and pleasant, resource efficient, welcoming, adaptable, easy to move around and beyond. NPF4 also embodies the six qualities of a successful place in planning policies. The NPF4 wording is slightly different. However, it is considered they are similar to Strategic Policy 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposal is held to accord with the relevant policies of the LDP. Accordingly, the application should be approved subject to the conditions referred to in this report and on conclusion of an Agreement under S.75 of the Town and Country Planning (Scotland) Act 1997, as amended, in relation to an education contribution.

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

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

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

##### **Reason**

In recognition of the potential archaeological interest of the site.

##### **Condition**

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

##### **Reason**

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

##### **Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

17. That any landscaping scheme as may be approved under Condition 16 shall be carried out in the first planting season following completion or occupation of the houses within the relevant phases approved under condition 13, whichever is soonest, or unless otherwise agreed in writing by the Council, as Planning Authority. Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Council, as Planning Authority, gives written consent to any variation.

**Reason**

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

**Condition**

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

**Reason**

To ensure timely provision of play areas.

**Condition**

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

**Reason**

To ensure timely provision of play areas.

**Condition**

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

**Reason**

To ensure adequate protection of trees during construction.

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

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

**Reason**

To ensure appropriate water quality treatment measures

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

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

**Condition**

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

**Reason**

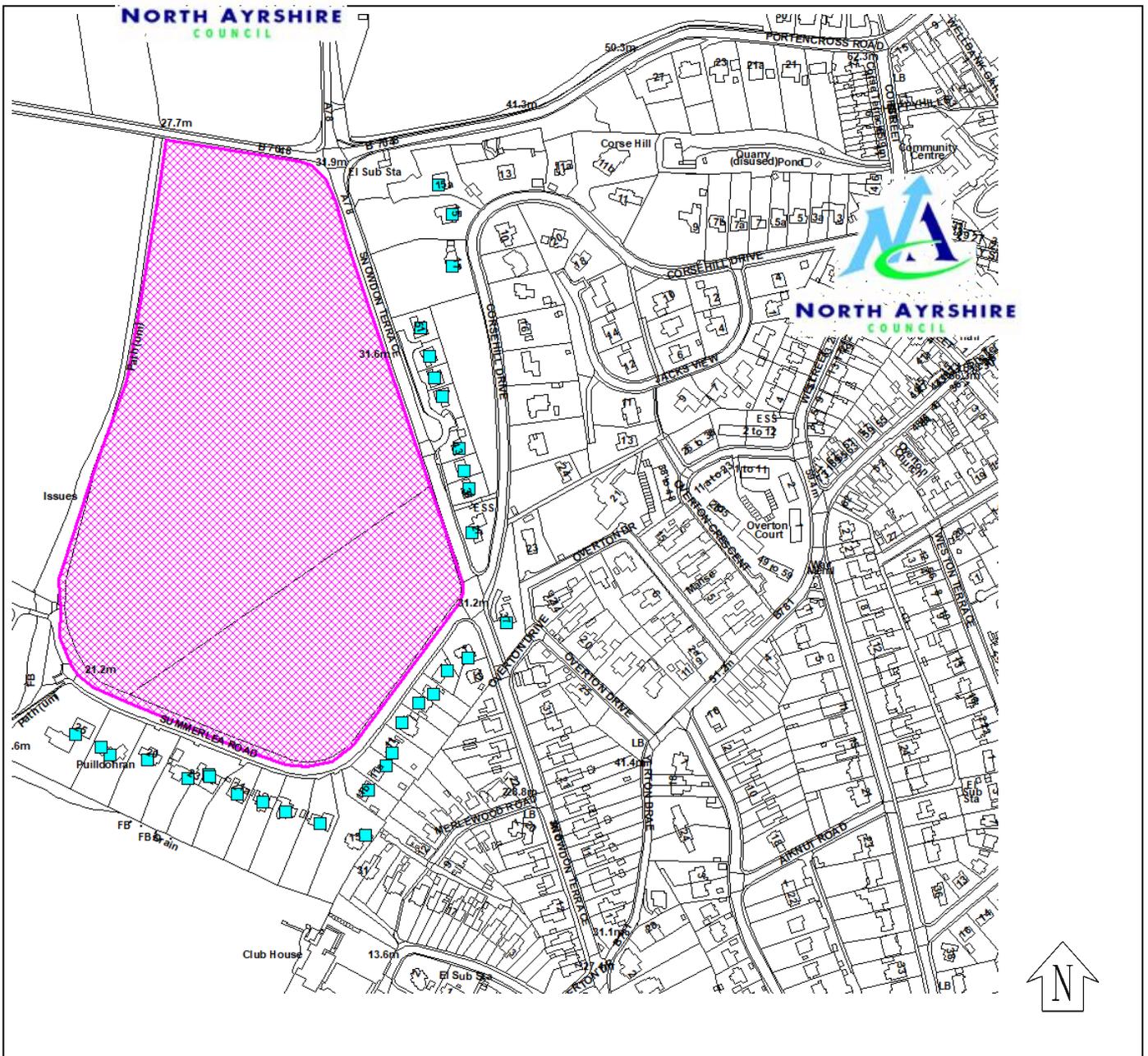
In order to ensure that the finishing materials are high quality and attractive; in the interest of the visual amenity of the area.

James Miller  
Chief Planning Officer

For further information please contact Mr Iain Davies on 01294 324320

# Appendix 1 – Location Plan

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**NORTH AYRSHIRE COUNCIL**

25th January 2023

**Planning Committee**

Locality	Isle of Arran
Reference	22/00890/PPP
Application Registered	16th November 2022
Decision Due	16th January 2023
Ward	Arran

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**Recommendation**      Approved subject to Conditions

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**Location**              Site To North Of Kirn Point Newton Road Lochranza  
Brodick Ayrshire

**Applicant**              John Thomson Construction Ltd Fao Mr Benjamin  
Cook

**Proposal**                Planning Permission in Principle for four residential  
plots and re-aligned access path

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**1. Description**

This application relates to a site at Newton Shore, on the north side of Loch Ranza. This application seeks planning permission in principle for four residential plots.

The site extends to some 6080m<sup>2</sup> and is roughly rectangular in shape, being 141m wide by 49m at its furthest extents. It is relatively flat, undeveloped and overgrown with bracken. The site is bounded by houses to both sides, Kilbranan to the north and Kiloran to the south, by a rocky hillside to the east and by the foreshore of the Loch to the west.

There is a trodden path through the middle of the site to the hillside to the rear, which is recognised as a Right of Way and there is a hard surfaced area at the northwest corner of the site which is used as an informal turning area for vehicles as the surfaced part of Newton Road ends at the north of the site. It continues as an unsurfaced track to Newton Point.

The submitted plans indicate four plots of roughly similar size and shape, each between 1460m<sup>2</sup> and 1625m<sup>2</sup> and with a frontage onto Newton Road. The plans also indicate a relocated upgraded public path between Plots 1 and 2 to replace the existing undefined Right of Way.

The application relates to the principle of residential development only and therefore no detailed design drawings have been submitted. The application was supported by:

- an Ecological Appraisal;
- an initial Capacity Review from Scottish Water; and
- a Planning Statement

The Ecological Appraisal was conducted by a reputable ecological consultancy agency, Starling Learning. The Report describes the site and the desk survey and field survey work undertaken. It surveyed for evidence of badgers, otters, red squirrels, bats, breeding birds and other protected species. No evidence was found other than a potential protected structure which could be used by otters. This resulted in further survey which found no evidence of such use. Two cameras were then set up for an eight-day period, but a subsequent check of the footage recorded no use of the feature by otters. The parts of the report relating only to this potential otter use were redacted in the copy displayed on the Planning website in line with common Planning practice to protect the whereabouts of protected species and habitats.

The Report concludes that there would be no significant adverse effects on protected habitats provided that development is restricted to the lower-level ground and not the rocky cliff to the rear. Although it did not find evidence of otter use at the time of survey, its recommendations include further pre-construction checks for this and other species.

The Scottish Water pre-application review confirmed that there is capacity for four houses to be served by their water network.

The Planning Statement describes the site and the previous planning history of the site. It describes the proposed development of four houses following a linear development line similar to the existing houses along Newton Road, several of which were previously built by the applicants. It confirms that each plot would have its own access and off-street parking and that subsequent planning applications for house designs are envisaged to be in keeping with the scale, massing and appearance of the existing properties, with potentially modern features to enhance natural light. It confirms that septic tanks and surface water drainage details for each plot would be submitted with the subsequent detailed planning applications, that passing places could be provided to the front of the plots and that the existing hard surfaced turning area at the end of the road would be retained. It states that the public access across the site would be maintained by provision of a diverted path, several metres from the existing unsurfaced trodden path and that BT have proposed replacement of an existing overhead line along the length of the site with a new underground line if development goes ahead.

The Statement claims a strong need and demand for housing on Arran and recognises the need for more affordable housing but does not consider that type of housing is feasible at this particular site.

The site is located within the General Urban Area of Lochranza, as identified within the adopted 2019 North Ayrshire Local Development Plan ("the LDP") and is not subject to any site-specific policies or proposals therein. Lochranza is within the North Arran National Scenic Area but there are no environmental or landscape protection designations affecting

this site. The boundary of the North Arran Special Landscape Area (SLA) and the North Newton Shore Site of Special Scientific Interest (SSSI) is around 150m north of the application site.

In terms of the LDP, Strategic Policy 1: the Towns and Villages Objective; Strategic Policy 2: Placemaking; Policy 15: Landscape and Seascape; Policy 16: Protection of our Designated Sites; and Policy 29: Energy Infrastructure Development are relevant.

In terms of planning history, planning application 02/00007/OPP for four houses at the site was refused in 2002 as being contrary to the policies of the Local Development Plan as the site was located in the countryside at that time and housing development was not supported. The refusal was upheld by the Scottish Executive Reporters Unit (ref: PPP/310/066).

The site was included within a revised boundary of Lochranza in the North Ayrshire Local Development Plan, adopted in November 2019. The inclusion of the site within the boundary of Lochranza was accepted by the Scottish Government Reporter on examination prior to the LDP being adopted.

## **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 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 29 - Energy Infrastructure Development

### 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.

## **2. Consultations and Representations**

The statutory neighbour notification was carried out and the application was advertised in the local press (Arran Banner).

A total of 56 objections, 53 from individuals and 3 on behalf of groups (Lochranza and Catacol Community Association, Arran Civic Trust and Community of Arran Seabed Trust), and 2 expressions of support were received.

The objections received largely raised similar points, which are summarised as follows:

1: HOUSING NEEDS. Lochranza needs social and affordable housing not large properties likely to be only affordable as second homes. The Arran Estate has indicated it is unwilling to donate a portion of land to the community to build affordable housing.

*RESPONSE: Not material to this application. Each planning application requires to be determined on its individual merits and this application relates only to the principle of residential development. There is no policy requirement in the LDP for every application to address Affordable Housing needs. Arran Estate is not the applicant or landowner in this case, so this point is not material to this application.*

2: ACCESS/ROAD/PARKING. Many cars use the road and turning area as a parking area when visiting the geo-park and Arran Coastal Way to the north and it should be retained. The turning area should not be incorporated into a private house plot. Access for emergency vehicles must be provided.

*RESPONSE: Active Travel and Transportation was consulted as Roads Authority and the response is in the following section of this report.*

3: ENVIRONMENT. This is an area of unspoilt natural beauty. The development would do untold damage to an area teeming with flora, fauna and rare animal species.

*RESPONSE: A preliminary Ecological Report was submitted with the application and NatureScot was consulted in this regard. NS response is in the following section of this report.*

4: ECOLOGICAL REPORT. Many sections of the report have been redacted.

*RESPONSE: Sections of the Report were redacted from public view where matters of potential Protected Species Habitats are discussed, in line with standard Planning practice. The full text of the Report was available to NatureScot and Planning Services in the consideration of the application proposal.*

5: TOURISM IMPACT. Wildlife on Newton Shore is a big tourism attraction, and this would be badly affected. The site should be maintained without housing frontage

*RESPONSE: Not directly material to this application. All development proposals require to be assessed on their own merits and this application requires to be assessed as a housing proposal. As above, NatureScot was consulted on the application on potential wildlife impacts. There appears to be no directly quantifiable data on tourism visitor numbers to Newton Shore upon which this objection is based.*

6: FLOOD RISK. This would promote building in a flood risk area. The site is already boggy and may be at risk as global warming raises sea levels. It is also unclear whether surface water discharge to the loch from the development would be acceptable.

*RESPONSE: SEPA and Flooding Services were consulted on the application and the responses are in the following section of this report. There were no objections, subject to planning conditions requiring further details on drainage and flood defence to be submitted with the submitted detailed planning applications before any development could take place. Such conditions could be applied to any approval.*

7: PREVIOUS PLANNING REFUSAL. In 2004, planning permission for further housing at this site was refused by the Scottish Government. Nothing has changed since the original refusal. At that time, the planning department confirmed that no further 'ribbon development' would be allowed along Newton Road.

*RESPONSE: A previous refusal of outline planning permission (02/00007/OPP) by North Ayrshire Council was upheld by the Scottish Government (then Scottish Executive) Reporters as the site was then in the countryside area and housing development did not accord with the then Isle of Arran Local Plan. The Local Plan has since been replaced several times and the site is now within the identified settlement boundary of Lochranza in the Adopted North Ayrshire Council Local Development Plan. This is a material change since that previous refusal and the current application must be assessed on its merits.*

8: SCALE AND DESIGN: Four large new villas are not needed in the area. The extensive landscape glazing proposed is not in keeping with local rural properties.

*RESPONSE: Not a material consideration. This application relates to the principle of residential development only and no detailed design proposals have been submitted.*

9: RIGHT OF WAY. This is an important link and should not be moved 15 m to allow a private house.

*RESPONSE: The Access Officer in Active Travel and Transport was consulted in this regard and the response is in the following section of this report.*

10: ALTERNATIVE DEVELOPMENT. The site was previously considered unsuitable for Affordable Housing due to the distance from public transport/main road. If it has to be built on, perhaps a small care home would be more suitable for the site and local community needs.

*RESPONSE: The site is within the settlement boundary in the LDP and proposals for residential development must therefore be considered on their merits, as submitted. Other forms of development would be a private commercial matter for the landowner/developer and not a material planning consideration.*

11: DEVELOPER MOTIVATION. This proposal would not improve Lochranza and appears to be motivated only by the private commercial interests of the developer.

*RESPONSE: All development proposals must be assessed against the Local Development Plan and any other material considerations. Notwithstanding this, private financial interests of any individual or developer are rarely considered a material consideration to outweigh other material planning matters.*

12: WATER SUPPLY. Potential impact of development on water supply to properties at High Newton above and to the east.

*RESPONSE: Scottish Water was consulted on the proposal and did not object. The response is in the following section of this report.*

**SUPPORT COMMENTS:** We are planning to retire to the village but the lack of choice of attractive, well insulated homes built to modern standards is a concern. These four new homes would add to the vibrancy of village life.

*RESPONSE: Comments noted.*

## **CONSULTATIONS**

**ACTIVE TRAVEL AND TRANSPORT:** No objection subject to conditions. Inter-visible passing places along the road must be provided and retained as passing places and the existing turning point must be retained and not included within any property boundary. The existing Right of Way SCU123/1 should not be stopped up or diverted in any way until a Path Diversion Order is made and confirmed under s.208 of the Town and Country Planning (Scotland) Act.

*RESPONSE: Noted. This application relates to the principle of development only and appropriate planning conditions and notes could be applied to any permission to address these matters. The applicant has confirmed acceptance of these conditions in pre-application discussions and in the application form.*

**NATURESCOT (NS):** No objection. There are natural heritage interests of national importance close to the site, but these will not be affected by the proposal. The site is close to a Local Nature Conservation Site to the north and the inter-tidal zone adjacent to the west of the site is used as a common seal haul out. The site is also within the North Arran National Scenic Area and close to the North Arran Wild Land Area designated for their scenic beauty and special landscape qualities.

NS agrees with the recommendations of the submitted preliminary ecological appraisal with regards to protection of nesting birds and biodiversity and advise that they be implemented in full. The upland oakwood running along the cliff side should be retained and protected from development work and, while it would be preferable if any areas of coastal marsh in the site could be retained, where this is not possible the developer should provide areas of compensatory biodiversity areas elsewhere.

*RESPONSE: All noted. It is noted that the tree areas along the cliffside are largely outwith the applicant site but planning conditions could be applied to address these matters, where they fall within the control of the planning system.*

**SCOTTISH WATER:** No objection. There is SW water supply infrastructure within the vicinity, but the developer should investigate private wastewater treatment options.

*RESPONSE: Noted. The applicant has been made aware of the consultation response.*

**SEPA:** No objection subject to condition. No built development should take place below 4.22m AOD to ensure the longevity and resilience of the site to future climate change and sea level rise.

*RESPONSE: Noted. A planning condition could be applied to address this.*

**NAC FLOODING SERVICES:** No objection subject to conditions regarding further flood risk information and details of surface water drainage solutions for the proposed houses.

*RESPONSE: All noted. These issues were also addressed by the SEPA comments above. This application relates to the principle of development only and appropriate planning conditions could be applied regarding the level of details to be submitted with subsequent detailed planning applications for development of the site.*

**ARRAN COMMUNITY COUNCIL:** No objection. It is considered that the proposal complies with current planning regulations and that road access will be managed by NAC as Roads authority. The site would fill in a currently vacant area and offer additional housing for the village which may offer new families the opportunity to add to the village resources.

*RESPONSE: Noted.*

### 3. Analysis

Section 37 of the Town and Country Planning (Scotland) Act requires that applications for planning permission be determined with regard to the development plan and to any other material considerations.

The application relates only to the principle of residential development and no detailed plans or supporting design reports have been submitted. The determining issues in this application are whether the development proposal complies with the policies of the LDP and whether there are any other material considerations.

Whilst it is noted that the public comments received mention a previous refusal of Outline Planning Permission (the previous equivalent of Planning Permission in Principle) in 2002, that was on the grounds that the site was then within the countryside area and the Local Plan then in place did not support further housing development outwith the settlement.

That Plan has since been replaced several times and the site is now within the settlement boundary in the North Ayrshire Council Local Development Plan which was Adopted in November 2019 following a full public consultation period, and examination by the Scottish Government, as required by legislation.

The Scottish Government Reporters' Examination, prior to adoption, identified that Lochranza is predominantly characterised by linear development along both the northeast and southwest shores of the Loch and that, while this site formed a gap in the overall view from the southwest shore, it had a visual relationship with the houses to either side and was not viewed separately from the existing houses along Newton Shore. The Reporter therefore accepted that the site could be considered as an extension of the settlement boundary.

In light of the above, the site location within the General Urban Area of the settlement boundary of Lochranza in the LDP means that the proposal would therefore accord with the Towns and Villages Objective of Strategic Policy 1: which confirms that residential development within settlements shall accord with the LDP.

Strategic Policy 2: Placemaking expects that development shall avoid unnecessary adverse environmental, or amenity impacts and shall meet the six qualities of successful places outlined in the policy. There are no designated wildlife or environmental protection areas within the application site and its position within the wider National Scenic Area is considered further below.

The site is within the settlement and would share the same connections and accessibility to both the functions and services of Lochranza and the countryside beyond as the existing houses along Newton Shore and would satisfy the criterion 'easy to move around and beyond.'

In terms of the other listed qualities: 'distinctive'; safe and pleasant'; resource efficient'; welcoming'; and 'adaptable', while the aims and aspirations outlined in the submitted Supporting Statement are noted, this application relates to the principle of development only and these matters could only be fully assessed in a subsequent planning application (or applications) for detailed house designs and siting.

The plot scales shown on the plans would be similar to existing development along Newton Shore and would therefore be appropriate to the surrounding area and only this aspect has been fully considered. Houses on the plots would be expected to be a maximum of one and a half storeys high and of relatively traditional form, design and materials but this could only be fully assessed in the subsequent application(s).

The comments of the consultees are noted but provided that appropriate consideration is given to design, drainage, access etc, in subsequent detailed planning application(s), it is agreed that houses of similar scale to the neighbouring plots along the shore could potentially be accommodated within the site without significant adverse effects on the amenity of any existing or neighbouring properties. The principle of residential development does not therefore raise any significant issues in terms of SP2 subject to a condition being applied to permission indicating the required details to be submitted with the new application(s) including further ecological survey prior to the commencement of any development works on the site as recommended by NatureScot.

Policy 15: Landscape and Seascape relates to the NSA and Special Landscape Areas and states that development should not have unacceptable adverse impacts on designated and non-designated landscape areas and features or the objectives of their designation. The comments and advice given by NatureScot above on the lack of specific impacts on the surrounding landscape are noted and the principle of development does not conflict with the requirements of Policy 15.

Policy 16: Protection of our Designated Sites states that the LDP will support development which would not have an unacceptable adverse effect on the natural environment. As above, there are no designated protection areas within the site, but NatureScot was consulted and confirmed that the installation would not compromise the overall integrity or reasons for designation of the protected areas in the wider vicinity. The contents and recommendations of the submitted Preliminary Ecological Assessment are considered to constitute a thorough pre-application assessment of the site and potential impacts. This application relates to the principle of development only and subsequent detailed planning applications would be required to provide further updated survey for habitats. It is considered that the detailed advice provided and the consultee comments in response

confirm that an appropriate assessment of these issues has been undertaken and the proposals satisfy the policy.

Details of the how sustainability has been considered in the design process of houses should be required by condition to ensure future planning applications accord with Policy 29: Energy Infrastructure Development which concerns compliance with energy reductions emissions required by Scottish Building Standards.

Just prior to this application being registered, public comments were received that works had commenced at the site which were damaging its habitats potential. The landowner/developer stated to Planning Services that works were limited to annual maintenance of overgrown bracken and that no excavations had occurred. This was investigated by Planning Services and a site visit confirmed that the site was not significantly changed from the evidence of previous planning site visit photos. This limited extent of works did not in itself require planning permission.

While the application was being considered, further comments were then also received that otters had been observed at the site. The comments were discussed with NatureScot and it was concluded that, as the Preliminary Ecological Report had acknowledged this potential use of the site and that, even if planning permission in principle was granted, further assessment of the issue would be required in later applications before any development works could commence at the site, that these comments would not justify refusal of the application given the foregoing analysis.

In view of the foregoing, the proposal accords in principle with the LDP policies.

The application has also been assessed against the approved National Planning Framework 4 and it has been determined that the proposal does not raise any significant strategic planning issues which conflict with the foregoing assessment.

There are no other material considerations which have not been addressed and planning permission in principle can therefore be granted subject to conditions, as discussed throughout this report.

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

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That prior to the commencement of any development on site, a further planning application(s) for the approval of the matters specified in this condition (MSC) must be submitted to and approved by North Ayrshire Council as Planning Authority. These matters are as follows:

- (a) details of the design, siting and external finishes of the proposed houses;
- (b) details of the means of de-lination of the individual residential plots;
- (c) the design and location of all boundary treatments including any walls or fences and hard landscaped areas;

(d) the means of drainage and surface water strategy and methodology for sewage disposal, including Sustainable Urban Drainage Systems (SUDS), all set out in a comprehensive Drainage Assessment, including ongoing maintenance details. Such SUDS shall be self-certified by a suitably qualified person;

(e) the landscaping and associated maintenance proposals for the site, including details of existing trees, hedgerows and other planting to be retained and any tree protection measures together with proposals for any new planting, specifying number, size and species of all trees and shrubs, a management implementation programme and proposals to replace any landscaping which fails in the first five years following planting; and

(f) details of the heat and power systems for the houses, which shall include low and/or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met.

For the avoidance of doubt, the houses proposed for the site shall be of traditional design and no more than one and a half storeys in height. All of the above shall be to the satisfaction of North Ayrshire Council as planning authority.

#### **Reason**

In order that these matters can be fully considered in the interest of the amenity of the wider area

#### **Condition**

2. That prior to the commencement of any development works on the site: (i) intervisible passing places shall be provided and maintained thereafter on the road to the front of the site to the agreement and satisfaction of North Ayrshire Council as Planning Authority; (ii) the existing surfaced turning point at the northwest of the site shall be retained and shall not be included within the curtilage of any house. Full details of the matters above shall be submitted with the subsequent application(s) for detailed planning permission, all to the satisfaction of North Ayrshire Council as planning authority.

#### **Reason**

In the interests of road traffic safety as recommended by the Roads Authority

#### **Condition**

3. That the Right of Way (ref:SCU123/1) which runs through the site hereby approved shall not be stopped up or diverted in any way until a Path Diversion Order has been made and confirmed under S.208 of the Town and Country Planning (Scotland) Act.

#### **Reason**

In order to safeguard the public right of way

#### **Condition**

4. That the recommendations contained in Section 5.3 of the Preliminary Ecological Appraisal, prepared by Starling Learning and submitted with the application hereby approved, shall be implemented in full prior to the commencement of any development works on the site and that the details, conclusions and recommendations of a further otter survey shall be submitted with the subsequent

planning application(s) for detailed planning permission, all to the satisfaction of North Ayrshire Council as planning authority.

**Reason**

In order to protect potential protected species habitats, as recommended by NatureScot

**Condition**

- 5. That details of site sections and the finished floor levels of the proposed houses shall be submitted with the subsequent application(s) for detailed planning permission to ensure that no development takes place below 4.22m AOD, all to the satisfaction of North Ayrshire Council as planning authority.

**Reason**

To ensure a precautionary approach to flood risk is taken by avoiding development in the flood plain as advised by SEPA

James Miller  
Chief Planning Officer

For further information please contact Mr Neil McAteer Planning Officer on 01294 324316.

**Appendix 1 – Location Plan**

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