
NORTH AYRSHIRE COUNCIL

24th April 2024

Planning Committee

Locality	
Reference	24/00112/PPM
Application Registered	28th February 2024
Decision Due	28th June 2024
Ward	Garnock Valley

Recommendation	Approved subject to Conditions
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Location	Site To South Of 1 Newhouse Drive, Kilbirnie
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Applicant	Keepmoat Homes Ltd
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Proposal	Erection of residential development of 112 dwellings with associated works including access, parking, landscaping, open space and SuDS
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1. Description

Planning permission is sought for the erection of 112 residential dwellings with associated works including access, parking, landscaping, open space, and SuDS on an allocated greenfield site within the settlement boundary of Kilbirnie.

The site, which has a total area of just under 8 hectares, of which 2.4 hectares would be developed, slopes downhill towards the countryside from a high point of approximately 60m AOD at the boundary with Newhouse Drive in the northeast corner to a low point of 55m AOD in the southwest, a fall of some 5m across a distance of 200m (which equates to a very gentle slope). The area to be developed consists of an area of former agricultural land that was planted with broadleaved woodland in 2006/07 as part of a woodland creation scheme funded by the former Forestry Commission Scotland. There is an informal footpath which passes through the site from Newhouse Drive leading into Place Woodland, the greater part of which is located to the southwest of the site. As a result of the proposed development, an area of immature woodland, totalling 1.5 hectares in area and generally consisting of trees below 5m in height, would be felled. Compensation planting would take place within the western part of the site and at nearby Place Woodland to provide over 1.6 hectares of new woodland and hedgerows (a net gain of 0.1 hectares or 1000 square metres). The area of the application site which would be left undeveloped, to the west and northwest of the

proposed housing, would be retained as scrub and marshy grassland. Some of the new tree planting would be provided within that area.

To the north and east of the site is an established residential area of Kilbirnie consisting of post-war local authority housing. The housing comprises two storey dwellings in a mix of semi-detached and terraces. To the south is agricultural land beyond the settlement boundary. The southern boundary of the application site aligns with the southern boundary of the existing housing in the town.

The proposed development would have a single point of vehicular access from Newhouse Drive at the highest point of the site, via a previously constructed section of road and associated pedestrian footways which terminates at the northeast boundary of the site. The access leads from the corner of Newhouse Drive and Mossend Avenue. There would also be a separate pedestrian footpath connection provided to link with the existing pedestrian footway on Camphill Drive on the east side of the site. The existing informal footpath through the site which leads to Place Woodland would be diverted through and around the housing with a new length of path provided, reconnecting onto the existing path at the southwest corner of the site.

The site layout would take the form of a series of interconnected streets based on Designing Streets principles, roughly forming a figure 8 on plan. A hierarchy system has been designed into the layout, with wider roads near the site access leading to narrower streets at sections where predicted traffic flows would be less. Footways would be provided where flows would be greatest leading onto shared surfaces within areas of lighter traffic. The north eastern section of road would terminate in a cul-de-sac in order to restrict traffic flows around the perimeter of the site. Visitor parking would be provided throughout the site.

All houses within the development would have two storeys, although one design has a dormer within the attic to give 2.5 storeys. A total of 11 house designs (or 'types') are proposed. The housing mix includes 23 detached, 52 semi-detached and 37 terraced homes. Most homes would have either 3 or 4 bedrooms, and 16 would have 2 bedrooms. The houses typically have steep roof slopes with gable ends. Some would have gable features to the front and/or roof canopies over front doors. A number would have integral garages. The applicant has proposed that external finishes would be finished primarily in white render or red facing brick, with buff coloured window cills, white uPVC windows, black front doors and anthracite grey concrete roof tiles. There would be two types of brickwork used for basecourses, either red or buff coloured facing brick. All homes would have mono-block paved driveways. Solar PV panels would be provided on all roofs (and positioned on the most appropriate slope to maximise daylight/solar gain). Front gardens would be open plan with rear gardens enclosed with 1.8m high timber fences.

The development would provide a play park for children to the west of the housing and beside the footpath leading to the Place Woodland. The play park would be set within an area of grassed open space which would be landscaped with several trees. The edges of an existing field ditch to the west of the site would be landscaped to provide a biodiversity corridor. The open space and play park would be overlooked from the front of houses on the western edge of the site, all of which would face towards the countryside and woodland beyond the town. A SuDS detention basin would be provided to the southwest at the lowest point in the site, discharging to an existing field ditch. A further area of open space would be provided at the east of the site to enlarge an existing open space on the edge of the existing housing estate between Newhouse Drive and Baillieston Avenue.

In terms of the Adopted Local Development Plan (LDP), the application site is within an additional housing allocation which was allocated in 2019, with an indicative capacity of 100 units. The relevant policies of the LDP to the proposed development are listed below:

- The Towns and Villages Objective of Strategic Policy 1: Spatial Strategy
- Strategic Policy 2 (Placemaking)
- Policy 1: New Houses and Maintaining an Effective Housing Land Supply
- Policy 15: Landscape and Seascape
- Policy 16: Protection of our Designated Sites
- Policy 18: Forestry, Woodland, Trees and Hedgerows
- Policy 22: Water Environment Quality
- Policy 23: Flood Risk Management
- Policy 27: Sustainable Transport and Active Travel
- Policy 31: Future Proofing for Heat Networks

National Planning Framework 4 is also relevant to the consideration of the application since this is part of the development plan.

The following supporting information was submitted with the application:

- Pre-application Consultation (PAC) Report
- Design and Access Statement
- Preliminary Ecological Appraisal Report
- Flood Risk Assessment
- Tree Report
- Transport Assessment
- Drainage Statement
- Invasive Weeds Survey
- Environmental Constraints Assessment

2. Consultations and Representations

Neighbour notification was undertaken for the application in accordance with statutory procedures, which involved 30 letters being sent to all addresses within 20m of the site. The application was also advertised in a local newspaper, the Ardrossan & Saltcoats Herald.

One letter of representation has been received, which makes the following points:

1. Great to see some much needed homes being built.

Response: Noted. The proposed development is for an allocated residential site in the adopted LDP.

2. Better footpath links are needed to connect to existing residential area, reducing car journeys and allowing direct walking access to schools, shops etc. Area north of plot 42 there should be a footpath link to Baillieston Ave. There should be a footpath link to Camphill Ave and Kerswinning Ave.

Response: Noted. An additional pedestrian link has now been proposed to link the site with Camphill Avenue, providing a direct link to a group of shops and health centre at the Garden

City (500m). There is another local shop on Mossend Avenue which can be easily reached on foot via the main site access (150m). The nearest primary school, St Bridget's, is to the north and can be easily accessed on foot from the main site access from Newhouse Drive (160m). An informal pedestrian connection will also be available between the north of Plot 42 and the existing open space and footpath leading to Baillieston Avenue and The Dykes. The existing footpath to Place Woodland would be diverted and incorporated into the open space for the development, thus providing access to an established woodland walk in the nearby countryside. It is not considered necessary for any further formal or informal links to the adjoining streets.

3. The proposed site layout turns it back on the existing urban area especially around plots 49-54 and these plots could be turned to a right angle to allow a better connection between the existing urban area.

Response: Not agreed. The plots at 49 - 54 back onto existing housing at The Dykes and Camphill Avenue. This is considered to be the most appropriate arrangement for integration with the existing housing estate.

4. The new public park should have street lighting to allow safe use after dark.

Response: Not agreed. The play park is on the edge of the proposed development beside the countryside where the introduction of street lighting could have an adverse effect on wildlife, as noted in the submitted Preliminary Ecological Appraisal.

Consultations

NAC Active Travel and Transport - no objections following assessment of the proposed layout and the submission of some amendments in relation to visitor parking/service strips.

Response: Noted. The matters raised have been addressed. Any outstanding technical details can be addressed during the road construction consent application process.

NAC Education - no objection. The roll projections for the catchment schools (St Bridget's PS, Garnock Community Campus and St Matthew's Academy) have been checked and currently show that the new homes can be accommodated.

Response: Noted.

NAC Environmental Health - no objections to the development. Conditions are recommended in respect of air quality associated with road traffic; a desk study for potential contamination on the land; the use of suitable (clean) fill materials in land engineering operations and for notification to the local authority in the event of unsuspected contamination being discovered during the course of development. Further observations are made in relation to a range of other Environmental Health matters.

Response: Conditions relating to the above matters could be added in the event of planning permission being granted.

NAC Flooding Officer - no objection subject to conditions regarding full details of land and surface water drainage networks; detailed design for the SuDS detention basin; further

details of flow paths and the implementation of flood risk management measures identified in the FRA.

Response: The above raised matters could be dealt with through condition in the event of planning permission being granted.

Scottish Water - no objection. The applicant should be made aware that a consultation response does not confirm that the proposed development can currently be serviced. Further comments for are provided on water supply and waste water capacity. Surface water will not be accepted into the combined sewer except in limited exceptional circumstances.

Response: An informative note could be added to any planning consent granted instructing the applicant to contact Scottish Water regarding the matters raised.

West of Scotland Archaeology Service - advise that the application will not affect the nearby ironstone pit and farmstead marked on Ordnance Survey first edition maps. The proposals raise no substantive archaeological issues.

Response: Noted.

Kilbirnie & Glengarnock Community Council - no comments.

3. Analysis

To accord with the provisions of the Town and Country Planning (Scotland) Act 1997, the application requires to be determined in accordance with the development plan unless material considerations indicate otherwise. Each relevant development plan policy is considered individually below.

Strategic Policy 1: Spatial Strategy and Policy 1: New Homes and Maintaining an Effective Housing Land Supply

The Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) states that, in principle, the Council will support development proposals within North Ayrshire's towns and villages that provide the right new homes in the right places. Policy 1 (New Homes and Maintaining an Effective Housing Land Supply) states that, in principle, the Council will support and promote residential development of the 51 effective housing supply sites identified in Schedules 2a and 2b. As noted above, this particular site was allocated as part of the 2019 LDP and has an indicative capacity of 100 units (ref. Cfs44).

Whilst the application is for 112 houses, which is 12 greater than the indicative capacity, it is not considered that this would result in the over-development of the land given the provision of open space and landscaped ground. As such it is considered that the proposed development accords with Strategic Policy 1 and Policy 1 of the LDP.

Strategic Policy 2: Placemaking

The stated purpose of Strategic Policy 2 on Placemaking is to ensure "all development contributes to making quality places." The policy also seeks to "safeguard, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts."

The proposed development would provide a variety of house designs (11 in total) including terraced, semi-detached and detached houses. This would add positively to the range and choice of homes in Kilbirnie. All houses within the development would have 2 storeys with gabled roof designs and a consistent pattern of external finishes throughout the development.

It is considered that the development would integrate with the existing housing estate which adjoins the site. The existing housing either has gables or rear elevations facing onto the application site, with similar ground levels. As such, the existing housing would not experience any adverse privacy or overlooking impacts from the proposed development.

As well as providing adequate connections with the existing housing, the proposed street layout has taken into account the western and southern aspects of the site which provides views towards the Place Woodland and Garnock Valley, thus enhancing the relationship of the development with its wider landscape setting.

In terms of its functionality, the proposed street layout is considered acceptable. There would be one access road for vehicles, including pedestrian footways. There would be one additional pedestrian footpath connections onto Camphill Avenue, an informal connection onto The Dykes and a diverted footpath provided to connect the existing and proposed housing to the Place Woodland. The houses along the western boundary of the site would face towards an area of open space with the Place Woodland beyond. It is considered that this siting arrangement would create an attractive edge to the development on the outskirts of the town.

The proposed layout and boundary treatments would provide each house with a rear garden area of adequate size and enclosures to ensure that there would be no adverse privacy or overlooking between residents. Each house would also be provided with in-curtilage parking to ensure that there would be no adverse parking impacts on the new streets within the development. In addition, there would be 27 no. visitor parking spaces provided throughout the development.

The proposed development would provide a range of internal and outdoor spaces that could be adapted in the future to meet the needs of the residents.

It is also considered that the site would be well connected for a variety of transport modes. Newhouse Drive/Mossend Avenue is a bus route. There are other bus routes available on Dalry Road and Kirkland Road, all within walking distance. As noted above, the site is within walking distance of a number of local facilities and services including shops, a primary school and a health centre.

Therefore, given the above, it is considered that the proposed development would meet the relevant requirements of Strategic Policy (Placemaking).

Policy 15: Landscape and Seascape

Policy 15 states that the Council will support development that protects and/or enhances our landscape/seascape character avoiding unacceptable adverse impacts on our designated and non-designated landscape area and features. In this particular case, it is noted that the site is allocated for residential development in the LDP and therefore the principle of the

development of the site for housing has been established, notwithstanding the above designation.

Policy 15 identifies a Potential Limit of Development Expansion area which is denoted as a line on the LDP map. The intention of the delineation is to guide development away from areas of land which could have adverse impacts on the rural landscape around towns. In this case, the line (which is notional and not demarcated on the ground) passes to the southwest of the development. The western edge of the development would, as noted above, be planted with woodlands to provide a smooth transition between the built up area and the existing woodland beyond the town.

The ditch which passes the western edge of the site would be retained and enhanced with additional planting to provide ecological and amenity benefits.

Several areas of open space would be provided, including an equipped play area for children as well as several areas of grass.

A scheme of landscaping and planting would take place throughout the development. Notably, the immature trees to be removed within the site would be replaced within the Place Woodland area and on the western edge of the site, thus adding to the woodland cover in the locality and compensating for the trees that will be removed to accommodate the development.

As such, it is not considered that the proposed development would have any significant adverse impact on the local landscape character area and has been designed in accordance with Policy 15.

Policy 16: Protection of our Designated Sites and Policy 18: Forestry, Woodland, Trees and Hedgerows

In terms of Policies 16 and 18, the site is not subject to any environmental designations of local or national importance. However, a Preliminary Ecological Assessment (PEA) has been submitted providing a detailed assessment of the environmental features of the site and its surroundings, the preparation of which followed desktop and site surveys.

The findings of the survey indicate that there were no protected species present nor nesting places, bat roosts, badger setts, etc. The trees on the site are noted as being of potential importance as a food source for bats, birds, insects and as wildlife corridors.

The PEA recommends that further survey work is carried out for the presence of protected species, especially bats, before any development takes place. Vegetation removal should be avoided during the nesting bird season of March to September. Various other recommendations have been made, all of which would help to prevent loss of wildlife arising from the clearance of the trees and construction operations. The fact that the applicant has proposed compensatory woodland planting as well as providing enhanced conditions for wildlife near to the site would help to address the loss of foraging and commuting opportunities for bats and birds in particular. Implementation of the recommendations of the PEA could be secured by condition. With such measures in place, it is considered that the proposed development would accord with the above policies.

Policy 22: Water Environment Quality and Policy 23: Flood Risk Management.

Policy 22 of the LDP states that development will be required to ensure no unacceptable adverse impact on the water environment. Development should ensure that appropriately sized buffer strips are maintained between the built and water environments. Related to this issue is Policy 23, which deals with flood risk management and states that generally development should avoid locations of flood risk and should not lead to significant increase in the flood risk elsewhere. There is a small ditch along the western edge of the site and a larger stream further west. Both water bodies are less than 2m in width and the recommended minimum buffer strip of 6m either side would be exceeded in both cases. The stream further to the west would have no ground disturbance around it whereas the ditch that is closer to the edge of the site would have its banks slightly modified as part of the groundworks for the open space provision.

The site is located outwith the flood risk area defined by NPF4 and the submitted Flood Risk Assessment finds that the site would be at a low risk of flooding from the nearby watercourses at present and in the future. SEPA's Standing Advice was consulted and from this it was noted that the site is not at risk from pluvial (watercourse) flooding. NAC Flooding has no objection to the proposed development subject to recommended conditions relating to the surface water drainage infrastructure. As such, it is considered that the development accords with Policies 22 and 23.

Policy 27: Sustainable Transport and Active Travel

As noted above under Strategic Policy 2, the site is considered well connected for walking to the local facilities in Kilbirnie, for bus services and for private car travel. The nearest railway station in Glengarnock can be accessed on foot, bus and car - there are existing park and ride facilities at the station. As such, it is considered that the development accords with Policy 27.

Policy 31: Future Proofing for Heat Networks

Policy 31 supports proposals for the creation or enhancement of district heat networks in as many locations as possible in North Ayrshire. The site is not considered to be a suitable candidate for a district heating system at present, since there are no existing or proposed heat sources available nearby (ie. within 1km) which could be utilised for this purpose.

NPF4

Finally, turning to NPF4, it is considered that that, in principle, the proposed development accords with the spatial strategy of NPF4 in that it would provide a new residential development on an allocated site. NPF4 is broadly in alignment with the LDP in respect of its other strategic policy objectives, including those tackling the climate and nature crises.

As noted above, several mitigation and enhancement measures have been recommended in the application including the planting of compensation woodlands which would add to tree cover at Place Woodland near the site. Areas of public open space, landscaping and planting would be provided throughout the site and sustainable drainage provided to mitigate the rate of surface water run-off in conjunction with other flood prevention measures. A condition could be attached to require the implementation of the PEA and flooding officer recommendations during the development of the site. This would ensure that the principles set out in NPF4 for nature and sustainable drainage are implemented. Finally, the proposed footpath links would support active travel for a variety of purposes, providing access to both the countryside and the town, and would thus promote local living. In summary, it is considered that the proposed development has considered the climate emergency, would be 'nature positive' and would accord with NPF4.

There are no other material considerations. In conclusion, it is considered the proposed development would accord with the development plan. Accordingly, it is recommended that planning permission is granted subject to the conditions noted below.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That the development hereby approved shall be implemented in accordance with the submitted plans, drawings and recommendations contained in the application (inclusive of all associated supporting documentation) unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To secure the implementation of the development in accordance with the supporting information.

Condition

2. That prior to the commencement of the development hereby approved, the applicant shall submit a Construction Environmental Management Plan for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interests of environmental protection during the construction phase.

Condition

3. That prior to the commencement of the development hereby approved, the applicant shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interests of environmental protection prior to and during the construction phase.

Condition

4. That, if there is a requirement to re-use site won material and/or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any material being used. In addition, any fill material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours and

in accordance with BS3882:2015 and BS8601:2013. On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability for use within residential development.

Reason

In the interests of environmental protection during the construction phase.

Condition

5. That prior to the commencement of the development hereby approved, full details of:

- the proposed land and surface water drainage networks shall be provided;
- the SuDS Basin design shall be provided. (For the avoidance of doubt, the embankment levels of the basin shall be designed that exceedance overflows will flow towards the burn and away from the housing within the development);
- exceedance flow paths of the drainage network shall be provided;

all for the written approval of North Ayrshire Council as Planning Authority.

The finalised surface water drainage scheme shall accord with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015).

Thereafter, the details as may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To ensure that the drainage scheme for the development would not lead to flooding.

Condition

6. That prior to the commencement of the development hereby approved, the developer shall provide final details of the boundary treatments 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 to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To ensure that the boundary treatments are appropriately sited and designed in the interest of the visual amenity of the area.

Condition

7. That all planting, seeding or turfing comprised in the approved details of landscaping scheme and compensation woodland scheme shall be carried out in the first planting season and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner. Any trees, plants or areas of grass seeding 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 until established, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

Reason

To ensure that the approved landscaping scheme is carried out and maintained, in the interest of amenity and biodiversity.

Allan Finlayson
Chief Planning Officer

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

Appendix 1 – Location Plan

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