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## NORTH AYRSHIRE COUNCIL

1st December 2021

### Planning Committee

Locality	Garnock Valley
Reference	21/00961/PPP
Application Registered	6th October 2021
Decision Due	6th December 2021
Ward	Dalry And West Kilbride

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Bridgend Mill Site No 3 Bridgend Dalry Ayrshire
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<b>Applicant</b>	Telford Three Ltd
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<b>Proposal</b>	Planning permission in principle for residential development (to include details of site access arrangements)
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### 1. Description

Planning permission in principle is sought for a residential development on vacant land at Bridgend in Dalry. The site was formerly occupied by part of the Bridgend Mills complex operated by Fleming & Reid from the 1870s onwards, with most of the buildings on the land demolished in the 1960s following its closure. Since then, the land has been vacant and derelict. The proposal also seeks detailed approval for the proposed site access from Bridgend, which, in effect, would be a modification of the existing historic site access.

During 2001, the ground was cleared of all vegetation by the former owners to enable consideration to be given to a proposed redevelopment scheme. At that time, the remaining buildings on the land, notably the former boiler house and chimney, were demolished. Also in 2001, an outline planning application was submitted for residential development (ref. 01/00831/PP). The application was eventually refused by the Council's Planning Committee on 20th June 2007 on the grounds that "the applicant has not submitted sufficient information for the application to be properly determined, with particular reference to access sightlines, noise assessment, contamination of the site and flood risk assessment."

In the intervening period, the ground has again become colonised by rapidly growing self-seeded pioneer trees, such as birch, as well as some scrub plants such as dog rose and

bramble. However, the ground itself is strewn with rubble and spoil heaps from earlier demolition and clearance works, and contains a number of hazards, including the remains of a metal footbridge and the steeply sided brickwork from the former boilerhouse near the railway line.

The site is included in the Vacant and Derelict Land Register. The adopted LDP supports its regeneration, recognising that housing is likely to be the most viable and beneficial form of redevelopment. The indicative capacity of the site is 21 houses, as noted in Schedule 4 of the LDP (Regeneration Opportunities). The application seeks permission for up to a maximum of 26 dwellings.

The application is supported by the following documents:

#### **Flood Risk Assessment (FRA)**

The FRA was prepared by Dougall Baillie Associates in September 2021 and is therefore up to date. It is accompanied by detailed topographical surveys and site sections, also dating from 2021. The FRA uses various data sources including the SEPA flood mapping and the NAC flood study which informed the design for the Upper Garnock Flood Protection Scheme. Using computer modelling, the FRA indicates that the parts of the site closest to the River Garnock are at risk should a 1 in 200 year flood event occur, taking account of climate change. The FRA recommends that finished floor levels (FFLs) of the proposed houses are 1m above the 1 in 200 year flood plus climate change level. The minimum FFLs should therefore be 26.18m AOD, with development avoiding those parts of the site closest to the River Garnock identified as being at risk. The FRA does not consider the site to be at risk from other forms of flooding.

#### **Ecological Constraints Report and Preliminary Roost Assessment**

The above report, which studied both sides of the River Garnock, was prepared by Wild Surveys Ltd in August 2020 and is therefore reasonably up to date. The survey included both desk studies and fieldwork. The report notes that the River Garnock is likely an important commuting route for otter and that the riverbanks contain scrub and roots with earth banks which may provide natural features suitable for otter resting sites. However, no holts or resting sites were actually found by the surveyors. The nearby road bridge (the category C listed Garnock Bridge, which is situated outwith the site boundary) was considered to have moderate suitability for supporting roosting or hibernating bats, although no roosts were observed. No trees within the site were identified as having any features suitable for roosting bats. Several areas of the site had been colonised with invasive species including rhododendron and cotoneaster. Further survey work was recommended prior to any site clearance works being carried out, with advice provided on licensing requirements in the event of protected species being identified.

#### **Planning Statement**

The statement was prepared by the applicant's planning consultant and notes that up to 26 dwellings are envisaged. The statement highlights the relationship of the site with the neighbouring land to the north of the River Garnock, where planning permission has already been granted for the redevelopment of the vacant land for 26 dwellings (and is within the same ownership). The statement carries out a review of the various strategic and detailed planning policies which apply to the site, all based on the adopted LDP. It is concluded that the proposed residential development would accord with the LDP and deliver a regeneration scheme for the town in a sustainable location using a high standard of design using sustainable/renewable technologies.

### **Access Statement (including Swept Path Diagram)**

The statement was prepared by Dougall Baillie Associates in July 2021 and is therefore up to date. Surveys of traffic on Bridgend were undertaken in June 2021. The results highlighted that traffic speeds on the road often exceeded the 30mph limit. To address safety concerns, especially for pedestrians who would need to cross Bridgend to get into or out of the site, it is proposed to form a chicane feature on the roadway. The proposed site access would be located in the same location as the original mill access was located, where drop kerbs still exist. A detailed junction design has been proposed for consideration. This design would involve the demolition of the 1m high stone rubble walls along the site boundary with Bridgend to enable a footway to be constructed (at present, there is no footway on the roadside edge of the site). Pedestrians would then be able to cross the road onto the footway on the opposite side of Bridgend to enable safe passage to and from the site. Consideration has also been given to sightlines and swept path for road users, including analysis of long vehicles entering and exiting Bridgend Lane to the east and opposite side of the proposed site access.

### **Topographical Survey**

A survey of the ground levels on the land was produced on 23rd February 2021 using laser survey methods, enabling a comprehensive topographical model to be built up. The site has two distinct levels: firstly the lower level, which slopes uphill from the River Garnock to the south in a gentle and mostly uniform profile; secondly, the upper level, which consists of level ground between the east of the existing housing at Bridgend and to the west of the railway line. There is a relatively steep slope between the upper level and the lower level towards the eastern part of the site. The survey data was then used to inform the preparation of the FRA and design statement.

### **Masterplan/Design and Access Statement**

The statement was produced in 2021 for the applicant by the architect's practice Denham Benn. It states that the proposal seeks to develop new housing community consisting of detached dwelling houses of a contemporary design character. The goals of the project, as set out in the Design Statement, are as follows:

- o To create a development which encourages community spirit and innovative use of social open spaces;
- o To provide residents with a safe, engaging and healthy environment in which to live;
- o To provide residents with a diverse mix of flexible house type layout designs which cater for varied individual and family lifestyles;
- o To be appealing to a wide broad demographic of residents with varied incomes and at all stages of life;
- o To offer a development which is respectful of its surrounding architecture and landscape, whilst maintaining its own character and identity;
- o To provide a development which maximises safe pedestrian intervention and use of amenity space throughout.

The statement includes an analysis of the site and its surroundings, noting features of interest, its constraints and its connections. An indicative masterplan for the site has been included in the statement, which illustrates possible layout options.

The application requires to be considered in terms of the following policies of the adopted Local Development Plan:

Strategic Policy 1 (Towns and Villages Objective)  
Strategic Policy 2 (Placemaking)  
Policy 2 (Regeneration Opportunities)  
Policy 10 (Listed Buildings)  
Policy 14 (Green and Blue Infrastructure)  
Policy 22 (Water Environment Quality)  
Policy 23 (Flood Risk Management)  
Policy 27 (Sustainable Transport and Active Travel)  
Policy 29 (Energy Infrastructure Development - Buildings)

## **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 2 - Regen 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 14-Green & Blue Infrastr

##### Policy 14:

#### Green and Blue Infrastructure

All proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure (including open space), ensuring no unacceptable adverse environmental impacts occur.

Green and blue infrastructure should be multi-functional, accessible and integral to its local circumstances. For example, Sustainable Urban Drainage Systems (SuDS) have the

potential to play a key role in the delivery of meaningful blue and green infrastructure, providing amenity and improving biodiversity as well as providing a sustainable flood risk solution. We will require details of the proposed arrangements for the long-term management and maintenance of green infrastructure, and associated water features, to form a key part of any proposal.

Our Open Space Strategy (2016-2026) highlights the need for an audit which identifies valued and functional green and blue infrastructure or open space capable of being brought into use to meet local needs. We will support the temporary use of unused or underused land as green infrastructure including where it consists of advanced structure planting to create landscape frameworks for future development. Support will be given to proposals which seek to enhance biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. We will also support proposals that are in accordance with the vision and outcomes of the Central Scotland Green Network as well as those of the Garnock Connections Project.

## Detailed Policy 22 - Water Envir 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 Gales.

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 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 10 - Listed Buildings

### Policy 10:

#### Listed Buildings

We will support proposals for the re-use and restoration of a Listed Building where the special architectural or historical interest of the building is preserved and enhanced. This can include the restoration of original features which have previously been lost due to development or demolition. The layout, design, materials, scale, siting and use of any development affecting a Listed Building or its setting should be appropriate to the character and appearance of the listed building.

Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

There is a presumption against the demolition of Listed Buildings and will only be supported in the following exceptional circumstances:

- i) The building is not of special interest; or
- ii) The building is incapable of repair and reuse through the submission and verification of a thorough structural condition report produced by a qualified structural engineer; or
- iii) The repair of the building is not economically viable, and it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period; or
- iv) The demolition of the building is essential to delivering significant benefits to the wider community economically, socially or environmentally

## **2. Consultations and Representations**

Neighbour notification was undertaken in accordance with statutory procedures. In addition, a notice was published in a local newspaper. 5 representations were received, making the following points:

1. The proposed development would be an excellent use of this brownfield site and the designer is commended for their plans. Consideration should be given to continued access to the riverside for anglers, who have fished on the River Garnock for many years from this site.

*Response: The applicant has advised that continued access would be encouraged and welcomed. Further details of riverside access arrangements can be secured by condition.*

2. No objection to the proposed development of the site but objects to the proposed traffic calming chicane on Bridgend, since this would just increase congestion, frustration, noise and pollution. Vehicles slowing down and accelerating to negotiate the proposed chicane would create noise and disturbance to nearby residents. As such, this feature is not considered necessary.

*Response: Noted. However, such a feature is considered necessary in the interests of pedestrian and traffic safety. Traffic surveys carried out for the proposed development have indicated that many vehicles using Bridgend exceed the 30mph speed limit. There is a need to ensure a safe crossing point on Bridgend to assist pedestrians living in the proposed development as well as visitors to the site. A chicane feature would help achieve this requirement whilst also acting to reduce vehicle speeds passing the site frontage.*

3. Strongly object as the proposed development would result in the loss of an area of land that people walk their dogs on and which is used by wildlife as a route through the area.

*Response: Noted. There would be no restriction on people walking their pets through the site once it has been developed with housing. Consideration of nature and wildlife issues are discussed in the Analysis section below.*

4. The proposal would increase the population of the town and put strain on health and social infrastructure. Increasing the population without tackling the "almost total lack of amenities" could be considered a dereliction of the Council's socio-economic duty.

*Response: There is no statutory requirement to consult the health service on individual planning applications. The health board is consulted on the preparation of the Local Development Plan to enable strategic planning to take place at the Ayrshire and Arran-wide level. The development of the land for housing was anticipated through this planning process, which identifies the land supply for housing across each settlement in North Ayrshire. The health service raised no objections to any planned housing for Dalry, where population levels have been declining over the past decade or more. As such, there is no requirement for any health service-related developer contribution for the proposed development. In relation to education facilities within the town, the Council's Education Service has advised in general terms that proposals of 25 houses or less in Dalry do not need to be subject of formal consultation with the Education Authority. Whilst the applicant has indicated that 26 houses are envisaged, it would be appropriate to limit the total number of houses to 21 as per the indicative figure provided for in the LDP. This would ensure that the development of the site is in alignment with the LDP.*

5. The proposal would result in the loss of the trees on the land. The site should be designated as a community woodland, especially as the Council are looking to plant more trees to combat climate change.

*Response: The proposed development of the site for housing can be supported in terms of the LDP policy framework (see Analysis, below). The site is privately owned and is not being considered as a potential community woodland area. The Council has a statutory requirement to assess the planning application as submitted. Nonetheless, a number of existing trees along the riverside corridor and facing onto Bridgend would be retained, with replacement trees planted elsewhere on the site as part of the proposed development.*

## **Consultations**

**Dalry Community Council** - (1) The habitat survey recorded evidence of otters at this site and stated that roosting places for bats were located nearby. We consider that the development of this site or any further survey work associated with it will cause interference and disturbance to these protected species and indeed many other animals that inhabit this established area of woodland and riverbank. (2) The proposed development of the site would result in the loss of riverside habitats and the displacement of wildlife in this area. As part of the council's commitment to become net zero and in response to climate change, over 100,000 trees are to be planted across North Ayrshire. It therefore doesn't seem appropriate to cut down an already established woodland area and replace it with houses. It is noted in the design statement that there will be some planting of trees at the site but these will take a long time to establish, be fewer in number and have a lesser effect on climate change. (3) We welcome the idea of new people moving into the town but have serious concerns about the ability of our existing social infrastructure being able to cope with an increased number of residents.

*Response: In respect of points (1) and (2), the habitat survey did not indicate that any otter holts or bat roosts were present on the site. Refer to Scottish Wildlife Trust comments and Analysis, below. Refer also to objection point 5, above. In respect of point (3), support for*

*proposed housing development in Dalry is noted. Refer to response to objection point 4, above.*

**NAC Active Travel and Transportation** - no objections. Visibility splays of 2.5 metres by 70 metres, in both directions, must be provided and maintained at the junction with the public road (Bridgend). No item with a height greater than 1.05 metre above adjacent carriageway level must be located within these sightline triangles. The footway on Bridgend may require widening to accommodate this development. The internal layout should conform to Designing Streets and the Council's Roads Development Guide

*Response: The above matters can be addressed by appropriately worded conditions.*

**NAC Environmental Health** - no objections and have made a number of recommendations regarding the need for site investigation, noise survey and air quality assessments. A range of non-planning matters have also been raised, all of which have been communicated to the applicants.

*Response: Noted. Conditions to address the matters raised could be attached.*

**Scottish Wildlife Trust** - This site does not have any environmental designation, though its position next to the River Garnock means that it is probably functioning as a wildlife corridor to some extent. We therefore suggest that the design for the development should incorporate an undisturbed buffer zone along the river bank. Environmental checks carried out should include a search for signs of usage by otters. It should also be checked for signs of badgers.

*Response: Noted. The matters raised above can be addressed by appropriately worded conditions.*

**Scottish Water, SEPA, NAC Flooding Officer** - no comments have been received. However, conditions can be attached to address the flood risk issue associated with the River Garnock based on the submitted flood risk assessment which has considered the matter at the appropriate level of detail for this type of application and makes a number of recommendations. Further consultation can be undertaken with Scottish Water, SEPA and the Council's flooding officer at the detailed design stage.

### **3. Analysis**

Section 25 of The Town and Country Planning (Scotland) Act 1997 requires that planning applications are to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. With respect to this application, a wide range of strategic and detailed policies are of relevance, and which will be considered individually below.

Strategic Policy 1 (Towns and Villages Objective)

This policy supports the principle of housing development within North Ayrshire's settlements. Therefore, the proposed development accords, in principle, with the settlement strategy for Dalry, subject to the consideration of other related LDP policies.

Strategic Policy 2 (Placemaking)

The placemaking policy sets out the Six Qualities of a Successful Place which all planning applications are expected to meet. The stated purpose of the policy is to ensure "all development contributes to making quality places". Strategic Policy 2 also states that "the policy also safeguards, and where possible enhances environmental quality through the avoidance of adverse environmental or amenity impacts." Consideration of the placemaking merits of the application will be undertaken towards the end of this Analysis.

#### Policy 2 (Regeneration Opportunities)

In principle, this policy supports and promotes development of brownfield land (including vacant and derelict land) within North Ayrshire's settlements in circumstances where the proposed development aligns with the placemaking policy. The policy supports the re-use of sites shown in Schedule 4 of the LDP, including residential development on vacant and derelict land. As noted above, the site has been vacant/derelict for a period in excess of 50 years and has acted as a blight on the surrounding townscape for much of this time. The indicative capacity of the site in Schedule 4 is 21 units, and it is considered appropriate to attach a condition to limit the number of houses in the development to this figure. Subject to such a condition, the proposal accords with Policy 2.

#### Policy 10 (Listed Buildings)

Whilst there are no listed buildings directly affected by the proposed development, Policy 10 highlights that "the layout, design, materials, scale, siting and use of any development affecting a listed building or its setting should be appropriate to the character and appearance of the listed building. There are two listed buildings near to the site boundary. These are the category C listed Garnock Bridge and the B listed former mill offices at 5-7 Bridgend. The proposed development would have no adverse impact on the setting of the Garnock Bridge. In respect of the former mill offices, which are now in residential use, historic evidence indicates that the offices were originally connected to the mill buildings. The rear elevations of the building indicate where previous works have taken place to separate the offices from the mill buildings that were demolished. The part of the building with most architectural interest is the front elevation (facing onto Bridgend). The rear elevations are more utilitarian in design and character. It is considered that the proposed residential development would enhance the setting of both listed buildings, and especially in relation to 5-7 Bridgend and the neighbouring cottage (unlisted). Both residential buildings facing onto Bridgend currently have a somewhat 'stranded' appearance in the streetscape. The proposed development would help to 'mend' the urban fabric which has been lost through demolition. As such, the proposal would accord with Policy 10.

#### Policy 14 (Green and Blue Infrastructure)

This policy notes that all proposals should seek to protect, create, enhance and/or enlarge our natural features and habitats, and makes provision for including new features that would improve biodiversity. There are no ancient woodlands or long-established plants on the site. Whilst many of the young self-sown birch trees within the site would require to be removed, many of the trees and plants along the riverside and adjacent to the Garnock Bridge towards the southwestern edge of the site would be retained as a wildlife corridor and habitat area. The retention of these trees, plants and other features on the riverside would be secured by a planning condition. The submitted design statement indicates that "any trees that need to be removed due to site access and safety, poor condition or local authority requirements will be replaced by new trees elsewhere within the site." As such, the proposed development would achieve both regeneration of the townscape as well as recognising the habitat value and potential of the riverside area. Subject to a suitable condition, the proposed development would be acceptable in terms of Policy 14.

#### Policy 22 (Water Environment Quality)

This policy states that development will be required to ensure no unacceptable adverse impacts on the water environment by protecting and enhancing the ecological status and riparian (riverside) habitat as well as protecting/enhancing existing flood plains and protecting opportunities for public access to and recreation on and around rivers. The policy advocates that development should ensure that appropriately sized buffer strips are maintained between the built and water environments. For a river such as the Garnock, which is around 7m wide alongside the application site, a buffer strip of around 15m would therefore require consideration. The submitted design statement and FRA indicates the need to avoid areas at risk of flooding and recommends a minimum finished floor level (FFL) in excess of 26m AOD. The designation of a buffer zone which would serve the dual purpose of ecology and flood protection would therefore be appropriate in this case, and could be secured by condition. The applicant has indicated that continued public access to the riverside, (eg. for angling purposes) would be supported. The proposed development would therefore be acceptable in terms of Policy 22, subject to a suitable condition.

#### Policy 23 (Flood Risk Management)

The above policy is closely linked to the considerations for Policy 22 above. Whilst the redevelopment of the site would require the use of SuDS to manage surface water drainage arising from the hard surfaces within the site, a key consideration is that of flood protection from the adjacent River Garnock. An up to date and detailed FRA has been submitted with the application, the recommendations for which would be incorporated into any detailed design for the development and secured by condition. The proposed development would be acceptable in terms of Policy 23.

#### Policy 27 (Sustainable Transport and Active Travel)

The application includes an access statement which highlights how the site would be connected to the existing street network at Bridgend. It is considered that the location of the site would provide excellent access to public transport and local services. The site is around a 1 minute walk from Dalry Railway Station, around 5 minutes walk of the town centre and within 10 minutes walk from local schools and areas of open space such as the public park. In addition, Bridgend is a bus route which provides regular local bus services from bus stops adjacent to the railway station. Finally, the site is also accessible by car. The proposal includes details of a site access junction with Bridgend, including a traffic calming feature aimed at making the road safer to cross by providing a refuge island for pedestrians that would also function as a means of reducing vehicle speeds. Similar arrangements have already been provided on Blair Road, further east. The proposed development would be acceptable in terms of Policy 27.

#### Policy 29 (Energy Infrastructure Development (Buildings))

The submitted design statement indicates that the proposed housing on the site would incorporate high levels of wall and roof insulation, with low-emissivity glazing. The statement also advises that highly efficient boilers and energy efficient white goods would be provided in kitchen areas. It goes on to advise that all timber specified will be FSC certified from a sustainable source and that local materials would be used where possible to reduce the embodied energy and support local economies. Materials that are durable and low maintenance would be specified. In order to secure such details within the development and to accord with Policy 29, this matter would be subject to a condition.



Turning to Strategic Policy 2 (Placemaking), a brief comment on each of the Six Qualities of A Successful Place follows below:

#### Welcoming

The site has the potential to be welcoming to future occupants due to its location near the railway station and riverside environment. The proposed development would also have the effect of making the town more welcoming when viewed from the railway line, in contrast to its current abandoned condition.

#### Distinctive

The site has a distinctive position within the town on rising ground beside the River Garnock, and is visibly prominent when viewed from the adjacent Glasgow - Ayr railway line.

#### Safe and Pleasant

Whilst the site presently benefits, in visual terms, from the natural regeneration of young trees, plants and shrubs, the ground contains many hazards and represents an opportunity given its proximity to public transport routes and local services. The submitted design statement provides an indication of the type of housing that is envisaged, which would be broadly compatible with the density, scale and pattern of the existing houses in the locality. A condition could be attached to ensure that the submitted design statement is used as the basis for the detailed plans for the development.

In addition, the proposed development would also enhance the perception of public safety between the railway station and the town centre, particularly at night time, since the housing would provide additional passive surveillance onto Bridgend. The development of the site would therefore contribute positively to the Safe and Pleasant quality for the location.

#### Adaptable

The site was originally developed in the nineteenth century as part of a large mill complex which required access to water and the railway. However, since the closure of the Bridgend Mills in the 1960s, there has been no demand or interest in re-using the land for industrial purposes for over 50 years. As such, the proposed development would adapt the site to meet the changing circumstances of the town and address an area of long term derelict land at an accessible location within the settlement.

In terms of Resource Efficient and Easy to Move Around and Beyond, see the comments above with regard to Policies 29 and 27 respectively. There are no other material considerations. In summary, it is considered that the proposed development of this long term vacant and derelict site for housing would accord with the LDP and deliver potential amenity benefits to the surrounding area. It is therefore recommended that planning permission is granted, subject to conditions.

## **4. Full Recommendation**

Approved subject to Conditions

### **Reasons for Decision**

#### **Condition**

1. That the approval of North Ayrshire Council as Planning Authority with regard to layout, siting, design, external appearance and landscaping shall be obtained before the

development is commenced, taking into account all other conditions in this planning permission and including the following:

- The maximum number of houses within the development shall not exceed 21 units;
- The site layout plan shall ensure that no houses (including their associated curtilages) nor access roads shall be constructed within those parts of the site that have been identified as being at risk of flooding during a 1 in 200 year event (plus climate change) in the submitted Flood Risk Assessment by Dougall Baillie Associates dated September 2021;
- For the avoidance of doubt, the finished floor levels of all housing within the development shall accord with at least the minimum levels recommended in the submitted Flood Risk Assessment.

### **Reason**

To accord with Schedule 4 of Policy 2 of the adopted Local Development Plan and to enable these matters to be considered in detail.

### **Condition**

2. That the details of the development as required under condition 1 shall generally accord with the submitted Masterplan/Design and Access Statement prepared by Denham Benn Architects, and shall include details of SuDS, flood risk areas, public open space, access arrangements for the riverbank area, landscaping (including replacement trees), outdoor play space, curtilage and visitor parking, boundary treatments and bin storage. Street design shall accord with the principles of Designing Streets and the Council's Roads Development Guide, all to the satisfaction of North Ayrshire Council as Planning Authority.

### **Reason**

In order that these matters can be considered in detail.

### **Condition**

3. To inform the detailed proposals of the development, the following environmental investigations/studies shall be carried out by suitably qualified persons with reports and recommendations submitted for the consideration and approval of North Ayrshire Council as Planning Authority:

- a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority.
- Demonstration that the increased road traffic, generated as a result of the development, shall not have a detrimental effect 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.
- a noise impact assessment together with details of any mitigation measures required to achieve the noise targets set out below for implementation in the layout, design and construction of the proposed housing. The following external noise targets shall be achieved at the curtilage of the proposed residential properties:

a) During daytime hours between 0700 and 2300hrs the noise level (LAeq 16 hour) from rail transport must not exceed 50 dB. As a minimum if this external target cannot be achieved, the proposed residential properties should be designed and constructed in such a way that an internal level of 35 dB can be achieved (window open for ventilation);

b) During night time hours between 2300 and 0700hrs the noise level (LAeq 8 hour) from rail transport must not exceed 40dB. As a minimum if this external target cannot be achieved, the proposed residential properties should be designed and constructed in such a way that an internal level of 30 dB can be achieved (window open for ventilation).

**Reason**

To safeguard the development and the surrounding area against any adverse environmental impacts.

**Condition**

4. That the site layout and design details as required under condition 1 shall identify a buffer zone for wildlife and habitats alongside the River Garnock and on the southern boundary of the site between the Garnock Bridge parapets and 5 - 7 Bridgend. The buffer zone shall be designed to meet the requirements of Policy 22 (Water Environment) of the adopted North Ayrshire Local Development Plan and shall be safeguarded during the course of development against tree felling and ground disturbance, other than the removal of surface rubble and redundant masonry walls. It shall be a requirement of the detailed site plan to protect and enhance the ecological status of the riparian habitats on the site, including details of measures to promote and safeguard these aims upon the completion of the development.

**Reason**

To accord with Policy 22 of the adopted Local Development Plan.

**Condition**

5. That all recommendations contained in the Ecological Constraints Report and Preliminary Roost Assessment by Wild Surveys Ltd dated August 2020 shall be taken into account in the detailed design for the development of the site and shall be implemented during all subsequent clearance and construction works on the site to the satisfaction of North Ayrshire Council as Planning Authority.

**Reason**

To accord with Policy 14 of the adopted Local Development Plan.

**Condition**

6. That prior to the commencement of the development hereby approved, details of the heat and power system for the house, which shall include low and/or zero carbon technologies to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met, shall be submitted for the written approval of the planning authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved unless otherwise agreed in writing with North Ayrshire Council as planning authority.

**Reason**

In the interests of environmental protection in accordance with Policy 29 of the adopted Local Development Plan

**Condition**

7. That the site access junction details with Bridgend as illustrated on DBA drawing no. 21126-SK-04 are hereby approved in detail. Visibility splays of 2.5 metres by 70 metres, in both directions shall be provided and maintained at the junction with Bridgend. No item with a height greater than 1.05 metre above adjacent carriageway level must be located within these sightline triangles. The road access into the site shall not be constructed until the approval of the other matters specified in conditions and subject to Road Construction Consent and a Road Opening Permit being obtained beforehand.

**Reason**

In the interest of road safety.

**Condition**

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

**Reason**

To safeguard the development and the surrounding area against any adverse environmental impacts.

James Miller  
Chief Planning Officer

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

## Appendix 1 – Location Plan

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