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## NORTH AYRSHIRE COUNCIL

### Planning Committee

Locality	North Coast and Cumbraes
Reference	18/00393/PPPM
Application Registered	1st May 2018
Decision Due	1st September 2018
Ward	Dalry And West Kilbride

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Site To South East Of 41 Tarbert Avenue West Kilbride Ayrshire
<b>Applicant</b>	Mr Robert MacMillan
<b>Proposal</b>	Planning permission in principle for residential development

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### 1. Description

Planning permission in principle is sought for a residential development at Lawhill Farm, West Kilbride. The 2.5 hectares application site is located to the east of Tarbert Avenue. The site is bounded by residential properties to the north and west and countryside to the south and east (see attached location plan). Access would be taken from Craufurd Avenue.

The application seeks Planning Permission in Principle and is considered to be a "major" development as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the site exceeds 2 hectares. The proposal has been subject to pre-application discussions with Officers. The proposal falls within the category of "major" development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, pre-application consultation (PAC) was required, and a notice (ref. 17/01301/PREAPM) was submitted on 9th December 2017. The PAC initiated the statutory pre-application procedures.

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

Pre-application consultation (PAC) report

One public event using a 'drop-in' format was held at West Kilbride Community Centre on 8th February 2018 between 2pm and 7pm. A PAC report has been prepared and submitted

with the proposal. The PAC report notes the pre-event publicity measures, which were undertaken and the methods used at the public event to inform those attending. The report states that around 24 members of the public, or representatives for interested bodies, attended the event. 7 comments were provided at the event as follows:

- Concerns regarding infrastructure to accommodate the development i.e. doctors, school
- The need for housing
- A play park should be provided within the development
- Supportive of the proposals and affordable housing
- Concerns regarding overlooking

The PAC report responds to each point and concludes that the applicant is encouraged by support for the development and that having analysed the responses, does not consider that any changes to the submission are necessary, as the proposal is a Planning Permission in Principle.

#### Supporting Planning Statement

The planning statement summarises the background to the site and the LDP RES4 (Affordable Housing) allocation. The report indicates that the site has been allocated through the LDP process and any potential landscape impacts have been accepted. The report also states the complexities of the site and refers to the Flood Risk Assessment regarding any potential impacts on existing housing.

#### Landscape Visual Impact Assessment (LVIA)

The applicant submitted a LVIA previously provided in 2012 for the LDP. The document provides a summary of the methodology for assessment, the context of the site, photographic survey and probable visual impact of housing on the site. The report concludes that development should be kept off higher ground below the 110m contour, landscape buffers should be used at higher areas to limit visual impact. Pedestrian and cycle links should be developed on site into the existing network and detailed topographical information should be used in order to design road systems and housing layout to ensure best fit within the landscape.

#### Flood Risk Assessment

The applicant submitted a Flood Risk Assessment previously provided in 2012 for the LDP. The applicant has resubmitted this document advising that no significant change to the area has taken place since the original reporting date to the LDP and, with the proposed development area now significantly reduced, indicates that the conclusions to the report remain pertinent. The original report concluded that there are no major water courses close to the site although three streams flow through or along the site boundary. The report states that the site is not at risk from flooding but there is risk that development of the site would result in water run off. A suitable attenuation feature, possibly SUDS, would require careful design to ensure water is discharged into local watercourses at a greenfield rate. Any measures put in place would require an emergency flow pathway in the event that any drainage features become blocked or damaged.

In the adopted Local Development Plan (LDP) the application site is allocated for affordable housing, where Policy Res 4 (Affordable Housing) applies. In terms of Policy Res 4, the site has an indicative capacity of 70 units. Policy PI 1 relates to the promotion of active travel, which is relevant due to the scale of the development and its potential to be a significant trip generator. Policy PI 8 deals with drainage, SuDS and flooding, which is relevant due to the scale of the project. The General Policy of the LDP is also relevant and requires all

development proposals to be considered against a set of assessment criteria, the relevant ones in this case being (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision.

Planning Permission in Principle was refused on 8th August 2016 for a larger residential development incorporating this site and land to the south. A subsequent appeal to the Scottish Ministers against the Council's decision was dismissed.

## **2. Consultations and Representations**

The application was subject to statutory neighbour notification procedures, and advertised in the local press on 9th May 2018 for the purposes of neighbour notification. Seven letters of objection were received, which can be summarised as follows:

1. The siting of the SuDS pond and play area, in close proximity, is cause for concern. The development also poses a flooding risk with respect to connections to the existing drainage network which are at capacity.

*Response: The submitted layout is indicative only and not approved. The detail would be addressed within any subsequent application for Matters Specified in Conditions (MSC). The Flood Risk Assessment submitted in support of the development has been assessed by both SEPA and the Council's Flooding Officer, both of whom offer no objections, subject to conditions (see consultation response below). Detailed drainage and water attenuation features could be addressed as part of a detailed application.*

2. The proposal would result in development in the Countryside and would impact on the landscape setting of West Kilbride. The proposal would be contrary to the General Policy and Policy ENV 2. Planning permission was previously refused for development at this site. There is no need for further housing in West Kilbride.

*Response: The Local Development Plan requires to allocate sufficient land to meet need and demand for housing over the 10 year period following adoption. The land supply provides a range of sites in a variety of locations to meet the anticipated need and demand. Within West Kilbride this allocation includes Ardrossan Road, Seamill (124 units), Ardrossan High Road, West Kilbride (30 units) and Lawhill Farm, West Kilbride (70 affordable housing units). The LDP has been subject to consultation and review by the Scottish Government Reporters who determined that the site is suitable for the development. Through the LDP process, the selection of land for future housing development is carefully considered, taking into account a range of criteria including factors such as sustainability, infrastructure, settlement patterns, transportation, landscape and visual impact. The site has been allocated for housing and as such the proposal complies with the LDP. The previous refusal related to a larger site incorporating land to the south. This proposal now aligns with the existing LDP allocation.*

3. There are insufficient services and infrastructure within West Kilbride to accommodate this development which would have an impact on schools, dentists and doctors' surgeries. The existing road network is unable to cope with this additional road traffic.

*Response: During the course of the LDP process, consultations with NAC Transportation, service providers, and NAC Education did not raise any objections to the proposal.*

4. Any housing within this site would impact on the privacy and amenity of existing residents.

*Response: Details of both the siting and design of the housing are yet to be confirmed and would be subject to separate assessment. The indicative layout is not approved.*

## Consultations

**NAC Transportation** - No objection. The internal road layout to be designed in accordance with the requirements of Designing Streets and local road guidance.

*Response: Noted. A condition could be applied requiring further details of the road layout, design and geometry.*

**SEPA** - No objection.

*Response: Noted.*

**NAC Flooding Officer** - no objection subject to the applicant providing a water and drainage assessment and further information regarding proposed SuDS, surface water drainage, maintenance and installation programme.

*Response: Noted. Conditions could be applied in this regard.*

**NAC Education** - Education confirm that a total of 70 units have been included in the roll projection for West Kilbride Primary School, St Peter's PS, Ardrossan Academy and St Matthew's Academy.

*Response: Noted.*

**NAC Housing Services** - does not object to the provision of affordable housing on this site. The site is included within the Strategic Housing Investment Plan 2018 - 2023.

*Response: Noted.*

**West of Scotland Archaeology** - Although the Historic Environment Record database does not record the presence of any features from within the boundaries of the plot of ground proposed for development, sufficient sites have been identified from the area surrounding it to suggest that it is likely to have some potential to produce significant sub-surface archaeological material. West of Scotland Archaeology, therefore, recommends that a condition be applied requiring the implementation of a programme of archaeological works in association with a written scheme of investigation.

*Response: A condition could be applied in this regard.*

**NAC Environmental Health** - no objections subject to conditions ensuring that any unsuspected contamination is investigated and remediated and that any increased road traffic shall not have a detrimental effect on air quality such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure. Restrictions on

noise from construction, disposal of waste materials and noise from generators should be applied.

*Response: Conditions and informatives to meet the requirements of Environmental Health could be attached to any grant of planning permission.*

**West Kilbride Community Council (WKCC)** - WKCC consider that this development should go ahead as soon as possible, as this is what the village has been requesting of the housing market. The only observations to be made would be that the surrounding roads already adopted by the Council will, in the event of the development going ahead, be subject to increased traffic both during construction and thereafter and drainage from the site should be controlled adequately.

*Response: Noted. The traffic and transport issues associated with the proposed development have been assessed by the Council's Transportation Officers, who offer no objections, subject to conditions. Similarly, the design of any drainage and surface water attenuation would be subject to conditions.*

**Scottish Water** - No objections. There is sufficient water and foul drainage capacity. The developer should contact Scottish Water with respect to any proposals to connect surface water into the combined sewer system.

*Response: Noted. The developer would be advised to discuss their proposals with Scottish Water.*

### **3. Analysis**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that decisions by planning authorities shall be taken in accordance with the development plan, unless material considerations indicate otherwise. The application seeks planning permission in principle for residential development. Policy STRAT1 of the LDP states that the Council is committed to stimulating population growth within North Ayrshire through the allocation of land and infrastructure to deliver 7,500 new homes. The proposed development would contribute to this strategic aim. The proposal requires to be considered in terms of LDP policies RES 4, PI1 and PI8.

In terms of Policy RES 4 the site is allocated for affordable housing with an indicative capacity of 70 units. The applicant has provided a conceptual masterplan which illustrates that access would be provided from Craufurd Avenue and to illustrate the potential layout for the development of 50 units on the site. Further detail is required with respect to the design and layout of the access and housing, but the principle of affordable housing on the site could be supported, which for the avoidance of doubt, can be addressed by a condition restricting the type of residential development on the site. The applicant has indicated that the site would be developed by a Registered Social Landlord. The proposal would comply with Policy RES 4.

In terms of Policy PI 1, which relates to all development proposals, which would result in significant trip generation, applications require to demonstrate that account has been taken of the need of walkers, cyclists and public transport users. A transport assessment has previously been submitted with the LDP allocation and considered the various issues and methods to promote active travel, use of public transport and impact on the road network.

The assessment considered that the proposed traffic numbers for the development could be accommodated within the road network. The creation of new access points through the site would ensure that the development could link into existing pedestrian and cycle routes and that frequent public transport services are within walking distance of the site. In summary the site is well located for ensuring the provision of multi-user links to West Kilbride.

Policy PI 8 is relevant due to the scale of the proposed development. The application has been subject to a flood risk assessment, which highlights that there are no major water courses close to the site. The report states that the site is not at risk from flooding but there is risk that development of the site would result in water run off. A suitable attenuation feature would require careful design to ensure water is discharged into local watercourses at a greenfield rate and any measures put in place would require an emergency flow pathway in the event that any drainage features become blocked or damaged. Both NAC Flooding and SEPA have not raised any objections and the design of drainage features could be addressed by condition.

In relation to the General Policy of the LDP the applicant has provided an indicative layout which proposes the main vehicular and pedestrian access from Craufurd Avenue with a potential density of 50 units arranged around a circular road. As an application for Planning Permission in Principle, the indicative masterplan is not approved, and matters regarding the siting, design, orientation, amenity and parking would be considered as part of further details applications. NAC Transportation has not objected to the principle of creating an access from Craufurd Avenue.

Appropriate conditions would be required to ensure that the development is designed in accordance with the principles of the Scottish Government's Designing Streets and Designing Places policy documents.

There are no other material considerations at this stage. As noted above, conditions could be imposed to address concerns regarding the detailed design of the proposals as well as the provision of surface drainage. Accordingly, it is recommended that planning permission in principle is granted for this welcome addition to the affordable housing land supply in North Ayrshire.

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

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed masterplan required by Condition 3, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the approved programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To meet the requirements of the West of Scotland Archaeology Service.

**Condition**

2. That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a water and drainage assessment shall be for the approval of North Ayrshire Council as Planning Authority which actions all relevant recommendations of the Flood Risk Assessment. The water and drainage assessment shall demonstrate that:

- (i) the development will not be at high medium or low likelihood of flooding or will increase the likelihood of flooding elsewhere;
- (ii) run-off to the site from adjacent steeply sloping ground shall be intercepted and appropriately attenuated and treated before discharging to the water environment or to a suitable piped system;
- (iii) in the event that surface water will discharge to the existing culvert at the site's Western edge, there would be no notable negative impact in terms of flood risk and water quality; and,
- (iv) full details of the parties responsible for the maintenance of all drainage assets are provided in a suitably detailed plan and that all associated maintenance operations are identified on an accompanying schedule;

The water and drainage assessment shall detail a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's SuDS Manual (C753) (published 11th November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 3. Thereafter, the scheme as may be approved shall be implemented during the course of development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To meet the requirements of SEPA and NAC Flooding.

**Condition**

3. Prior to the commencement of development on site, a further 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) the layout of the site, including all roads, footways, shared paths, car parking areas, and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) a detailed flood risk assessment, including cross-sections of existing and proposed ground levels, details of under-building and finished floor levels in relation to a fixed datum, preferably ordnance datum, and detailing how flood issues are addressed.
- (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 maintenance. Such SUDS shall be self-certified by a suitably qualified person;
- (e) the means of access to the site including an updated Transport Strategy;
- (f) the design and location of all boundary treatments including walls and fences;
- (g) the landscaping and associated maintenance proposals for the site, including details of existing trees, hedgerows and other planting to be retained and tree protection measures

together with proposals for new planting specifying number, size and species of all trees and shrubs and a woodland management implementation programme;

(h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);

(i) a design and access statement with the design issues addressed in the formulation of the proposals, set out in line with the relevant supplementary design guidance approved by North Ayrshire Council.

For the avoidance of doubt the illustrative masterplan provided with this application is not approved. The layout of the site shall take into account archaeological investigations, the detailed SuDS scheme, water and drainage assessments required by conditions 1 and 2 respectively, and shall take into account the principles of the Scottish Government's 'Designing Streets' and 'Designing Places' policy documents to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

In order that these matters can be considered in detail.

**Condition**

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

**Reason**

To ensure that any contamination is appropriately remediated.

**Condition**

5. That prior to the commencement of the development hereby approved, the developer shall submit a Construction Management Strategy Plan for the written approval of North Ayrshire Council as Planning Authority to include details of routing arrangements for construction traffic. For the avoidance of doubt, the Strategy shall be designed to reduce potential adverse impacts on road safety and to minimise potential disruption and congestion for road users, pedestrians and local residents. Thereafter, the development shall progress in accordance with the Construction Management Strategy Plan as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.

**Reason**

In the interests of amenity, traffic and pedestrian safety.

**Condition**

6. The applicant must demonstrate that the increased road traffic, generated as a result of this development, shall not have a detrimental effect on local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure.

**Reason**

In the interests of ensuring that air quality standards are achieved.

**Condition**

7. That for the avoidance of doubt the proposal shall be limited to the development of affordable housing as well as associated infrastructure. In this instance, affordable housing is defined by North Ayrshire Council as Planning Authority, as being for social rent by a Registered Social Landlord.

**Reason**

In order to ensure that affordable housing is delivered on the site and that the proposal complies with Policy RES4 of the LDP.



Karen Yeomans  
Executive Director  
Economy & Communities

For further information please contact Mr Ross Middleton Planning Officer on 01294 324379.

## Appendix 1 – Location Plan

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