
NORTH AYRSHIRE COUNCIL

24th August 2022

Planning Committee

Locality	Garnock Valley
Reference	22/00135/PPPM
Application Registered	23rd February 2022
Decision Due	23rd June 2022
Ward	Garnock Valley

Recommendation	Approved subject to Conditions
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Location	Site To North East, South East, And East Of Nethermill 59 Knoxville Road Kilbirnie Ayrshire
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Applicant	Chatham House Equities Limited
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Proposal	Planning permission in principle for residential development to include the upgrading of Knoxville Road, provision of open space, SuDS infrastructure and realignment of cycle path (NCN 7)
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1. Description

The application site comprises of 3.52ha of land in the southeast of Kilbirnie. The site is irregular in shape and includes Knoxville Road, which provides access to the site. Knoxville Road is single track for most of its length. To the east the site is bounded by the GV1 Core path (NCN7 Woodgreen to Kilbirnie) which runs along a former railway line and to the west the site is bounded by a number of residential properties on Knoxville Road and Westfield. The southern boundary of the site corresponds to the course of the River Garnock. The site was formerly home to a mill and a slaughterhouse, and the Glengarnock Steel Works lay to the east, on the opposite side of the former railway. These buildings have long since been demolished and only remnants of them remain. In terms of its character, the site is now mostly covered in low woodland scrub with open patches of heathland.

Planning Permission in Principle is sought for a residential development on the site to include the upgrading of Knoxville Road, provision of open space, SuDS infrastructure and the realignment of NCN7 cycle path.

The application form states that the residential development would comprise of 62 houses ranging from 2 - 4 bedrooms. An indicative site layout has been provided which shows detached, semi-detached, and terraced housing arranged around two curving cul-de-sacs. The applicant proposed that 16 of the units would be affordable housing. As this is an application for Planning Permission in Principle, these details will not be considered in this Report, although they may form the basis of a future full Planning Application or Matters Specified in Conditions application.

In the adopted North Ayrshire Local Development Plan (LDP) the site lies within a General Urban Area allocation. The site has also been identified as a long-term housing site (2024 -2029) with an indicative capacity of 47 houses in Schedule 3 of the LDP. The relevant policies of the LDP to this proposal are:

- The Towns and Villages Objective of Strategic Policy 1: Spatial Strategy
- Strategic Policy 2: Placemaking
- Policy 1: New Homes and Maintaining an Effective Housing Land Supply
- Policy 2: Regeneration Opportunities
- Policy 22: Water Environment Quality
- Policy 23: Flood Risk Management
- Policy 27: Sustainable Transport and Active Travel
- Policy 29: Energy infrastructure Developments
- Policy 31: Future Proofing for Heat Networks

Outline Planning Permission was granted in 2007 for a residential development on the site (07/00184/OPP). Details were then approved in May 2009 (08/00766/RMA). This permission has expired. The applicant contacted Planning Services with regard to a new application for a residential scheme in January 2019 (19/00074/PREAPP). The Proposal of Application Notice (PAN) was submitted in October 2021 (21/01048/PREAPM).

Supporting Information:

Pre-application Consultation Report (PAC):

A Proposal of Application notice was submitted to North Ayrshire Council on the 27th of October 2021 with details of the virtual public event to be held on the 9th of December 2021. A number of individuals and bodies were notified of the event including the local ward councillors, Members of the Scottish Parliament and the Kilbirnie and Glengarnock Community Council. A notice was placed in the Ardrossan and Saltcoats Herald on the 1st of December 2021. The virtual event consisted of a number of information boards as well as a virtual chat to allow members of the public to discuss the proposal with the development team. Feedback forms were provided and a total of twelve responses were received. Of the twelve respondents, two supported the proposal and the remaining ten raised issues. In summary, the main issues raised were the changes to the NCN7 cycle path, wildlife on the site, the proposed changes to Knoxville Road, flooding, and amenity issues.

Planning Statement:

The indicative capacity of the site is 47 units; however, it is believed that this is based upon the former Planning Permission for the site which were for self-build units. These require a larger plot size than the house types that are being proposed which means that the site has a higher capacity than previously envisaged within the LDP. The intention is to provide 25% of the units as affordable housing.

Flood Risk Assessment:

The site bounds the River Garnock to the south and a discontinued mill lade runs through the centre of the site. Small areas along the southern and western boundaries of the site are at risk of fluvial flooding from the River Garnock, in a 1 in 200-year flood event. There are also small areas of the site identified as being at risk of pluvial flooding. The area to be developed as part of the proposal would be located outwith the floodplain. It is recommended that finished floor levels (FFLs) within the proposed development, should be located above the maximum 1 in 200 year plus 20% plus 0.6m freeboard level of 39.95m AOD.

Archaeological Evaluation and Study (2007):

The Nether Mill which was located on site dated mainly from the 19th Century but was likely a remodelling of an older corn mill. All that was left by 1967 was the skeleton of a waterwheel and the lower courses of a sandstone building as well as parts of the lade and mill pond. Nine evaluation trenches were dug on the site and no significant features of artefacts were recovered.

Geotechnical and Geo-environmental Desk Study Report (2007):

There is potential for contamination to exist on the site in the soil or groundwater. An intrusive ground investigation should be conducted to identify whether remediation is necessary. Abandoned coal works are present at deep levels, however ground movement is expected to have ceased. Cored drilling is recommended to establish coal mining risk.

Transport Statement:

The primary vehicle and pedestrian access to the site would be along Knoxville Road which would require to be upgraded. The internal road layout would accord with Designing Streets. In curtilage car parking would be provided for the majority of the proposed homes, with the parking for the affordable homes provided in parking courts. Visitor parking would be provided throughout the site. The site has good linkages to the pedestrian and cycle path network including the NCN Route 7 which runs adjacent to the site and would be realigned as part of the proposed development. There are bus stops on Holmhead within 400m of the site with regular bus services and Glengarnock train station is within 1,600m of the site. It is considered that the predicted level of vehicle trips generated will only have a negligible impact on the local road network and therefore it is not necessary to undertake any additional traffic impact analysis or junction capacity assessments.

Relevant Development Plan Policies

SP1 - Towns and Villages Objective

Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New

non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
 - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
 - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 1 -New Homes/Land Supply

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 2 - Regeneration Opportunities

Policy 2:

Regeneration Opportunities

In principle, we will support and promote development of brownfield land (including vacant and derelict land) within our settlements, where the development aligns with the placemaking policy. In particular, we support the re-use of sites shown in schedule 4 for a range of urban uses which would contribute to the placemaking agenda, subject to their impact on the surrounding established amenity, assessment against the Placemaking Policy and in particular their impact on utility and service capacity.

Note that proposals for significant footfall generating uses considered against this policy should accord with the Town Centre First Principle and must not undermine the vitality or viability of town centres or the delivery of the effective housing and industrial land supplies except where they would support the principle of sustainable development.

We will support development of the regeneration opportunities for a range of integrated urban uses including:

- o Residential.
- o Local-scale community and leisure uses.
- o Other local employment uses like shops, banks, cafes, workshops, garages, and small offices (including working from home).

We will also support alternative solutions which would improve the amenity or economic outlook of the surrounding area such as

- o Greening (Woodland planting, allotments etc.)
- o Renewable Energy Generation
- o Protection and enhancement of green and blue networks

There may also be instances in the plan period where new regeneration sites are identified. In principle we will support proposals which are innovative, contribute to our placemaking agenda and align with our vacant and derelict land strategy.

Detailed Policy 22 - Water Environment Quality

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 over-riding 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

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 Gables.

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

We will take account of:

- o the implications of development proposals on traffic, patterns of travel and road safety.
- o Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not achievable, we may seek the provision of subsidised services until a sustainable service is achievable.
- o the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.
- o the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.
- o committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
- o specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.
- o The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
- o The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
- o The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.
Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

National Development:

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

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

- o National Cycle Network (NCN) Route 73 (North) between Brodick and Corrie on the Isle of Arran
- o NCN Route 753 between Skelmorlie and Ardrossan

- o While not explicitly referenced in NPF3, support will be given to development of an off-road alignment for NCN Route 7 between Kilwinning and Kilbirnie.

Detailed Policy 29 - Energy Infrastructure Development

Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should

accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

Detailed Policy 31 - Future Proofing for Heat Networks

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

The standard neighbour notification was undertaken, and the application was advertised in the local press. Seven letters of objection and one letter of support have been received. A summary of the letters of objection is included below; the letter of support did not raise any issues.

1. The development would result in the loss of the privacy embankment which was built when the cycle path was installed. This would allow overlooking of neighbouring properties. There are also safety issues associated with having houses close to the cycle track which is unlit at night.

Response: This is an application for Planning Permission in Principle and so no details of the development are provided. Amenity issues such as overlooking, and loss of privacy would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition. It is not considered that there would be any safety issues with houses being located close to a cycle path.

2. Loss of privacy in general for existing houses located close to the proposed development.

Response: Amenity issues such as overlooking, and loss of privacy would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition.

3. The loss of the trees and vegetation on site will mean a loss of habitat for local wildlife.

Response: Site clearance and landscaping would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition.

4. The site is contaminated due to former industrial uses.

Response: It is noted that the site could possibly have contamination issues, and North Ayrshire Council Environmental Health has suggested conditions which would allow the potential for contamination to be suitably assessed prior to any works taking place on the site.

5. The proposed development could lead to drainage and flooding issues.

Response: North Ayrshire Council Flooding and SEPA have not objected to the proposal on flooding grounds, subject to conditions. The full drainage proposals would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition.

6. The loss of the remnants of the old mill (in particular the water wheel) would constitute a loss of local heritage.

Response: The heritage implications of the proposal would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition. While the water wheel is not listed, it is a unique feature, and it would be preferable if it could be used in the new development, possibly as a landscape feature.

7. Concerns over the upgrading of Knoxville Road which could lead to road safety issues and impact upon air quality. Additional concerns have been expressed relating to construction traffic.

Response: North Ayrshire Council Active Travel and Transportation has not objected to the proposal. The road safety and air quality implications of the proposal would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition. Construction Traffic is not a material Planning consideration; however, all traffic would be expected to comply with traffic regulations.

8. Would the new houses be eco-friendly/sustainable?

Response: Under Policy 29: Energy Infrastructure Developments, of the LDP, all new buildings are required to demonstrate that at least 10% of the current carbon emission reductions standards set by Scottish Building Standards are met through the use of low or zero carbon generating technologies. The details of these low and zero carbon generating technologies would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition.

Consultations:

North Ayrshire Council (NAC) Active Travel and Transportation: No objections. The indicative layout does not meet the requirements of Designing Streets and a Transportation Statement should be submitted with a future full Planning Application or Matters Specified in Condition Application.

Response: Noted. If approved, appropriate Planning Conditions could address these matters

NAC Environmental Health: No objections, subject to conditions. These conditions would cover contamination, remediation, and air quality issues.

Response: Noted. If approved, appropriate Planning Conditions could address these matters

NAC Flooding: No objections. As part of the site falls within the flood plain of the River Garnock, SEPA should be consulted. Unless it can be demonstrated that it no longer contributes to flood prevention, NAC Flooding would resist the removal of the mill lade. Any proposed SUDS basin or pond should not be located in the flood plain of the River Garnock. A number of conditions are suggested relating to the mill lade, adherence to the SuDS manual and details of finished floor levels.

Response: Noted: SEPA has been consulted and furthermore, if approved, appropriate Planning Conditions could address these matters

NAC Education: There are no capacity issues expected at local schools as a result of the proposed development.

Response: Noted.

West of Scotland Archaeology Service (WOSAS): Note the history of the mill complex on site as well as the previous archaeological investigations which were undertaken in 2007. Recommend a condition requiring further archaeological works.

Response: Noted. If approved, appropriate Planning Conditions could address these matters

The Coal Authority: The site falls within a high-risk area for coal mining works. The Coal Authority concurs with the recommendations of the 2007 Coal Mining Risk Assessment which states that coal mining legacy poses a potential risk, and that instructive site investigation works should be undertaken prior to the commencement of any development. The Coal Authority does not object to the application subject to conditions.

Response: Noted. If approved, appropriate Planning Conditions could address these matters

Scottish Water: No objections. Scottish Water's Strategic Asset Team note the presence of strategic assets close to the site boundary which would need to be protected during works.

Response: Noted, Scottish Water would be re-consulted on any future full Planning Application or Matters Specified in Condition Application and appropriate measures could be agreed upon to protect such assets.

Scottish Environmental Protection Agency (SEPA): Residual flows in the mill lade will arise from a small catchment area in the north of the site. It is likely a drain designed to accommodate these residual flows could be accommodated in the site layout. Further information is required detailing a suitable culvert design and this could be dealt with via condition.

Response: Noted. If approved, appropriate Planning Conditions could address these matters

Kilbirnie and Glengarnock Community Council (K&GCC): is supportive of upgrading works to Knoxville Road and the NCN7 cycle path. The proposed houses are considered to be small in size compared to neighbouring properties. Sufficient car parking should be provided to ensure that the development does not lead to excessive on-street parking. The provision of a playpark is welcomed; however, a maintenance schedule should be put in place.

Response: The house sizes, parking provision and the playpark shown are indicative as this is an application for Planning Permission in Principle. Full details of houses sizes and parking would be provided and assessed as part of a future full Planning Application or Matters Specified in Condition Application.

3. Analysis

This application is seeking Planning Permission in Principle for a residential development. The site is allocated in the LDP both as within a General Urban Area and as an effective long-term housing site. The site has an indicative capacity of 47 units, and while no details

are included in this application, the applicant has indicated that the site can support 62 houses. As justification, the applicant considers that the indicative capacity was based on a previous application that included larger house types (07/00184/OPP). The applicant has provided an indicative site plan which shows that 62 houses could potentially be accommodated on the site, in addition to the required infrastructure. 62 houses on a 3.52ha site would result in 18 dwellings per hectare which is a comparatively low density. Notwithstanding, the layout would be a matter for a future application for Full Planning Permission or Matters Specified in Condition application. As the proposed residential development accords with the land use in the LDP, the proposed development accords with the Towns and Villages Objective of Strategic Policy 1: Spatial Strategy, and Policy 1: New Homes and Maintaining an Effective Housing Land Supply.

Strategic Policy 2: Placemaking, of the LDP, requires that all applications accord with the qualities of successful places. The details of the application would be required to be submitted in a future application for Full Planning Permission or Matters Specified in Condition application. The Matters Specified in Condition would address these requirements. The details required would be siting, design, finishing materials, landscaping, access, drainage, and renewables. Subject to such a condition, the application accords with Strategic Policy 2: Placemaking.

Policy 2: Regeneration Opportunities, of the LDP states that in principle, we will support and promote development of brownfield land (including vacant and derelict land) within our settlements, where the development aligns with the placemaking policy. The application site is a former industrial site that has been vacant for many decades. The proposed development would utilise the brownfield land for a use which accords with the LDP and which, subject to conditions would accord with the placemaking policy. The proposed development would therefore accord with Policy 2.

Policy 22: Water Environment Quality states that we would not support any development that leads to a deterioration in the water environment. This would require that no development (including the SuDS basin) should be located on the Garnock flood plain. The indicative site plan appears to show the SuDS basin being located on the flood plain. This layout would however be a matter for a future application for Full Planning Permission or Matters Specified in Condition application. The proposal accords with Policy 22.

Turning to Policy 23: Flood Risk Management, NAC Flooding has identified the existing mill lade as a feature that may currently act to alleviate flooding. Therefore, any modification of the mill lade would be required to be approved in order to ensure it does not lead to flooding issues. It is envisaged that any future application would require the removal of the mill lade and the erection an alternative drainage system. This matter could be controlled via a Planning condition. In addition, details of finished floor levels and full details of surface water drainage would require to be provided by condition. Subject to these conditions, the proposal accords with Policy 23.

Policy 27: Sustainable Transport and Active Travel relates to access and transport issues. The proposal would require the upgrading of Knoxville Road which is single track and would not support a housing development of this size in its current form. Full details of this road upgrade would be required as part of a future application for Full Planning Permission or Matters Specified in Condition application. In addition, NAC Active Travel and Transportation has stated that the indicative site layout would not meet the requirements of Designing Streets and has therefore advised a planning condition to address this issue. It is

also proposed that the NCN7 cycle path be re-aligned as part of the development. Details of this realignment would need to be provided and approved as part of a future application. Subject to such further details, the proposal accords with Policy 27.

Under Policy 29: Energy Infrastructure Developments, of the LDP, all new buildings are required to demonstrate that at least 10% of the current carbon emission reductions standards set by Scottish Building Standards are met through the use of low or zero carbon generating technologies. The details of these low and zero carbon generating technologies would be assessed as part of a future application for full Planning Permission or Matters Specified in Condition application, and subject to the approval of such details, the proposal would accord with Policy 29.

Policy 31: Future Proofing for Heat Networks requires that major housing developments consider the implementation of a district heat network. This would be a matter for a future application for full Planning Permission or Matters Specified in Condition application, and subject to such details, the application would accord with Policy 31.

The proposal accords with all of the relevant policies of the LDP, and therefore the principle of a residential development on this site is acceptable. There are no material considerations which would outweigh these considerations. Full details of the proposal would be required to be approved via a future full Planning Permission or Matters Specified in Condition application.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the commencement of the development hereby approved, full details of the development shall be provided via either a Matters Specified in Condition Application or a full Planning Application for the approval of North Ayrshire Council as Planning Authority. Such an application shall include details of:

- (i) Layout, house number, house types, siting and design,
- (ii) Landscaping and boundary treatments,
- (iii) Access, road layout and parking,
- (iv) Drainage and flood prevention, and
- (v) Low and zero carbon generating technologies

Reason

In order that these matters can be considered in detail.

Condition

2. That any application(s) submitted under Condition 1 shall include details of the condition of the existing water wheel and, if feasible, plans provided for its retention/salvage and incorporation into the proposed housing development as a piece of public art or heritage feature.

Reason

In the interest of preserving the industrial heritage of the area.

Condition

3. That the road layout for any future Matters Specified in Condition Application or full Planning Application shall accord with the requirements of 'Designing Streets'. A Transport Statement shall be submitted in support of any future application. Full details of the upgrading works to Knoxville Road and the realignment of the NCN7 core path shall be provided and approved in writing by North Ayrshire Council as Planning Authority prior to the commencement of the development.

Reason

In the interest of road safety.

Condition

4. That any application(s) submitted under Condition 1 shall include a detailed flood risk assessment shall be submitted for the written approval of North Ayrshire Council as Planning Authority, which details a suitable culvert design and route, without 90-degree bends supported by catchment flow information and blockage scenarios for the 0.5% AEP flood event which demonstrates that the final drain route and design will not pose a flood risk to proposed and existing development. For the avoidance of doubt no buildings can be located on top of the culvert route.

Reason

In the interest of flood prevention.

Condition

5. That any application(s) submitted under Condition 1 shall include, full details of any modification of the existing Mill Lade within the site is submitted for the agreement of North Ayrshire Council as Planning Authority. Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of flood prevention.

Condition

6. That any application(s) submitted under Condition 1 shall include confirmation in writing and certified by a suitably qualified person that a surface water drainage system to manage and treat runoff affecting the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of flood prevention.

Condition

7. That any application(s) submitted under Condition 1 shall include full details of the ground levels and finished floor levels of the proposed dwellinghouses shall be submitted

for the agreement of North Ayrshire Council as Planning Authority. The details shall demonstrate that the proposed dwellings are not at risk of surface water flooding when the capacity of the proposed surface water infrastructure is exceeded during the 1 in 200 year designed storm event (plus allowances for climate change and urban creep). Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of flood prevention.

Condition

8. That any application(s) submitted under Condition 1 shall include a desk study of the application site (including a 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 interest of public health.

Condition

9. 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 to this and in accordance with BS38882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time or phasing agreed by the Planning Authority, the developer shall submit a verification report containing details of the source material and appropriate test results to demonstrate its suitability for use.

Reason

In the interest of public health.

Condition

10. Any cut and fill proposals or alterations to the existing ground levels should be clearly marked on any plans and accompanied by appropriate cross sections, Material Management Plan and be implemented in accordance with any SEPA waste/soil reuse guidelines, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of public health.

Condition

11. That any application(s) submitted under Condition 1 shall include details demonstrating that the increase in road traffic generated as a result of the development shall not have a detrimental impact on the local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be

exceeded at any location of relevant public exposure, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of public health.

Condition

12. That any application(s) submitted under Condition 1 shall include details of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant.

Reason

In the interest of preserving the heritage of the area.

Condition

13. That any application(s) submitted under Condition 1 shall include details of;

- (i) a scheme of intrusive site investigations carried out on site to establish the risks posed to the development by past coal mining activity, and;
- (ii) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, that have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

In the interest of public health.

James Miller
Chief Planning Officer

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

Appendix 1 – Location Plan

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