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## NORTH AYRSHIRE COUNCIL

### Planning Committee

Locality	Kilwinning
Reference	23/00420/PPM
Application Registered	26th July 2023
Decision Due	26th November 2023
Ward	Kilwinning

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**Recommendation**      Approved subject to Conditions

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**Location**              Site To South West Of Mosscolloch Farm Kilwinning,  
Ayrshire

**Applicant**              Keepmoat Homes Ltd

**Proposal**                Erection of 85 residential 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 85 residential dwellings with associated works including access, parking, landscaping, open space, and SuDS.

The proposed housing would consist of detached and semi-detached houses with a total of eight different designs, known as 'house types'. Six of the proposed house types would have 2-storeys and the two remaining house types would have 2.5 storeys (Hardwick and Roxburgh). Two house types would feature integral garages (Braemar and Huntly). All house types would have gabled roofs and would be finished with grey roof tiles. The external walls would be finished in a combination of red and buff coloured facing brick and white render.

The application site relates to an area of agricultural land of approx. 2.68ha to the north-east of Hazeldene Park in Kilwinning on the edge of the town. The site is bounded by the B778 road to the east and Blair Road to the west. To the north of the site the land is rural and consists chiefly of agricultural fields.

The proposed layout of the site features a single vehicular access road from the B778 to the east of the site. Path connections would be provided from both the B778 and from Blair

Road to the west. A new 2m wide public footpath would be formed along the B778 to connect into the existing public footpath network which leads into the town. A SuDS detention basin for the treatment and storage of surface water would be located to the northwest corner of the site adjacent to Blair Road. The houses along the eastern edge of the site would front onto the B778 with vehicular access and parking within the site to the rear of the houses rather than direct from the B778. For drainage reasons, the land adjacent to Blair Road on the western edge of the site would be raised. The path connection with Blair Road would feature 2 no. flights of steps to overcome the change in ground level. The majority of the proposed housing would include in-curtilage parking.

There would be 2 no. private parking courtyards provided to serve 10 no. of the proposed houses and there would be a total of 22 no. visitor parking spaces provided throughout the site. An area of public open space would be provided near the entrance to the site from the B778 and a scheme of landscaping and planting is proposed throughout the site.

Existing housing at Hazeldene Park backs onto the southern boundary of the site. The rear gardens of the proposed housing would back onto this boundary. Existing hedgerows along the site boundaries would be retained and enhanced where possible.

Boundary treatments for the houses would consist of a combination of 1.8m and 0.9m high timber fences to the rear gardens of houses. Front gardens would be left open. A 1.8m high brick wall would delineate the public facing rear garden boundaries for house plots 3 and 85 at the site entrance from the B778.

In terms of the Adopted Local Development Plan (LDP), the application site is allocated in Schedule 3 as a Long-Term Housing Site Anticipated to Become Active 2024-2029 (ref. NA1112). It is also located within the General Urban Area within the settlement boundary of Kilwinning and a local landscape character area. 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 29: Energy Infrastructure Development
- 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 applicant initially approached Planning Services for pre-application discussions about the residential development of the site in May 2021 (ref. 21/00483/PREAPP). A Proposal of Application Notice (PoAN) was subsequently submitted on 29th July 2021 (ref. 21/00749/PREAPM).

Significant design changes to the layout of the proposed development have been achieved via discussions between the applicant, Planning Services, and the Council's Active Travel and Transport officers since the PoAN was submitted in July 2021. These include:

- Re-orientation of houses on the eastern boundary of the site to front onto the B778;
- The addition of path connections between the site and Blair Road to the west and the existing footpath network on the B778 to the east;
- Changes to the internal road layout to reduce vehicle speeds;
- More even distribution of visitor parking spaces throughout the site;
- Enhanced public open space and landscaping throughout the site; and
- Retention and enhancement of hedgerows along the site boundaries where possible.

The following supporting information was submitted with the application:

- Transport Assessment
- Design and Access Statement
- Statement of Energy
- Site Investigation
- Preliminary Ecological Assessment
- Pre-application Consultation (PAC) Report
- Noise Impact Assessment
- Invasive Weeds Survey
- Flood Risk Assessment
- Environmental Constraints Assessment
- Archaeological Desk Based Assessment

## **Relevant Development Plan Policies**

### Strategic Policy 1 - 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:
  - 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).
  - 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 the Council's Local Outcomes Improvement Plan (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 1 - New Homes and Maintaining an Effective Housing Land Supply

In principle we will support and promote residential development of the 51 effective housing supply sites shown in Schedules 2a and 2b. We will protect them by resisting alternative development, including significant reductions in capacity which would undermine our ability to confirm an ongoing 5-year land supply.

In principle, we will also support and promote residential development of our 27 long-term housing sites shown in schedule 3. In particular, but not limited to, where they would contribute to our ongoing 5-year effective land supply.

Notwithstanding the above, we will support ancillary development for a range of accommodating and integrated uses including locally important community, leisure, and other employment uses like shops, banks, cafes, workshops, garages, and small offices within these sites where they would not negatively impact upon our ability to maintain an effective 5 year housing land supply.

We will monitor the delivery of new homes in North Ayrshire through a housing land audit to ensure the maintenance of an effective five-year supply of land for housing. Where we identify and confirm a shortfall we will consider innovative approaches to enable development in the first instance. We will only support new housing proposals where they would help us achieve the vision, for example by aligning with the principles of the spatial strategy and being compliant with other aspects of the plan particularly by way of impact on committed infrastructure and the environment.

## Detailed Policy 15 - Landscape & Seascape

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

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

a) Nature Conservation Sites of International Importance

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

b) Nature Conservation Sites of National Importance

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

c) Nature Conservation Sites of Local Importance

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

d) Marine Protected Areas

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

e) Biodiversity Action Plan Habitats and Species

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

f) Protected Species

Development likely to have an unacceptable adverse effect on;

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

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

#### Detailed Policy 18 - Forestry, Woodland, Trees and Hedgerows

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

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

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

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

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

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

#### Detailed Policy 22 - Water Environment Quality

Proposals for additional cemetery provision to meet identified needs within our locality areas of Irvine, Kilwinning, Arran, North Coast, Three Towns and Garnock Valley will be supported where unacceptable environmental and amenity impacts are avoided. Groundwater assessments may be required to support proposals with mitigation measures identified and agreed where necessary.

We will support development that helps achieve the objectives of the Water Framework Directive and the River Basin Management Plan for Scotland. Generally, development which would lead to the deterioration of the water environment will be resisted unless it would deliver significant social, environmental or economic benefits.

Development will be required to ensure no unacceptable adverse impact on the water environment by:

- a) Protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity);
- b) Protecting and enhancing existing flood plains; protecting opportunities for public access to and recreation and enjoyment on and around lochs, rivers, burns, wetlands and the coastal marine area; and
- c) Having regard to any designated Bathing Waters. Where engineering works are required in or near water bodies, there will be a presumption in favour of soft engineering



techniques and against the culverting of watercourses, unless there is no suitable alternative. Proposals for culverting of watercourses for land gain may only be justified if the applicant can demonstrate that:

- o No other practical option exists that would allow the watercourse to remain open; and
- o The proposed development is of overriding public interest.

We support connection to public sewerage systems in the first instance but recognise that wastewater solutions must be affordable and delivered at the most appropriate scale and that in many cases septic tank systems can be the most sensible solution for a household or small community (this also might be bespoke for our island communities). We will consider the cumulative impact of such solutions and support a preference for community solutions.

Development should ensure that appropriately sized buffer strips are maintained between the built and water environments.

Indicative Width of watercourse (top of bank)	Indicative Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
15-15m	12-20m
15m+	20m+

#### Detailed Policy 23 - Flood Risk Management

We will support development that demonstrates accordance with the Flood Risk Framework as defined in Scottish Planning Policy and shown in schedule 7, relevant flood risk management strategies and local flood risk management plans. We will also support schemes to manage flood risk, for instance through natural flood management, managed coastal realignment, wetland or green infrastructure creation.

Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

- o Clearly set out measures to protect against, and manage, flood risk.
- o Include sustainable urban drainage systems (SuDS) where surface water is proposed to be discharged to the water environment, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended.
- o Include provision of temporary/construction phase SuDS.
- o include appropriate long-term maintenance arrangements.
- o Be supported by an appropriate flood risk assessment where at risk of flooding from any source in medium to high risk areas and for developments in low to medium risk areas identified in the risk framework (schedule 7).
- o Take account of SEPA's flood risk and land use vulnerability guidance (2018) and any relevant updates to, or replacements of this guidance.

## 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 Gailes.

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.

#### Detailed 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.

#### Detailed Policy 31 - Future Proofing for Heat Networks

We will support proposals for the creation or enhancement of district heat networks in as many locations as possible in North Ayrshire (even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future).

We will seek to identify and safeguard existing and future heat network generation and distribution infrastructure, including pipeworks and pipework within, and to the curtilage of, new developments.

Proposals for development that constitute a significant heat source or substantial development\* which would not result in the creation or enhancement of district heat networks should include:

- i) provision for on-site heat recovery and re-use infrastructure; or
- ii) a heat network generation and distribution infrastructure plan (a district heating plan), taking into account the potential to connect to future heat demand sites; or
- iii) demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical (proximity, geography, safety etc) or economic reasons.

\* 'Substantial' developments consist of urban extensions, large regeneration areas or large development sites subject to master planning or large mixed use developments and major sites (50 residential units and above). There is, however, an element of judgment that will need to be applied here and it might be that some other locations offer significant potential for heat networks due to their local context, support from the local authority, and 'buy in' from developers.

## **2. Consultations and Representations**

Neighbour notification was undertaken in accordance with statutory procedures. The application was advertised in a local newspaper, the Irvine Herald. A total of 12 representations were received, all expressing objections to the application. The points received were raised with the applicant who submitted a statement in response. These are summarised below.

1. The proposed development would have an impact on the amenity of neighbouring properties to the south (all 1 or 1.5 storeys) including potential privacy and overlooking impacts.

*Response: The proposed development has been designed to meet the requirements of Strategic Policy 2 (Placemaking), the principles of 'Designing Streets,' and to accord with NAC Neighbourhood Design Guidance to ensure that the development integrates well with the surrounding area, to minimise the impact on the Local Landscape Area, and to not give rise to any privacy or overlooking impacts. The amenity impacts of the proposed development, including those relating to privacy and overlooking of neighbouring houses, are considered in the Analysis section below (see Strategic Policy 2: Placemaking).*

2. The development would be on a greenfield site rather than brownfield. Brownfield sites should be addressed first in line with NAC Regeneration Delivery Plan.

*Response: The site is allocated for residential development in Schedule 3 of the LDP. The proposed development would contribute to delivering a range and choice of residential development across North Ayrshire. The principle of the proposed development at this site*

*is considered in the Analysis section below (See Strategic Policy 1: Spatial Strategy and Policy 1: New Homes and Maintaining an Effective Housing Land Supply).*

3. The proposed development would have an impact on wildlife/green economy.

*Response: The submitted Preliminary Ecology Assessment (PEA) provides a detailed assessment of the environmental features of the site. The site is not subject to any environmental designations of local or national importance. It largely consists of open grazing land with biodiverse habitats such as hedgerows. These would be preserved and enhanced where possible. The PEA proposes mitigation measures to minimise potential impacts on natural features and suggests various opportunities for biodiversity enhancements. The proposed SuDS feature would play a key role in the management of green and blue infrastructure, as well as providing a sustainable flood risk solution and an additional biodiverse habitat. The impact of the proposed development will be considered in the Analysis section below (see Policies 16 and 18).*

4. The proposed development conflicts with the Council's Strategy on Sustainability and Climate Change.

*Response: As noted above, the site is allocated for residential development in Schedule 3 of the LDP. An Energy Statement has been submitted as part of the application which demonstrates that the proposed development meets the requirements of the relevant LDP policy. The sustainability of the proposed development is considered in the analysis section below (see Policy 29: Energy Infrastructure Development).*

5. The proposed development would have an adverse impact on local services and facilities.

*Response: New developments can benefit Kilwinning as new residents and increased density of development sites can provide the critical mass needed to support improved local services. The relationship between the site and the surrounding area of Kilwinning is considered in the analysis section below (see Strategic Policy 2: Placemaking and Policy 27: Sustainable Transport and Active Travel). See also consultations with NAC Education and Active Travel and Transport below.*

6. Concerns over vehicle access and cycle access to Blair Road.

*Response: The site includes an active travel link to Blair Road to the west, which would increase accessibility to the site for people walking and cycling. The connectedness of the site is considered in the Analysis section below (see Strategic Policy 2: Placemaking and Policy 27: Sustainable Transport and Active Travel). See also consultation with NAC Active Travel and Transport below.*

7. Concerns over flooding to adjacent properties.

*Response: The proposed development is considered not to increase the risk of surface water flooding to other properties, neither would the site itself be at risk of flooding. All rain and surface water would be managed through sustainable urban drainage systems (SuDS), and the design has sought to minimise the area of impermeable surface and has demonstrated that it can be connected to the public water mains. The flood risk implications*

of the site are considered in the Analysis section below (see Policy 23: Flood Risk Management). See also consultation with NAC Flooding below.

8. Failure to properly notify neighbouring residents of the proposed development. The application was advertised in the wrong newspaper.

*Response: Both the online and in person public consultations were advertised in the Irvine Times. As noted above, neighbour notification has been undertaken for the application in accordance with statutory procedures.*

9. Concerns over the traffic impacts. There is too much car parking proposed.

*Response: It is considered that the car parking proposed is in line with the parking standards set out in NAC guidance. The connectedness of the site for a variety of transport modes is considered in the analysis section below (see Strategic Policy 2 and Policy 27: Sustainable Transport and Active Travel). See also consultation with NAC Active Travel and Transport below.*

10. The proposed development would overdevelop the site with green space removed from previous design.

*Response: The site is allocated for residential development in Schedule 3 of the LDP. The layout was proposed following public consultation and pre-application discussions with NAC. The density and layout of the proposed development are appropriate for the site. A communal 'village green' (public open space) is proposed to accommodate informal children's play, social gatherings, and games. The design and layout of the proposed development are considered in the Analysis section below (see Strategic Policy 2: Placemaking).*

11. There is not enough variation of house types within the development (e.g. flats, bungalows).

*Response: The applicant has carried out consultation with members of the public and pre-application discussions with NAC. The design, layout, and housing mix has been agreed with NAC and is considered to be in keeping with the character of the local area. The design and layout of the proposed development are considered in the analysis section below (see Strategic Policy 2: Placemaking).*

12. Concerns over the construction impacts of the proposed development.

*Response: A construction environmental management plan will be put in place to manage any pollution and noise during construction. See also consultation with NAC Environmental Health below.*

13. The proposed development would result in a reliance on private cars. There is no bus route.

*Response: The site is in a sustainable location in the Kilwinning General Urban Area and within a short walking distance of the nearest bus stops and is within a reasonable walking distance from Kilwinning Railway Station. The site is also within short walking distance of many local amenities, including the primary school at Corsehill and Kilwinning town centre,*

*making active travel a viable attractive option for residents to access the local area and for connections beyond. The connectedness of the site for a variety of transport modes is considered in the Analysis section below (see Strategic Policy 2: Placemaking and Policy 27: Sustainable Transport and Active Travel).*

## Consultations

**NAC Flooding** - no objection. The site is outwith the flood risk area as defined by NPF4 and the submitted FRA finds that the site would be at a very low risk of flooding from the nearby watercourse at present and in the future. It is recommended that the details, performance, and maintenance of water runoff systems be controlled by planning conditions in the interest of both flood risk management and water/environmental quality. Planning conditions should also require that the flood risk connected with the designed drainage infrastructure would be identified and appropriate mitigation should be incorporated into the development.

*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 this does not confirm that the proposed development can currently be serviced. Further comments for the applicant are provided on water and wastewater capacity. It is highlighted that there is live infrastructure in the proximity of the development area that may impact on existing Scottish Water assets - 300mm surface water main and abandoned main with the site boundary. The applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team for an appraisal of the proposed development.

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

**NAC Active Travel and Transport** – initially expressed concern that there are lengths of street where speeds will be greater than 20mph. Alterations required particularly at the site entrance to ensure that speeds are kept below 20mph as vehicles enter the site. Alterations required to reduce speeds through design rather than "add-on" traffic calming. The radius at the junction of road one to road two is excessive and will encourage vehicles to speed round this junction. Visitor parking spaces should be spread evenly throughout the site with no groupings. Given the number of spaces, single bays spread throughout the site is recommended.

*Response: The above comments were raised with the applicant, who subsequently submitted a revised site layout to address the matters raised.*

**West of Scotland Archaeology Service (WoSAS)** - the application lies in an area of some archaeological potential based on the presence of recorded archaeological sites of prehistoric, medieval, and later periods in the surrounding landscape. WoSAS agree with the findings of the submitted archaeological desk-based assessment - that the large area of greenfield ground that will be disturbed by the development stands a chance of unearthing buried unrecorded remains which could be of any period, and which may survive below ground level. As such, a potential archaeological issue is raised by the proposed development. A condition is recommended.



*Response - A condition relating to the above raised matter could be added in the event of planning permission being granted.*

**NAC Education** - The proposed 85 new homes are within the catchment area for Corsehill and St Winning's Primary Schools as well as Kilwinning and St Matthews's Academies. The roll projection model shows that the catchment schools should have capacity for the 27 additional children that could be generated from the proposed new homes.

*Response: Noted.*

**NAC Environmental Health** - no objections to the development subject to conditions relating to the air quality, noise levels from road traffic noise, and a Dust Management Plan. Further observations are made relating to a range of Environmental Health matters.

*Response - Conditions relating to the above matters could be added in the event of planning permission being granted. A further Air Quality Screening Assessment was submitted to the Council in October 2023. The applicant/agent has been advised of the matters raised.*

### **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 our 27 long-term housing sites shown in schedule 3 of the LDP. The site at Mosscolloch Farm is identified as a long-term housing site in Schedule 3 (ref. Na1112). The site has an indicative capacity of 50 units. The total number of proposed units is 85, which would be 35 units above the indicative capacity. However, it is not considered that the proposed development would result in the overdevelopment of the site. The density of the site would be approx. 31.7 dwellings per hectare. This is considered an acceptable density given that the majority of proposed houses would have in-curtilage parking and private garden spaces to the front and rear. Houses without in-curtilage parking would be served by dedicated parking courtyards and there would be 22 no. additional visitor parking spaces provided throughout the site. In addition, the proposed development would feature an area of public open space and a SuDS feature. 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 types (8 in total) including both detached and semi-detached houses. All houses would have either 2 or 2.5 storeys with gabled roof designs and a consistent material finishes throughout the development. There are a range of house types in the surrounding area, including single storey detached bungalows immediately to the south at Hazeldene Park and 2-storey terraced houses on the opposite side of the B778 at Hazelgrove. There are also examples of 1.5 storey houses in the immediate area on both Blair Road and the B778. The proposed development draws upon the variety of existing house types in the area. The gabled roof design and material finishes also draw upon the existing palette of materials in this area of Kilwinning. If planning permission is granted, a condition could be added requiring the submission of further details to ensure the final choice of materials is appropriate.

The development would primarily consist of 2 road loops with the majority of the proposed housing facing onto the internal road layout providing an attractive enclosed streetscape for residents and visitors with path connections, landscaping, and public open spaces provided throughout the development. The houses along the eastern boundary of the site would front on the B778 creating an attractive and welcoming streetscape on both the approach and entrance to the application site. The development would form the new urban edge of Kilwinning, and it is considered that the streetscape provided along the B778 would create a positive sense of place on approach and entrance to the north-east edge of Kilwinning.

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. The proposed housing along the southern site boundary would back onto the existing rear boundaries of the housing at Hazeldene Park. The applicant has stated that existing hedgerows would be retained and enhanced where possible. It is also considered that there would be adequate spacing between the new and existing housing to ensure no unacceptable overlooking or privacy impacts. Each house would also be provided with either in-curtilage parking or a dedicated parking courtyard to ensure that there would be no adverse parking impacts. There would be 22 no. additional visitor parking spaces provided throughout the development.

The applicant submitted a Statement of Energy as part of the application to demonstrate the resource efficiency of the proposed development and its compliance with other relevant policies of the LDP (Policy 29). Whilst the development would use energy efficient gas fired combi boilers with integrated flue gas heat recovery for their primary heating system, the Statement of Energy advises that the development would achieve over 8.5% improvement on the relevant Scottish Technical Standards (Section 6 Carbon Emission minimum standards/Section 7 Aspect 1 Silver) and with a 10.17% contribution from low and zero carbon generating technologies in compliance with Policy 29 of the LDP. The site layout has been designed to maximise southwest and southeast facing aspects with predominantly vertical window proportions. Approx 2.5kwp solar (photovoltaic) panels per dwelling have been included in the submitted scheme, with the potential for householders to increase the number in the future.

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 considered that the site would be well connected for a variety of transport modes. There would be path connections formed throughout the site with access from both the B778 to the east and Blair Road to the west. At the request of the case officer, the applicant included a full path connection between the site and Blair Road. This was only shown as a 'potential' connection on the initial submitted layout, with the applicant claiming that site levels prevented the delivery of a connection at this side of the development. As noted above, the ground level would be raised at this side of the site to facilitate the site drainage systems. As such, 2 no. flights of steps would be required to form the connection between the site and Blair Road. However, while a step-free accessible path would be desirable, given the difficulty of overcoming the ground levels as a result of the proposed land raising, it is considered that the path connection as proposed would be acceptable in that it would create a direct walking/cycling link between the site and Blair Road from where National Cycle Network Route 7 can be accessed to the north. The site would also be within walking distance of public transport connections with the nearest bus stops at Redstone Avenue/Hazelgrove and Bridgend Lane (B778) an approx. 8-minute walk to the south. Kilwinning Railway Station would be an approx. 27-minute walk or 8-minute cycle from the site. The site would also be connected for private vehicular travel via the B778, with all anticipated parking requirements accommodated within the site boundaries.

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**

As noted above, the site is located within a local landscape character area. 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. The applicant has stated that existing hedgerows along the boundary of the site would be retained and enhanced where possible. There are no watercourses nor notable natural features within the site, and it is not considered that the development would have any adverse impact on any nearby features. The development would include the provision of a new SuDS detention basin to the north-west corner of the site. An area of public open space and a scheme of landscaping and planting would be provided throughout the site and path connections within and beyond the site to tie the development into the neighbouring green network corridors. As noted above, the development would create a new streetscape along the B778 at the edge of Kilwinning, providing a welcoming approach on the eastern entrance to the town. As such, it is not considered that the development would have any significant adverse impact on the local landscape character area 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 Ecology Assessment (PEA) providing a detailed assessment of the environmental features of the site was submitted as part of the application, which followed a site survey. The PEA recommends that there is no requirement for a Protected Species Licence from NatureScot. The site largely consists of

open grazing land with biodiverse habitats such as hedgerows, which would be preserved and enhanced where possible. The PEA proposes mitigation measures to minimise potential impacts on natural features and suggests various opportunities for biodiversity enhancements. The proposed SuDS feature would play a key role in the management of green and blue infrastructure, as well as providing a sustainable flood risk solution and an additional biodiverse habitat. A condition requiring the implementation of the mitigation and enhancement measures recommended by the PEA could be added to any consent granted in the interest of the biodiversity of the site and Policies 16 and 18.

#### **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. 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 very low risk of flooding from the nearby watercourse at present and in the future. Both NAC Flooding and Scottish Water have no objection to the proposed development subject to recommended conditions relating to the surface water runoff systems and the 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, the site is bounded by the B778 to the east and Blair Road to the west. As noted above under Strategic Policy 2, the site is considered well connected for a wide range of transport modes, including walking, cycling, public transport, and private car travel. As such, it is considered that the development accords with Policy 27.

#### **Policy 29: Energy Infrastructure Developments**

Policy 29 states that 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. As noted above, a Statement of Energy was submitted by the applicant. Following consideration of the submitted information, the proposed development would accord with Policy 29.

#### **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 since there are no heat sources available nearby which could be utilised for this purpose in the short - medium term.

#### **NPF4**

Turning to NPF4, the applicant has provided a statement which appraises the proposed development against the spatial framework and the relevant national policies. 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 submitted PEA including the retention and enhancement of existing hedgerows where possible. An area of public open space and a scheme of landscaping and planting would be provided throughout the site and a new SuDS feature would be provided to the north-west of the site. A condition could be attached to require the implementation of the PEA recommendations during the development of the site. This would ensure that the principles set out in NPF4 for nature are implemented. Similarly, the submitted Statement of Energy sets out how the proposed development would utilise low and zero carbon generating technologies to reduce carbon emissions. Finally, the path links into Kilwinning and onto Blair Road would support active travel for a variety of purposes, and 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. Therefore, it is recommended that planning permission is granted, subject to the conditions noted below.

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

Approve subject to the following 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 developer shall provide full details of the proposed finishing materials to be used 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**

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

**Condition**

4. That prior to the commencement of the development hereby approved, full details of the surface water drainage system for the development, including the discharge rate, basin capacity, other temporary storage capacity, water quality treatment measures and post development overland flood flow paths shall be submitted for the approval of North Ayrshire Council as Planning Authority. The scheme shall be prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the scheme 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 development would not lead to flooding.

**Condition**

5. That prior to the commencement of the development hereby approved, the developer shall provide comprehensive details of the proposed path connection to Blair Road for the written approval of North Ayrshire Council as Planning Authority. The path shall incorporate ramped sections adjacent to the steps for the wheeling of cycles and shall be adequately edged and hard surfaced. 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 path is designed and constructed to an acceptable standard for walking and cycling.

**Condition**

6. That no development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council and Planning Authority. Thereafter, the applicant shall ensure that the 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 the Planning Authority in agreement with the West of Scotland Archaeology Service.

**Reason**

To ensure any archaeological remains below the ground are investigated and recorded/recovered before the development commences.

**Condition**

7. 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 dwellings or the completion of the development, whichever is the sooner. 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 until established, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

**Reason**

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

Allan Finlayson  
Chief Planning Officer

For further information please contact Mr Joe Thompson Assistant Planning Officer on 01294 324313.

## Appendix 1 – Location Plan

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