
NORTH AYRSHIRE COUNCIL

27th January 2021

Planning Committee

Locality	Irvine
Reference	20/00975/PP
Application Registered	12th November 2020
Decision Due	12th January 2021
Ward	Irvine South

Recommendation	Approved subject to Conditions
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Location	Site To North Of Tarryholme Pond Irvine Ayrshire
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Applicant	Irvine Housing Association
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Proposal	Section 42 planning application to amend condition 9 of planning permission 19/00930/PPM
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1. Description

The proposal relates to Phase 2 of the Tarryholme residential development by Irvine Housing Association (IHA) which was granted Planning Permission in August 2020 for the erection of 77 dwellinghouses (19/00930/PPM). The applicant wishes to amend the wording of Condition 9 of the Planning Permission under Section 42 of Town and Country Planning (Scotland) Act 1997.

Condition 9 currently reads:

"That notwithstanding the plans hereby approved, details of an all abilities pedestrian/cycle link leading from the northwest of the site to the adjacent public footpath network shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development. Thereafter, such details as may be approved shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation or completion of the houses within the development, whichever is sooner."

The proposal is to amend the wording to:

"That notwithstanding the plans hereby approved, details of an all abilities pedestrian/cycle link leading from the northwest of the site to the adjacent public footpath network shall be

submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development. Thereafter, such details as may be approved shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation of the final five houses to be completed within the development."

Condition 9 was added by the Planning Committee to ensure that the site has a sufficient variety of routes for pedestrians to access the site. The main policy consideration for amending this condition with regards to the North Ayrshire Local Development Plan (LDP) is Policy 27: Sustainable Transport and Active Travel.

Relevant Development Plan Policies

Detailed Policy 27

Sustainable Transport and Active Travel

We will support development that:

contributes to an integrated transport network that supports long term sustainability

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

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

We will take account of:

- o the implications of development proposals on traffic, patterns of travel and road safety.
- o Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not

achievable, we may seek the provision of subsidised services until a sustainable service is achievable.

- o the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.
- o the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.
- o committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
- o specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.
- o The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
- o The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
- o The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.

Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

National Development:

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

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

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

2. Consultations and Representations

Neighbour notification was undertaken in accordance with statutory procedures. There was no requirement to advertise the application. No letters of representation were received.

3. Analysis

Planning Circular 4/1998 states that conditions should only be imposed on planning permissions where they are:

- Necessary,
- Relevant to planning,
- Relevant to the development to be permitted,
- Enforceable,
- Precise, and
- Reasonable in all other aspects.

Condition 9 ensures that a pedestrian access route would be formed to the northwest of the site offering a direct route to Irvine town centre via Annick Road which will mean that the site has a variety of pedestrian access routes, which in turn would promote active travel. Active Travel is a factor covered by Policy 27 of the LDP, and therefore it was considered necessary to add a condition relating to forming an additional pedestrian access route within the context of the LDP. It is considered that the condition as detailed meets the six tests highlighted above.

The developer plans on developing the site starting in the southeast and working to the northwest. There is a long-established path connection leading southwest from Tarryholme across the Annick Water via a footbridge, from where it then leads to the footpath alongside the River Irvine towards the town centre. There are other path links available from this route. As such, the existing pedestrian link to the established path network in the area would be available immediately for use by new residents of the estate. In addition, the Council intend to provide a new footpath from Tarryholme eastwards to i3 during the coming year, with planning permission recently approved to form this link (ref. 20/00940/PP). This path would utilise an existing underpass below the A78.

The area designated for the new pedestrian link leading northwest would be the last part of the site to be developed. The proposed amended wording of the condition would allow IHA to occupy the majority of houses within the development while leaving the construction of the new footpath until the final stages of building works. It is considered that this is appropriate as it reflects that a major residential development such as this would be completed over a lengthy time period. As noted above, an existing footpath link to the town exists, and the additional new footpath would still be provided prior to the completion of the development. The proposed amended condition accords with Policy 27 of the LDP.

There are no other material considerations. Given that the proposal is in accordance with the relevant policies of the LDP, it is considered that planning permission can be granted. As is the case with Section 42 applications, the original planning permission would remain unaltered. Therefore, all conditions attached to the original grant of permission require to be attached to the proposed revision to condition 9 in order to establish a separate planning permission. These are set out below.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

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

Reason

In order to ensure that the external finishes are appropriate.

Condition

2. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.

Reason

In order to ensure that the site is appropriately landscaped.

Condition

3. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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 North Ayrshire Council as Planning Authority gives written consent to any variation.

Reason

In order to ensure that the approved landscaping is carried out and maintained.

Condition

4. That prior to the commencement of the development hereby approved, the applicant shall submit full details of the localised regrading for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, these details shall contain section drawings of the slope at appropriate intervals throughout its length, details of its construction and details of its finish. The development shall then progress in accordance with such details as may be approved.

Reason

In order to ensure that the appearance of the slope is acceptable, in the interest of amenity.

Condition

5. That the ecological mitigation measures set forth on pages 22-23 of the "Tarryholme (Phase 2), Irvine Preliminary Ecological Appraisal" (document no. 8882) prepared by McTaggart Construction and issued on the 24th of October 2019, shall be fully implemented prior to and maintained during the construction of the development hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the development does not adversely affect protected animals or habitats.

Condition

6. That prior to the first occupation of the development hereby approved, a V-notch shall be cut into the detention basin to channel the flow into the large pond to the south of the basin in the event of the basin capacity exceeding the 1 in 200 years design flow, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To prevent flooding in the event of the basin capacity exceeding the 1 in 200 years design flow.

Condition

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

Reason

In order to ensure that the air quality is acceptable; in the interest of amenity.

Condition

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

Reason

In order to ensure that the site is not contaminated; in the interest of amenity.

Condition

9. That notwithstanding the plans hereby approved, details of an all abilities pedestrian/cycle link leading from the northwest of the site to the adjacent public footpath network shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development. Thereafter, such details as may be approved shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation of the final five houses to be completed within the development.

Reason

In the interest of providing a safe active travel link.

Russell McCutcheon
Executive Director (Place)

For further information please contact Mr John Mack on 01294 324794.

Appendix 1 – Location Plan

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