

**A special meeting of the Inverclyde Council will be held on Thursday 28 June 2018 at 4pm within the Municipal Buildings, Greenock.**

GERARD MALONE  
Head of Legal and Property Services

**BUSINESS**

1. <b>Apologies and Declarations of Interest</b>	<b>Page</b>
<b>NEW BUSINESS</b>	
2. <b>Land at Knapps and North Denniston, Bridge of Weir Road, Kilmacolm</b> Report by Head of Legal & Property Services	<b>p</b>

Enquiries to – **Sharon Lang** - Tel 01475 712112

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<b>Report To:</b>	<b>The Inverclyde Council</b>	<b>Date:</b>	<b>28 June 2018</b>
<b>Report By:</b>	<b>Head of Legal and Property Services</b>	<b>Report No:</b>	<b>LP/068/18</b>
<b>Contact Officer:</b>	<b>Jim Kerr</b>	<b>Contact No:</b>	<b>01475 712617</b>
<b>Subject:</b>	<b>Land at Knapps and North Denniston, Bridge of Weir Road, Kilmacolm</b>		

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to introduce the attached report from the Planning Board in relation to the pre-determination hearing for land at Knapps and North Denniston, Bridge of Weir Road, Kilmacolm which has been referred from the Planning Board to the full Council. It provides background information in relation to the decision of the Planning Board.

## 2.0 SUMMARY

- 2.1 A planning application for a proposed residential development with access, open space, landscaping and associated works (in principle) was considered by the Planning Board at its meeting on 14 June 2018.

- 2.2 The Planning Board agreed that planning permission should be refused for the following reasons:

1. The proposed development is contrary to the Spatial Development Strategy of the 2017 Clydeplan Strategic Development Plan as it is an unjustified urban development which fails to accord with the Green Belt objectives in that it does not protect the quality, character, landscape setting and identity of the village.

2. The proposal is contrary to Policies ENV2 and SDS8 of the 2014 Inverclyde Local Development Plan together with Policy 14 of the 2018 Proposed Inverclyde Local Development Plan in that it fails to accord with the objectives of the Green Belt.

3. The proposal fails in respect of Policy RES1 of the 2014 Inverclyde Local Development Plan with reference to the incompatibility with the character and amenity of the area (criterion (a)) and in respect of landscaping proposals and impact on existing landscape features (criteria (b) and (c)).

4. The proposal fails to have regard to the six qualities of successful places as required by Policy 1 of the 2017 Clydeplan Strategic Development Plan and Policy 1 of the 2018 Proposed Inverclyde Local Development Plan. The proposal is also contrary to the placemaking aims of policy SDS3 of the 2014 Inverclyde Local Development Plan.

5. The proposal is not a form of residential development in the Green Belt supported by Policy RES7 of the 2014 Inverclyde Local Development Plan.

6. The proposal is contrary to Policy HER1 of the 2014 Inverclyde Local Development Plan and Policy 28 of the Proposed 2018 Proposed Inverclyde Local Development Plan in that there would be a significant and unacceptable impact on the setting and appearance of the Conservation Area.

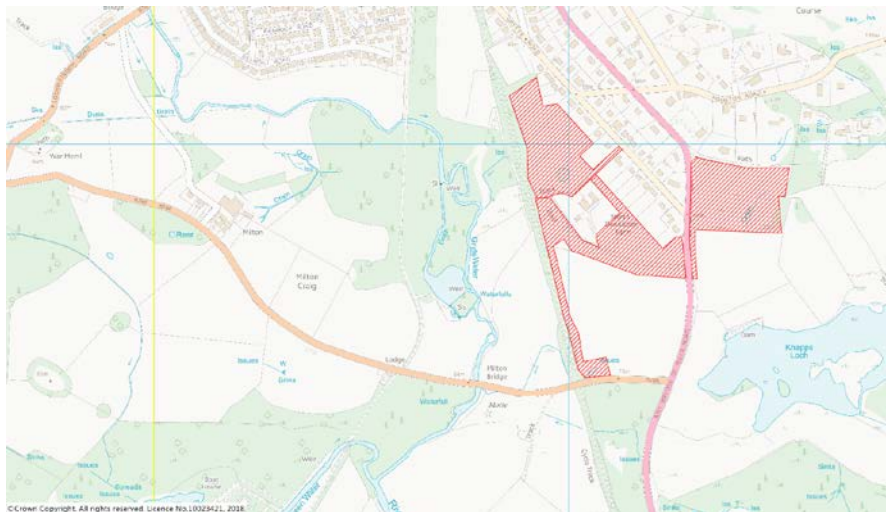
### **3.0 BACKGROUND**

- 3.1 The Planning etc. (Scotland) Act 2006 introduced the concept of the hierarchy of developments. The 2006 Act defines the three categories in the hierarchy of development to which all applications for planning permission will be allocated. The three categories are national development, major development and local development.
- 3.2 The National Planning Framework describes and designates developments which are national developments. Scottish Ministers have powers to make regulations to describe classes of development other than national development and to assign each class to either major developments or local developments. Scottish Ministers have made regulations and the proposed development at Knapps and North Denniston, Bridge of Weir Road, Kilmacolm is categorised as a major development.
- 3.3 Before determining an application for planning permission for a development within the classes of national developments and major developments which are significantly contrary to the development plan, the planning authority are to give to the applicant and to persons who submit representations to the planning authority in respect of that application in accordance with Regulations made by Scottish Ministers an opportunity of appearing before and being heard by a committee of the authority (known as a 'pre-determination hearing'). The Head of Planning and Regeneration is satisfied that the proposed development at Knapps and North Denniston, Bridge of Weir Road, Kilmacolm is significantly contrary to the development plan; a significant departure is one that would be contrary to the vision or wider spatial strategy of the plan. A pre-determination hearing was therefore held on 14 June 2018.
- 3.4 The purpose of a pre-determination hearing is to make the planning system more inclusive, allowing the views of applicants and those who have made representations to be heard before a planning decision is taken. The planning authority has discretion over how hearings will operate in its area. This Council agreed procedures for pre-determination hearings at the meeting of the Environment and Regeneration Committee held on 17 January 2013.
- 3.5 In order to add further transparency and accountability to the decision-making framework for planning applications, the 2006 Act also amends the Local Government (Scotland) Act 1973 to the effect that cases in which an opportunity to attend a pre-determination hearing must be provided will also have to be decided by the full Council. It follows that the decision on the Knapps and North Denniston, Bridge of Weir Road, Kilmacolm planning application has to be taken by the Council.
- 3.6 The full Council can accept the recommendation of the Planning Board and so refuse planning permission for the reasons set out above. Alternatively if the full Council does not accept the recommendation of the Planning Board, the Council can decide that it is disposed to grant planning permission subject to terms and/or conditions for the purposes of restricting and regulating the proposed development.

Gerard Malone  
Head of Legal & Property Services

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<b>Report To:</b>	<b>The Inverclyde Council</b>	<b>Date:</b>	<b>28 June 2018</b>
<b>Report By:</b>	<b>The Planning Board</b>	<b>Report No:</b>	<b>17/0403/IC</b>
<b>Contact Officer:</b>	<b>Jim Kerr</b>	<b>Contact No:</b>	<b>01475 712617</b>
<b>Subject:</b>	<b>Proposed residential development with access, open space, landscaping and associated works (in principle) at land at Knapps and North Denniston, Bridge of Weir Road, Kilmacolm</b>		



### **SUMMARY**

- The proposal is contrary to the Clydeplan Strategic Development Plan and significantly contrary the Inverclyde Local Development Plan and the Proposed Inverclyde Local Development Plan.
- 1120 written representations have been received raising a wide range of concerns including housing land requirements and impacts on the landscape, services and infrastructure, ecology, recreation, heritage and residential amenity.
- The recommendation is to REFUSE PLANNING PERMISSION.

Drawings may be viewed  
at: <https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=PONM1XIMFLG00>

## **SITE DESCRIPTION**

Immediately south of Kilmacolm at North Denniston and Knapps and covering an area of 11.3 hectares, the A761 Bridge and Weir Road splits the site into two distinct parts.

North Denniston is relatively low lying with few landscape features. It is situated to the west of Bridge of Weir Road and extending to an area of 7.4 hectares. This part of the site, which is irregularly shaped, encircles North Denniston Farm and is bound to the west by the cycle path following the route of the NCN75 cycle path and to the east by Bridge of Weir Road. To the northeast the site is bound by the rear gardens of the residential properties situated on Gryffe Road and to the northwest by a multi-use games area, also accessed from Gryffe Road. The southern boundary cuts across an agricultural field, from where a small strip of land extends south, terminating at the B788.

Knapps is the smaller of the areas, extending to 3.8 hectares, and rises to the north-east and incorporates a small area of woodland, the remnants of historic field boundaries and occasional trees and scrub. Immediately to the east of the Bridge of Weir Road, the Kilmacolm Conservation Area is situated to the north and north-east, with Knapps Loch sited approximately 200 metres to the south. The northern boundary abuts an access lane, beyond which are residential properties situated at a higher level. An area of mixed woodland lies to the eastern boundary, with the site boundary cutting through the southern part of this woodland. Like North Denniston, the southern boundary cuts across an agricultural field with no particular features to define it.

In totality, the application site comprises primarily agricultural grassland across the whole or parts of three fields which are used for occasional grazing.

## **PROPOSAL**

The applicant seeks planning permission in principle for a residential development inclusive of access, open space, landscaping and associated works. Although the application has been made in principle, an indicative masterplan showing an expected capacity of 100 residential units has been submitted.

At North Denniston, the masterplan indicates a single access road to Bridge of Weir Road with additional pedestrian links to Gryffe Road and towards the cycle path. The area to the north of North Denniston Farm indicates a capacity of 67 units at a density of 23 dwellings per hectare, expected to include a range of one and a half and two and a half storey houses and three storey flats. The small pond is to be retained within an area of open space. East of North Denniston Farm, the masterplan indicates a capacity of 21 units at a density of 18 dwellings per hectare. It is expected that this part of the development would take the form of a steading style arrangement of one and a half storey houses set back from Bridge of Weir Road. It is understood that the small strip of land extending to the south, adjacent to the cycle track, will provide for an outlet to a SUDS system.

Knapps also takes a single access point to Bridge of Weir Road with additional pedestrian links to Bridge of Weir Road. The masterplan indicates a capacity of 12 units at a density of 4 dwellings per hectare. It is expected that the dwellings would be larger detached units up to two and a half storeys. The existing woodland within the site is to be retained, reinforced and brought under management. It is further indicated that structural planting will be established around the development area.

In addition to the indicative masterplan, a range of supporting documentation and information has been provided by the applicant including a Planning Statement, the Pre-Application Consultation (PAC) Report, a Design and Access Statement, a Landscape and Visual Impact Assessment, a Transport Assessment, a Kilmacolm Development Capacity Appraisal, a Heritage Impact Assessment, a Local Housing Assessment, a Kilmacolm Market Strength Analysis, a Preliminary

Ecological Appraisal, a Flood Risk Assessment and Drainage Strategy Report, a Site Investigation Report, an Agricultural Land Quality Assessment and a Tree Survey.

## **DEVELOPMENT PLAN POLICIES**

### **2017 Clydeplan Strategic Development Plan**

#### **Policy 1 – Placemaking**

New development should contribute towards the creation of high quality places across the city region. In support of the Vision and Spatial Development Strategy new development proposals should take account of the Placemaking Principle set out in Table 1.

#### **Policy 8 - Housing Land Requirement**

In order to provide a generous supply of land for housing and assist in the delivery of the Housing Supply Targets in support of the Vision and Spatial Development Strategy, Local Authorities should:

- make provisions in Local Development Plans for the all tenure Housing Land Requirement by Local Authority set out in Schedule 8, for the Private Housing Land Requirement by Housing Sub-Market Area set out in Schedule 9 and for the Private Housing Land Requirement by Local Authority set out in Schedule 10;
- allocate a range of sites which are effective or expected to become effective in the plan periods to meet the Housing Land Requirement, for each Housing Sub-Market Area and for each Local Authority, of the SDP up to year 10 from the expected year of adoption;
- provide for a minimum of 5 years effective land supply at all times for each Housing Sub-Market Area and for each Local Authority; and,
- undertake annual monitoring of completions and land supply through Housing Land Audits.

Local Authorities should take steps to remedy any shortfalls in the five-year supply of effective housing land through the granting of planning permission for housing developments, on greenfield or brownfield sites, subject to satisfying each of the following criteria:

- the development will help to remedy the shortfall which has been identified;
- the development will contribute to sustainable development;
- the development will be in keeping with the character of the settlement and the local area;
- the development will not undermine Green Belt objectives; and,
- any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

#### **Policy 12 - Green Network and Green Infrastructure**

In support of the Vision and Spatial Development Strategy and the delivery of the Glasgow and the Clyde Valley Green Network, Local Authorities should

- identify, protect, promote and enhance the Green Network, including cross-boundary links with adjoining Local Authorities;

- ensure that development proposals, including the Community Growth Areas, integrate the Green Network and prioritise green infrastructure from the outset, based upon an analysis of the context within which the development will be located; and
- prioritise the delivery of the Green Network within the Strategic Delivery Areas (Diagram 7, Schedule 11).

#### **Policy 14 - Green Belt**

In support of the Vision and Spatial Development Strategy, Local Authorities should:

- designate within Local Development Plans, the inner and outer boundaries of the Green Belt to ensure the objectives set out in paragraph 8.15 are achieved; and
- collaborate to ensure consistency across Local Development Plan areas when defining or altering Green Belt boundaries.

#### **Policy 16 - Improving the Water Quality Environment and Managing Flood Risk and Drainage**

To support the Vision and Spatial Development Strategy and to achieve the objectives set out in paragraph 8.28 Local Development Plans and development proposals should protect and enhance the water environment by

- adopting a precautionary approach to the reduction of flood risk;
- supporting the delivery of the Metropolitan Glasgow Strategic Drainage Plan;
- supporting the delivery of the Glasgow and the Clyde Valley Green Network; and,
- safeguarding the storage capacity of the functional floodplain and higher lying areas for attenuation.

#### **2014 Inverclyde Local Development Plan**

##### **Policy SDS2 - Integration of Land Use and Sustainable Transport**

Integration of land use and sustainable transport will be promoted through safeguarding and enhancing the network of sustainable forms of transport - walking and cycling, public transport, rail, park and ride and sea-borne traffic; an integrated transport system; management of the strategic and local road network; and directing new developments to locations accessible by a choice of modes of transport.

##### **Policy SDS3 - Place Making**

High-quality place making in all new development will be promoted by having regard to Inverclyde's historic urban fabric, built cultural heritage and natural environment, including its setting on the coast and upland moors. This heritage and environment will inform the protection and enhancement of Inverclyde by having regard to the Scottish Government's placemaking policies, in particular through the application of 'Designing Places' and 'Designing Streets' and through embedding Green Network principles in all new development.

##### **Policy SDS5 Development within the Urban Area**

There will be a preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements, as identified on the Proposals Map.

## **Policy SDS8 - Green Belt and the Countryside**

There will be a presumption against the spread of the built-up area into the designated Green Belt and careful management to prevent sporadic development in the designated Countryside, as identified on the Proposals Map.

## **Policy TRA1 - Managing the Transport Network**

The Council will seek to manage development that would affect traffic flow on the strategic road network to allow essential traffic to undertake efficient journeys. To achieve this, the actions included in the Local Transport Strategy will be supported. The public transport network will also be protected where possible, and support will be given to proposals that will result in an improved or extended service. Where proposals could result in the requirement for new or diverted public transport routes, discussion with Strathclyde Partnership for Transport should be undertaken.

## **Policy TRA2 - Sustainable Access**

New major trip-generating developments will be directed to locations accessible by walking, cycling and public transport, and developers will be required to submit a transport assessment and a travel plan, if appropriate. Such developments will be required to recognise the needs of cyclists and pedestrians as well as access to public transport routes and hubs, and have regard to the Council's Core Paths Plan, where appropriate. Where development occurs which makes it necessary to close Core Paths and other safeguarded routes, provision of an alternative route will be required.

The Council will also support and seek to complete the Inverclyde Coastal Route with developers required to make appropriate provision when submitting planning applications. National Routes 75 and 753 of the National Cycle Network will also be protected.

## **Policy RES1 - Safeguarding the Character and Amenity of Residential Areas**

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

## **Policy RES3 - Residential Development Opportunities**

Residential development will be encouraged and supported on the sites and indicative locations included in Schedule 6.1 and indicated on the Proposals Map. An annual audit of the housing land supply will monitor and review, and where necessary, augment the Effective Land Supply, to maintain a minimum five year's supply in accordance with the GCV SDP and SPP guidance.

## **Policy RES7 - Residential Development in the Green Belt and Countryside**

The development of new dwellings in the Green Belt and Countryside, identified on the Proposals Map, will be supported only if the proposal is for either:

- (1) a single or small group of dwellings not adjoining the urban area; or



(2) the conversion of redundant non-residential buildings, that are for the most part intact and capable of conversion for residential use without recourse to substantial demolition and rebuilding.

In addition, all proposals must fall within one of the following categories:

(a) demolition and replacement of habitable dwellings which cannot otherwise be brought up to acceptable building standards and where the proposed building reflects the scale of the existing building and is sympathetic to the character, pattern of development and appearance of the area; or

(b) sub-division of an existing dwelling house(s) for the provision of one or more additional units where any new build element is clearly ancillary to the completed building; or

(c) conversion of redundant, non-residential buildings, where the proposal requires to be supported by proof of the building's redundancy to demonstrate that it no longer meets its original purpose, as well as a structural survey indicating that the building may be utilised for the proposed use substantially in its current form, and that any proposed extensions to existing building(s) or ancillary new build element will need to be proven to be required to make the development financially viable, with details of costs to be submitted; or

(d) is justified by the operational needs of farms or other businesses or activities which are inherently rural in nature and where the applicant will be required to make a land management or business case to the satisfaction of the Council: or

(e) is part of an integrated project with significant employment and/or economic benefits which is in accordance with other policies of the Local Development Plan and where the Council is satisfied that the dwelling(s) are essential to ensure the implementation of the whole development and that such considerations are of sufficient weight to merit support.

Further detailed policy relating to this type of development is contained in the Supplementary Guidance on Planning Application Advice Notes

### **Policy ENV1 : Designated Environmental Resources**

#### **(a) International and National Designations**

Development which could have a significant effect on a Natura site will only be permitted where:

- (i) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
- (ii) there are no alternative solutions, and
- (iii) there are imperative reasons of overriding public interest, including those of a social or economic nature.

Development that affects a SSSI (or other national designation that may be designated in the future) will only be permitted where:

- (iv) it will not adversely affect the integrity of the area or the qualities for which it has been designated, or
- (v) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

#### **(b) Strategic and Local Designations**

Development adversely affecting the Clyde Muirshiel Regional Park and other strategic and local natural heritage resources will not normally be permitted. Having regard to the designation of the environmental resource, exceptions will only be made where:

- (i) visual amenity will not be compromised;
- (ii) no other site identified in the Local Development Plan as suitable is available;
- (iii) the social and economic benefits of the proposal are clearly demonstrated;
- (iv) the impact of the development on the environment, including biodiversity, will be minimised;
- and
- (v) the loss can be compensated by appropriate habitat creation/enhancement elsewhere.

### **Policy ENV2 - Assessing Development Proposals in the Green Belt and the Countryside**

Development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances, while development in the Countryside will only be considered favourably where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or
- (d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy RES7); and
- (e) it does not adversely impact on the natural and built heritage, and environmental resources;
- (f) it does not adversely impact on landscape character;
- (g) it does not adversely impact on prime quality agricultural land;
- (h) it does not adversely impact on peat land with a high value as a carbon store;
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and
- (k) it has regard to Supplementary Guidance on Planning Application Advice Notes.

### **Policy ENV7 - Biodiversity**

The protection and enhancement of biodiversity will be considered in the determination of planning applications, where appropriate. Planning permission will not be granted for development that is likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation.

Inverclyde Council, in conjunction with its partners, will continue to develop habitat and species action plans through the approved Local Biodiversity Action Plan (LBAP) in order to manage and enhance the biodiversity of the Inverclyde area.

### **Policy HER1 - Development which Affects the Character of Conservation Areas**

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

#### **Policy HER5 - The Setting of Listed Buildings**

Development will be required to have due regard to the effect it has on the setting of, and principal views to, listed buildings and shall be without detriment to their principal elevations and the main approaches to them. All proposals will be assessed having regard to Historic Scotland's SHEP and 'Managing Change in the Historic Environment' guidance note series.

#### **Policy HER7 - Development Affecting Archaeological Sites**

Development which will have an adverse effect on Scheduled Monuments or their setting will only be permitted in exceptional circumstances and where it is satisfactory having regard to Historic Scotland's 'Managing Change in the Historic Environment' guidance note series. Development on or adjacent to other archaeological sites, as included on the Council's database of sites of archaeological importance, will normally be permitted only where there is no adverse impact on the resource. Where development is permitted affecting these sites of archaeological importance, conditions will be attached to planning permissions to allow for excavation and recording before or during development. Any survey reports or works sought by the Council will require to be funded by the developer.

#### **Policy INF4 - Reducing Flood Risk**

Development will not be acceptable where it is at risk of flooding, or increases flood risk elsewhere. There may be exceptions for infrastructure if a specific location is essential for operational reasons and the development is designed to operate in flood conditions and to have minimal impact on water flow and retention.

All developments at risk of flooding will require to be accompanied by a Flood Risk Assessment (FRA) and should include a freeboard allowance, use water resistant materials where appropriate and include suitable management measures and mitigation for any loss of flood storage capacity.

Note: refer to Glossary for FRA and other technical terms.

#### **Policy INF5 - Sustainable Urban Drainage Systems**

Proposed new development should be drained by appropriate Sustainable Urban Drainage Systems (SUDS) designed in accordance with the CIRIA SUDS Manual (C697) and, where the scheme is to be adopted by Scottish Water, the Sewers for Scotland Manual Second Edition. Where the scheme is not to be adopted by Scottish Water, the developer should indicate how the scheme will be maintained in the long term.

Where more than one development drains into the same catchment a co-ordinated approach to SUDS provision should be taken where practicable.

### **2018 Proposed Inverclyde Local Development Plan**

#### **Policy 1 – Creating Successful Places**

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

## **Policy 8 – Managing Flood Risk**

Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy. Proposals must demonstrate that they will not:

- o be at significant risk of flooding;
- o increase the level of flood risk elsewhere; and
- o reduce the water conveyance and storage capacity of a functional flood plain.

The Council will support, in principle, the flood protection schemes set out in the Clyde and Loch Lomond Local Flood Risk Management Plan 2016, subject to assessment of the impacts on the amenity and operations of existing and adjacent uses, the green network, historic buildings and places, and the transport network.

## **Policy 9 – Surface and Waste Water Drainage**

New build development proposals which require surface water to be drained should demonstrate that this will be achieved through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 3rd edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place.

## **Policy 10 – Promoting Sustainable and Active Travel**

Development proposals, proportionate to their scale and proposed use, are required to:

- o provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, include links to the wider walking and cycling network; and
- o include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

### **Policy 11 – Managing Impact of Development on the Transport Network**

Development proposals should not have an adverse impact on the efficient operation of the transport network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

### **Policy 12 - Air Quality**

Development that could have a detrimental impact on air quality, or would introduce a sensitive receptor to an area with poor air quality, will be required to be accompanied by an Air Quality Assessment, which identifies the likely impacts and sets out how these will be mitigated to an acceptable level.

### **Policy 14 – Green Belt and Countryside**

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) of an existing use, which is within the curtilage of the associated use and is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a) - c) must provide justification as to why the development is required at the proposed location.

### **Policy 15 – Soils**

Development on prime agricultural land or affecting carbon rich soils will only be supported if:

- a) it is on land allocated for development in this Local Development Plan or meets a need identified in the Strategic Development Plan;
- b) there is a specific locational need for the development;
- c) it is for small scale development directly linked to a rural business; or
- d) it is for renewable energy generation or mineral extraction, and the proposals include provision for the site to be returned to its former status.

For carbon rich soils, it will also need to be demonstrated that adverse impacts on the soil resource during the construction and operational phases of a development will be minimised and the development will not result in a net increase in CO<sub>2</sub> emissions over its lifetime.

### **Policy 16 - Contaminated Land**

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that ensure that the site can be made suitable for the proposed use.

### **Policy 17 – Land for Housing**

The Council will undertake an annual audit of housing land in order to ensure that it maintains a 5 year effective housing land supply. If additional land is required for housing development, the Council will consider proposals with regard to the policies applicable to the site and:

- o a strong preference for appropriate brownfield sites within the identified settlement boundaries;
- o there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan; and
- o evidence that the proposed site(s) will deliver housing in time to address the identified shortfall within the relevant Housing Market Area.
- o a requirement for 25% of houses on new greenfield release sites in the Inverclyde villages to be available for social rent.

### **Policy 18 – New Housing Development**

New housing development will be supported on the sites identified in Schedule 4, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against relevant Supplementary Guidance including Development Briefs for Housing Sites, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development.

There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages which are brought forward under Policy 17 to be available for social rent. Supplementary Guidance will be prepared in respect of this requirement.

### **Policy 28 – Conservation Areas**

Proposals for development, including demolition within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area.

### **Policy 29 – Listed Buildings**

Proposals for development affecting a listed building, including its setting, are required to protect its special architectural or historical interest. In assessing proposals, due consideration will be given to how the proposals will enable the building to remain in active use.

Demolition of listed buildings will not be supported.

### **Policy 31 – Scheduled Monuments and Archaeological Sites**

Development that would potentially have an adverse effect on a Scheduled Monument will only be permitted in exceptional circumstances.

Development affecting archaeological sites should seek to preserve the archaeological resource in situ.

### **Policy 33 – Biodiversity and Geodiversity**

Natura 2000 sites

Development proposals that are likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site or if:

- o there are no alternative solutions;
- o there are imperative reasons of overriding public interest, including those of a social or economic nature; or
- o compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

#### Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

#### Protected Species

Development affecting Protected Species will only be permitted where:

- o it preserves public health or public safety or is for other imperative reasons of overriding public interest including those of a social or economic nature and has beneficial consequences of primary importance for the environment;
- o there is no satisfactory alternative; and
- o it maintains the species in a favourable conservation status.

#### Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, compensatory measures will be required.

#### Local Landscape Area

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special features as set out in the Statement of Importance.

#### Non-designated sites

The siting and design of development should take account of local landscape character. All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

### **Policy 35 - Open Spaces and Outdoor Sports Facilities**

Proposals for new or enhanced open spaces, which are appropriate in terms of location, design and accessibility, will be supported.

Development proposals that will result in the loss of open space which is, or has the potential to be, of quality and value, will not be permitted, unless provision of an open space of equal or enhanced quality and value is provided within the development or its vicinity.

Outdoor sports facilities will be safeguarded from development except where:

- o the proposed development is ancillary to the principal use of the site as an outdoor sports facility, or involves only a minor part of the facility and would not affect its use for sport and training;

- o the facility to be lost is to be replaced by a new or upgraded facility of comparable or better quality, which is convenient for the users of the original facility and maintains or improves overall playing capacity in the area; or
- o a relevant strategy demonstrates a clear excess of provision to meet current and anticipated demand, and the development would not result in a reduction in the overall quality of provision.

### **Policy 38 - Path Network**

Development that would result in the loss of a core path, right of way or other important outdoor access route will not be permitted unless acceptable alternative provision can be made.

Where applicable, development proposals will be required to provide new paths in order to encourage active travel and/or connectivity to the green network. The provision of routes along water will be an essential requirement on development sites with access to a waterfront, unless not appropriate for operational or health and safety reasons.

### **Policy 39 - Water Environment**

Development proposals affecting the water environment will be required to safeguard and improve water quality and the enjoyment of the water environment by:

- o supporting the objectives and actions of the River Basin Management Plan for Scotland and the Clyde Area Management Plan, where applicable;
- o minimising adverse impacts on, or improving, water quality, flow rate, morphology, riparian habitat and groundwater dependent terrestrial ecosystems;
- o the removal of existing culverts. This will be a requirement on development sites, unless it can be clearly demonstrated as not practical or resulting in the development not being viable;
- o avoiding the hard engineering and culverting of waterways and the building over of existing culverts in new developments unless clearly demonstrated to be essential. Where culverts are required, they should be designed to maintain existing flow conditions and aquatic life, with long term maintenance arrangements;
- o maintaining or improving waterside and water-based habitats; and
- o providing access to the water and waterside, where appropriate.

## **CONSULTATIONS**

**Scottish Environment Protection Agency West** – An objection was initially submitted on the grounds that the development may place buildings and persons at flood risk contrary to Scottish Planning Policy (SPP). Further information was subsequently received from the applicant's consultants. Following a review of this information, the objection on flood risk grounds has been removed.

Notwithstanding the removal of the objection it is expected that Inverclyde Council undertakes its responsibilities as the Flood Risk Management Authority. Further general advice is provided in respect of flood risk, site drainage, air quality and ecology. Regulatory advice is also provided to the applicant.

**Head of Environmental and Commercial Services** - No objections in principle although the following issues would require to be accounted for in a detailed design:

- Parking must be provided in accordance with the National Guidelines Visitor parking should be provided at 0.25 spaces per dwelling (unallocated).
- The Transport Assessment states that the access to the North Denniston site will be via a roundabout, however, the masterplan shows a priority junction. This requires to be clarified



and all accesses shall be designed in accordance with DMRB with suitable visibility for the speed limit.

- It is noted the applicant proposes that Inverclyde Council extend the 30mph to a point south of the North Denniston access. This is accepted by the Roads Service, however, the speed limit must be in force prior to the applicant constructing the access to the North Denniston site. The timescale for implementing a Traffic Regulation Order is 6 to 12 months. No homes shall be occupied prior to the construction of the accesses.
- Footways shall be provided along the frontage of both sites adjacent to the A761 Bridge of Weir road. They shall be a minimum width of 2 metres.
- The minimum dimensions for a garage shall be as detailed in the National Guidelines.
- House driveways shall be paved for a minimum distance of 2 metres to prevent loose driveway material being spilled onto the road.
- Driveways shall be a minimum of 3.0 metres by 5.5 metres and the gradient shall not exceed 10%.
- The driveways at plots 7, 30 and 39 are too close to bends. The applicant shall provide evidence that these driveways have sufficient visibility for the approval of the Road Service.
- All roads within the site shall be a minimum of 5.5 metres wide.
- All footpaths within the site shall be a minimum of 2.0 metres wide.
- The applicant shall provide evidence to the Roads Service that all roads have a gradient of 8% or less.
- Traffic calming shall be provided within the development to allow the promotion of a 20mph speed limit.
- A Road Construction Consent will be required for all new roads, footways and footpaths.
- The proposed development will have an impact on the existing street lighting. Accordingly a lighting and electrical design for adoptable areas will be required for each site. A system of lighting shall be kept operational at all times within the existing public adopted areas.
- The FRA is still not acceptable the following confirmations are required:
  - The development will not be at risk or susceptible to damage due to flooding within the parameters set in the Local Plan and SPP June 2014.
  - Normal operation of the development will not be susceptible to disruption as a result of flooding from the appropriate event.
  - Safe access to and from the development will be possible during the appropriate design flood event.
  - The development will not increase flood risk anywhere else.
  - The development will provide for safe access for maintenance of watercourses or maintenance and operation of flood defences by the Inverclyde Council.
  - The development will not lead to the degradation of the environment.
  - The development will meet all the outlined criteria for its entire lifetime including consideration for climate change.
- There is no drainage impact assessment. This should include but not be limited to the following items:
  - An examination of the current and historical drainage patterns.
  - A concept drawing of the development;
  - An outline drawing of how the drainage design provides sustainable drainage techniques in accordance with recognised design manuals.
  - Details of the site drainage patterns including all watercourses crossing the site.
  - The soil classification of the site.
  - Evidence of subsoil porosity tests including where possible at the location of any intended infiltration device and the proximity of the winter water table.
  - Calculations showing that post development peak run-off volumes do not exceed that for pre-development for the critical rainfall event.
  - Demonstration that the drainage solution selected will ensure that properties on and off the proposed site are not at risk of flooding from the appropriate rainfall return period relevant to the categories of development specified in the Local Plan INF4– Reducing Flood Risk, INF5-Sustainable Urban Drainage Systems and Sewers for Scotland 2nd edition.

- Details of the accountable body responsible for vesting and maintenance for individual aspects of the drainage proposals and confirmation in writing that these bodies will vest/adopt the system.
- Wastewater drainage proposals and confirmation in writing that they will vest in Scottish Water.
- It should demonstrate, using up to date techniques, that the rate and volume of surface water runoff from the post-development situation does not exceed the greenfield surface water runoff from the existing site. The design storm used for the pre-development calculation shall be M2 – 60 (1 in 2 year, 60 minute storm). Attenuation or other limiting methods shall be provided to comply with this. The proposed method used for drainage should also ensure that there is no increase to the probability of flooding within the receiving watercourse and local area, upstream or downstream from the site. All surface water drainage within or out with the site will be designed to accommodate a M30 – 60 (1 in 30 year, 60 minute storm). Additionally, surface water runoff should be managed to minimise pollutants reaching the receiving watercourses. Further guidance may be obtained from SEPA. The requirements for drainage should be taken into account when determining the overall layout of the development. For large developments where there is an intention to separate the development into zones, which are to be constructed at different stages, or by different developers, it is a requirement that a drainage master plan covering the whole area of development be submitted.
- The difference between the 1 in 30 year and the 1 in 200 year (plus 20% uplift for the predicted effects of climate change) post development critical storms for the application site is to be accommodated within the application site without the detriment to properties, within or out with the application site.
- On development sites where surface water run-off is received from adjacent higher ground, it will also be necessary for applicants to demonstrate that this additional volume of storm water has been considered.
- In the event of a design exceedance, the DIA should give an assessment and consideration of the flood flow route for the appropriate return period flood event and should show that there will be no detriment to land or property as a result of overland flow caused by the development. The finished floor levels of dwellings adjacent to flooded areas must be a minimum of 0.6m above the high water level or 1.0m above the high water level when the application site is adjacent to a watercourse.
  - All surface water should be contained within the site.
  - Confirmation of connection to Scottish Water Network should be submitted for approval.
  - Roads drainage details and calculation should be submitted for approval.

**Head of Safer and Inclusive Communities** – No objections. Conditions in respect of ground contamination and Japanese Knotweed, external lighting, hours of works and sound insulation complying with the building regulations are recommended.

It is not considered that a noise or air quality assessment is required for this application.

**Scottish Natural Heritage** – Matters in respect of protected species and landscape and visual impact are raised as follows:

#### Protected Species

Before determining this application, a clear statement was sought from the applicant's ecologist that, in respect of the two trees identified as having moderate bat roosting potential, the potential roosting features, or any bats which may be using them, will not be impacted by the proposed development either directly or indirectly. This has been provided and is satisfactory.

Any subsequent application for detailed planning permission should be supported by an updated badger and otter survey and protection plan(s). The protection plan(s) should incorporate the mitigation measures from section 5.3 of the preliminary ecological appraisal and any additional mitigation which may be necessary as a result of the findings of the updated survey work and assessment of the impacts of the final development proposal.

#### Landscape and visual impacts

The site lies on the edge of Kilmacolm, in a prominent location, providing an agricultural context and setting, and important landscape edge, which contributes to the characteristic gateway and approach to Kilmacolm from the south. A plan led approach to development is supported. This site is not an allocated site in the Local Development Plan (LDP) and was not identified as a preferred option in the MIR for LDP 2 and we therefore did not provide advice.

It is considered the proposal will by its nature lead to adverse impacts to the local landscape character, the landscape setting of the village and to visual amenity. It will compromise the setting and characteristic gateway through, for example, the introduction of urbanised forms, new road infrastructure and street lighting into the relatively rural landscape and setting.

**Scottish Water** – No objections.

**City Design Co-operative Ltd** – Detailed advice is provided on aspects of the application that relate to the landscape context of the proposal. In conclusion, having examined the application documents and after visiting the site on a number of occasions under various conditions the overall application is not supported. The Landscape and Visual Impact Assessment analyses, in some depth, the anticipated impact of the development. It references best practice and the Guidance for Landscape and Visual Impact Assessment (3rd edition). Notwithstanding the guidance of this industry accepted document it is noted that professional judgment and assessment is still a key element in any response.

**Argyll Archaeology** – The conclusions of the Heritage Impact Assessment are agreed. A condition in respect of a programme of archaeological works in accordance with a written scheme of investigation is recommended. In this respect, it is recommended that an intrusive archaeological evaluation is undertaken to determine the extent and character of any buried archaeological remains within the development area. These works may demonstrate that there are no archaeological remains present and then there would be no requirement for any further archaeological works. However, if archaeological remains are discovered during the course of the evaluation there would be a requirement for further stages of archaeological works in order to excavated and record them before development may proceed. Additional archaeological works could include excavation and post-excavation analyses and final publication of the results if warranted.

**Scottish Power** – No objections to the proposal. SP distribution have HV overhead lines and LV cables in the area. SP Distribution must reserve the right to protect and/or deviate our apparatus and cables at the applicant's expense.

**Scottish Gas Networks** – An initial objection to the proposal has been withdrawn. This is subject to the no works, stockpiling material or construction roads happen on the pipeline side of the old railway track and on the basis that SGN are consulted before any ground works commence including investigation works , so we can arrange a site meeting to confirm there are no threats to the pipeline.

**Strathclyde Partnership For Transport** - The Transport Assessment notes that there are currently no footpath connections on Bridge of Weir Road to the east of the site, however it is the intention to provide an additional new footway on west side of the A761, linking the development site to the existing footway on Bridge of Weir Road. This is welcome as this not only provides a safe walking route from the sites to the nearby bus stops as well as local amenities. We would

suggest that footway connections between the site entrance for the Knapps site is provided in order to provide safe access to this stop. It should be noted that there may be a requirement to reposition this stop in order to create the access arrangements for this part of the site. If this is required suitable hardstanding will require to be provided by the applicant at a suitable location agreed by the Council and SPT in order to relocate the stop.

The informal pedestrian connections identified in the connectivity masterplan are also welcome along with proposal to connect to the NCN 75.

**Health and Safety Executive** – An enquiry has been undertaken via the HSE Portal and it is indicated that HSE have no interest in this application.

**Lower Clyde Greenspace Manager** – Ecology and access are raised as follows:

#### Ecology

As part of the Local Development Plan process, the Council has commissioned a habitat and faunal survey around Kilmacolm. The issues pertinent to this application are as follows:

- Skylarks are known to nest in the less improved portion of the fields at North Denniston and Knapps. Greylag Geese, Canada Geese and Common Gull all use these same fields seasonally. Mitigation is required to varying degrees dependant on the species in respect of the loss of habitat.
- Otters were shown to use the southern edge of the North Denniston site, in particular the small watercourse which will be a valuable transit route. This should remain undisturbed, and a protected species survey and plan for otters is necessary.
- Both North Denniston and Knapps show moderate potential for bat roosts, in trees within and adjacent to the sites. A full bat survey during peak season which should also show any mitigation proposals is required.
- The small pond at North Denniston warrants further investigation, particularly for amphibians and breeding birds. There is anecdotal evidence of breeding mallard and possibly water rail. A spring survey at this location should be encouraged.
- Our own survey also records the disused badger sett at Knapps, but notes potential badger paths and foraging signs elsewhere at Knapps. There has been a significant increase in badger activity around Kilmacolm in the last few years, and a more thorough and extended badger survey is encouraged.
- Several other red listed or priority bird species were recorded at Knapps, including grasshopper warbler, sedge warbler, starling, mistle thrush and song thrush. A full breeding bird census is encouraged during spring.

#### Access

- There is a long history of responsible access being encouraged at Knapps and the land around it. Several forestry grants have been accessed in the past which encourage such access, and there are a number of pedestrian gates along the boundary showing the positive approach to public access that has been followed to date. The development proposal at Knapps would adversely affect the only safe pedestrian access onto the site. The only access that can be safely taken are at points accessed by car. This would be a significant loss to the local community and would discourage active travel in favour of car based travel.

**Head of Education** – The schools affected by this proposal will be able to accommodate pupils. It can also be confirmed should this proposal not proceed, then Kilmacolm Primary School will be unaffected; it is not in danger of closure because of low capacity.

**Transport Scotland** – No objections.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 22nd December 2017 as it is contrary to the development plan.

## **SITE NOTICES**

The nature of the proposal did not require a site notice.

## **PUBLIC PARTICIPATION**

Objections have been received from 1120 individuals, groups and organisations in connection with the application. This includes objections from both the Kilmacolm Community Council and Kilmacolm Civic Trust.

The points raised can be summarised as follows:

### Policy concerns

- The proposal fails to follow the principles of Scottish Planning Policy.
- The proposal is contrary to both the Strategic Development Plan and the Local Development Plan.
- The development is in the Green Belt and all changes to the Green Belt should be promoted via the Local Development Plan.
- The wider position in respect of housing land will be looked at via the Local Development Plan process.
- The site is not supported in the Local Development Plan Main Issues Report and Call for Sites Background Report.

### Housing land concerns

- The Renfrewshire Housing Market Area is already well served by development at Brookfield and Bishopton.
- Large number of houses being built in Bridge of Weir and Brookfield.
- The population of Inverclyde is declining.
- There is no need for new housing within Inverclyde.
- Existing housing sites are not being developed.
- The current static housing market in Kilmacolm does not seem to indicate an unsatisfied demand for any housing, whether new or established.
- Brownfield sites should take precedence over Green Belt sites.
- Housing land requirements should be accommodated within the existing settlement boundary.
- Green Belt development does not support regeneration.
- Other sites within Kilmacolm would be preferable to this proposal.
- The former Balrossie School would satisfy the required quota for new housing.

### Landscape and visual impact concerns

- The proposal would be to the detriment of the entrance to the village from the south together with the character and appearance of the village.
- Visitors remark on the entrance to the village which will be impacted on.
- The proposal would permanently damage the beautiful vista of the Knapps.
- The Knapps is listed as the 3<sup>rd</sup> most beautiful place to visit in Scotland.
- The area is a natural beauty spot recently voted in the top 10 magical places in Scotland.
- The area is one of the most photographed views in Scotland.

- Village boundaries are long established and clearly defined.
- Kilmacolm could join up with Quarriers and Bridge of Weir and appear as a single settlement.
- The applicant's Landscape and Visual Impact Assessment only shows close up views of the site.
- The present Kilmacolm green belt boundary is defensible. If this application were successful, it would be almost impossible to prevent further development North, South and East of the proposed development site.
- The proposal is not sympathetic with existing architecture and housing stock.
- Additional light pollution would occur.

#### Roads, traffic, transport and connectivity concerns

- It is not a sustainable location.
- The development is not within walking distance of the village centre.
- The bus service is infrequent and unsuitable for commuters.
- There is no railway to Kilmacolm.
- The car park at Johnstone Railways Station is full prior to 0830.
- The railway line should be reinstated.
- The proposal will increase congestion on the Trunk Road network
- Kilmacolm does not have the roads infrastructure to cope with the development.
- An increase in vehicles would occur and this would be to the detriment of road safety.
- There is insufficient parking within the village centre and the proposal will exacerbate the existing problems.
- The road at the primary school can't cope and increase in vehicles would inconvenience residents.
- Heavy construction traffic would impact the local road network.
- Roads are in an unacceptable state of disrepair.
- The proposed new junctions will cause accidents.

#### Service and infrastructure impact concerns

- There is insufficient service infrastructure to accommodate the development.
- The local primary school is at capacity and cannot take any more children.
- There is no public senior school within Kilmacolm.
- Private schools are oversubscribed.
- Placing requests will result further strain on schools in Bridge of Weir and Houston.
- The development would impact on existing medical surgeries and the availability of appointments.
- The development would impact on water and sewerage.
- Insufficient local shopping facilities exist.
- Local shops will close as it is impossible to park in the village centre.
- The applicant suggests that the school will close and this is untrue.
- Additional strain on emergency services.
- There is no police station within Kilmacolm.

#### Flood risk concerns

- The new development would be at risk of flooding.
- The development site is very marshy.
- An area of water permanently exists on the North Denniston section of the site.
- The source of the pond in the North Denniston side of the site is not referred to in the Flood Risk Assessment.

- There is a system of pipes, drains, sluices and valves which is maintained by Knapps Angling Club, who built the dam in 1910.
- The development may put pressure on the existing dam and would be flooded if the dam was to fail as per SEPAs flood maps.
- Lack of detail in respect of the SUDS system.

#### Environmental and ecology concerns

- Following construction of the development, gardening fertilizers, herbicides and weed killers may run off to Knapps Loch and would permanently damage any special wildlife and their natural habitat.
- Knapps Loch and the River Gryffe would be affected by effluent, to the detriment of fishing.
- A diverse range of wildlife species may be impacted on including Curlews, Redwings, Corncakes, Geese (over wintering and migratory) Ospreys, Badgers, Foxes, Bats, Great Crested Newts and Atlantic Salmon .
- There will be an adverse impact on flora and fauna.
- The development may impact on European Protected Species (EPS).
- No bat survey has been submitted by the applicant.
- The development will impact on a Site of Importance for Nature Conservation (SINC).
- The site forms a nature conservation area.
- An increase in chemical particulates may occur.

#### Social and recreation concerns

- The proposed development site is used for social gatherings and major events (eg fireworks display and annual agricultural show).
- The site is extensively used for walking and other outdoor recreational pursuits including winter tobogganing.
- Impact on the local angling club.
- The proposal will impact on tourism.
- There has been free access to the area for over 100 years.

#### Residential amenity concerns

- A loss of view from neighbouring property would occur
- Privacy to existing residents will be adversely impacted on.
- New residents would have no privacy as their properties would be overlooked.
- An increase in noise and disturbance would occur.
- The amenity of the residential of the new dwellings will be affected by odour from the agricultural show.
- Disruption would occur from the construction process.

#### Heritage concerns

- The Conservation Area will be impacted on.
- The applicant's Heritage Impact Assessment underestimates the impact on adjacent listed buildings.
- The development may impact on the remains of a motte, bailey castle and a roman road.

#### Procedural concerns

- It is unclear how many new properties are proposed.
- The application was submitted just prior to the Christmas period and this impacted on the time and ability to make comments.
- It is unclear how many new properties are proposed.

- The submission is inaccurate and misleading.
- The modifications since the public exhibition do not address the concerns raised.
- The applicant seeks to bypass local planners through anticipated appeals to the Scottish Government.
- An EIA is required.
- The supporting documentation is impenetrable to anyone unqualified in the individual specialisms involved.
- Developers should be given a timescale to build or they forfeit the permission.

#### Other points of concern

- A similar proposal in Bridge of Weir has been refused planning permission on appeal.
- The applicant has no rights or justification whatsoever, to obtain planning permission to build in these areas.
- The applicant is a land speculator not a house builder.
- The applicant will sell the site for financial gain.
- The applicant specialise in “breaking the Green Belt”.
- The applicant is the subject of several petitions to the House of Commons calling for a change in the law to prevent this style of predatory development.
- Major earthworks may be required.
- The area is currently litter free.
- Kilmacolm is already the optimum size and shape
- The proposal will remove agricultural land.
- Devaluation of property.
- Local residents will be heartbroken if the development was permitted.
- The houses will not be affordable.
- The development will risk children’s lives that play in the area.
- The proposal will contravene the Human Rights Act.
- Granting permission would set a precedent for future proposals.
- The Council should not be proposing this development.
- The new properties will overlook a children’s sporting facility.
- If members of the angling club left, the dam would be decommissioned and Knapps Loch would be drained.
- The proposal does not create identity through placesetting.
- There would be a loss of agricultural land.

#### **Pre-determination hearing**

A pre-determination hearing was held on 14 June 2018. Presentations were delivered by:-

- Mr Douglas Martin on behalf of Kilmacolm Civic Trust (objector) – issues raised: the principle of development in the Green Belt; the impact on the existing open space and natural environment; Inverclyde Local Development Plan policies and Clydeplan Strategic Development Plan policies; the Sub-Housing Market Area; the potential negative impact on the character of the area; visual impact; the current density, layout and architecture of adjoining properties; the sense of place and distinctive gateway; flooding risk and surface flooding events; absence of detail within the Flood Risk Assessment; sustainability concerns; impact on public transport; potential pressure on car parking; ecological impact on migrating geese and other wildlife; and lack of ecological information.
- Ms. Frances Hughes on behalf of Kilmacolm Residents’ Association (objector) – issues raised: the land supply within the Renfrewshire Housing Market Area; Clydeplan Strategic Development Plan policies; the high number of objections to the proposal; the importance of the area as a community amenity; the iconic entrance to the village; the beauty of the surrounding area and migrating geese.



- Mr. Mike Jefferis on behalf of Kilmacolm Community Council (objector) – issues raised: 2014 Inverclyde Local Development Plan and 2018 Proposed Inverclyde Local Development Plan policies; the timing of the pre-application consultation and planning application; the outcome of the 2014 Inverclyde Local Development Plan community consultation; the availability of brownfield and infill sites; the current local housing market; the significance of the 2014 Inverclyde Local Development Plan Spatial Strategy; the windfall site classification; the current and proposed planning policies on Green Belt and Countryside; visual impact; the identity of the village; the effect on the character and setting of the Conservation Area; sustainable development; impact on infrastructure; potential increase in private car traffic and the diversity of existing house types.

The Head of Regeneration and Planning also presented his report and recommendation to the Board.

Members then asked a number of questions which were answered by the Head of Regeneration and Planning, Mr. G. Leitch, Team Leader, Consultancy, Roads and Mr. J. Kerr, Solicitor, Legal and Property Services.

## **ASSESSMENT**

In the hierarchy of development proposals, this application is a major planning application as defined by The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. National planning policy requires to be considered including the National Planning Framework (NPF) 3 and the Scottish Planning Policy (SPP). The Development Plan consists of the 2017 Clydeplan Strategic Development Plan (SDP) and the 2014 Inverclyde Local Development Plan (LDP). The 2018 Proposed Inverclyde Local Development Plan (Proposed LDP) is also a material planning consideration in the assessment of this application.

In assessing this proposal, it is first appropriate to set out the national, strategic and local policy context.

### **The Policy Context**

#### National Policy

The National Planning Framework (NPF) 3 and Scottish Planning Policy (SPP) are they two key national planning documents that set the framework for development across Scotland. NPF3 notes the Scottish Government's desire for a significant increase in house building to ensure housing requirements are met across the country. Additionally it is stated that there will be a need to ensure a generous supply of housing land in sustainable places where people want to live, providing enough homes and supporting economic growth.

The SPP reinforces the aims of NPF3 to facilitate new housing development. It notes that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a five-year supply of effective housing land at all times. The planning system should also enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places. Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Local Development Plans should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the Strategic Development Plan with a minimum of five years effective land supply

at all times. Where a shortfall in the five-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to date.

The SPP further advises that where the planning authority considers it appropriate, the development plan may designate a Green Belt around a settlement to support the spatial strategy by directing development to the most appropriate locations and supporting regeneration, protecting and enhancing the character, landscape setting and identity of the settlement and protecting and providing access to open space.

Both Strategic and Local Plan policies are required to follow National Policy.

### Strategic Policy

The 2017 Clydeplan Strategic Development Plan (SDP) sets out a strategic vision to be implemented through a spatial development strategy and sets targets for the provision of new housing within the component parts of the Plan area. This provides that most development is to be focussed on existing settlements, with much of the intervening land being designated as Green Belt. The SDP is clear in supporting housing growth that creates high quality places which delivers not only the right type of homes but in the right locations.

SDP Policy 8 on Housing Land Requirement is the most relevant policy in the context of this proposal. In addition to identified housing sites, it requires shortfalls in the five-year supply of effective housing land to be remedied through the granting of planning permissions for housing developments subject to satisfying five criteria. These criteria are that the development will help remedy a shortfall, it will contribute to sustainable development, it will be in keeping with the settlement and the local area, it will not undermine Green Belt objectives and any required infrastructure is either committed or will be funded by the developer.

The application site lies within the Green Belt and Policy 14 goes on to advise on the designation of the Green Belts in support of the Vision and Spatial Development Strategies. The SDP is clear that the Green Belt is an important strategic tool in achieving a range of objectives including directing planned growth to the most appropriate locations, supporting regeneration, protecting separation between settlements and protecting the quality, character and landscape setting and identity of settlements and protecting open space and opportunities for countryside recreation. Policies 1, 12 and 16 covering Placemaking, Managing Flood Risk and Drainage, and the Green Network and Green Infrastructure are also of relevance, as is Diagram 10 which provides a framework for assessing development proposals of a strategic scale. This development is of a strategic scale as defined in Schedule 14.

### Local Policy

In response to the SDP, the Inverclyde Local Development Plan (LDP) supports the delivery of housing on appropriate, well located and effective sites, and depends on these being made available to meet need and demand. Through Policy RES3 and Schedule 6.1, the LDP aims to support all housing providers through a range and choice of land allocations to meet all requirements. Schedule 6.1 lists all the sites allocated which are effective or capable of becoming effective to meet the housing land requirement and ensuring a minimum of five-years effective land supply at all times. The current LDP is under review, with the Proposed Local Development Plan approved for consultation by the Environment and Regeneration Committee in April. In the Proposed LDP Policy 17 identifies housing development sites aimed to ensure that that a five-year effective housing land supply is maintained, however in the event that additional land is required for housing development, criteria for the assessment of such proposals are set out. Policy 18 supports housing development on appropriate sites.

The application site lies within the Green Belt, the boundary of which has been drawn closely around the urban settlements in order to direct growth to the most appropriate locations, support regeneration of urban and brownfield sites, protect the character and setting of towns and villages and give access to open space around settlements. Policy ENV2 of the LDP is clear in only favouring development within the Green Belt in exceptional or mitigating circumstances, with Policy SDS8 seeking to prevent the spread of the built up area into the Green Belt. Policy RES1 provides the main assessment criteria in respect of new residential development. These criteria include compatibility with the character and amenity of an area, the details of proposals for landscaping and retention of existing landscape or townscape features, compliance with the Council's adopted Roads Guidance and the provision of adequate services. A range of further policies combine to provide the basis for the wider assessment of development proposals. These policies address a broad range of matters including the transport network and sustainable access, designated environmental resources, heritage resources, biodiversity, and flooding and drainage.

In the Proposed LDP, the application site remains in the Green Belt and Policy 14 is clear on the circumstances where development in the Green Belt would be permitted. Like the current LDP, a range of further policies combine to provide the basis for the wider assessment of development proposals and cover a variety of considerations.

### **The Determining issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. As the site is situated within the Green Belt, there is a presumption against development. It is therefore clear that this proposal is contrary to the 2017 Clydeplan Strategic Development Plan and key driving policies of both the current Inverclyde Local Development Plan and the replacement Proposed Local Development Plan. It rests, however, to consider if there are other Development Plan policies or material considerations that would justify allowing the development to proceed.

The key determining issues in this respect are:

- Is there an appropriate supply of land housing, maintaining at least a five-year supply of effective housing land at all times?
- If not, is this Green Belt location appropriate for this development taking into consideration:
  - Will there be an adverse impact on landscape character and can this be mitigated?
  - Will there be an impact on built and cultural heritage?
  - What will be the impact on ecology?
  - Will there be flooding implications and, if so can these be addressed?
  - Will there be an impact on the recreational use of the area and will this impact be acceptable?
- Other planning issues that should be taken into account, including:
  - Will the site be accessible and well connected?
  - Can the site be developed for the purpose proposed without detriment to road safety?
  - What economic benefit would occur from the development?
  - What will be the impact on adjacent and nearby residential properties and will this impact be acceptable?
  - Is there capacity in respect of schools and local facilities for this development?

### **Housing Land Supply**

Scottish Planning Policy requires local authorities to identify functional housing market areas and to identify a generous supply of land for each housing market area so as to support the achievement

of the housing land requirement across all tenures, maintaining a 5-year supply of effective housing land at all times.

The housing market area framework for the Inverclyde area was established as part of the Clydeplan Strategic Development Plan process, and for private housing the application site falls within the Inverclyde part of the Renfrewshire Sub-Housing Market Area, an area within Inverclyde that includes the villages of Kilmacolm and Quarriers. For affordable housing, the Inverclyde authority area is the relevant geography.

The Council's adopted Local Development Plan indicates no need for additional land release. Clydeplan indicates a private housing land requirement within the Inverclyde part of the Renfrewshire Sub-Market area for 140 houses. In considering the merits of the proposed Inverclyde Local Development Plan, which will cover a 10 year period, the Council has not identified additional sites.

As matters stand, there is no need for additional housing land at this time. Any requirement for additional housing land in the period to 2029 is a matter for the Local Development Plan examination and, notwithstanding the suitability or otherwise of the application site, it would be both inappropriate and premature to prejudice the plan-led system by supporting the release of additional housing land at this time.

#### Appropriateness of the Green Belt location

The Green Belt is an important strategic tool in achieving a range of objectives. These include directing planned growth to the most appropriate locations, supporting regeneration, protecting separation between towns and villages, protecting the quality, character and landscape setting and identity of settlements and protecting open space and opportunities for countryside recreation.

The Green Belt boundary is defined to the north-west of the site by the rear gardens of the residential properties situated on Gryffe Road and to the northeast by an access lane which also provides the southernmost boundary of the Kilmacolm Conservation Area. These boundaries are long established and consequently overtime have become well defined by a variety of landscape features. This is particularly true of the north-eastern boundary defined by the access lane with mature woodland which is the setting for several very large houses beyond. These features all combine to form a robust and long established settlement boundary which also forms the Green Belt boundary. Any proposed new planting to the edge of the new development would take some considerable time to mature. Furthermore, and as explored in detail later in this assessment, as any landscaping does mature tension may arise with residents seeking to maintain sunny gardens and open views. The proposed development would not ensure a new robust and defensible Green Belt boundary.

SPP advises on the spatial form of the Green Belt and sets out that, in respect of the boundaries, clearly identifiable visual boundary markers based on landscape features should be established. There is no attempt in this application to do this; it cannot be argued that this proposal would form a new, robust Green Belt boundary based on clearly identifiable visual markers. Overall, it cannot therefore be considered that the development would be a logical incursion into the Green Belt. It would fail to protect the quality, character, landscape setting together with the identity of the village and would fail to create a clearly definable and defensible Green Belt boundary.

#### Landscape Character and Visual Impact

Landscape character is the distinct and recognisable pattern of elements that occurs in a landscape leading to the way that it is perceived. Landscape sensitivity is concerned with the inherent character of the landscape and the likelihood that this character would be changed by the introduction of development. Landscape capacity refers to the degree to which a particular landscape type or area is able to accommodate change without significant effects on its character, or overall change of landscape character type.



North of North Denniston Farm

In first considering North Denniston, this area can be split into two sections. North of the Farm is well defined and spatially contained by the edge of the Kilmacolm to the north-west and by the tree belt on the embankment of the former railway line to the east. The character comprises established rural fields of agricultural pasture-land meeting the well-defined edge of the settlement. The site is given a low sensitivity rating within the applicant's Landscape and Visual Impact Assessment (LVIA). East of the Farm is more visible and open in character, although contained by the low rolling topography. Gardens to properties on Gryffe Road that back on to the site are defined by mature vegetation and stone built walls. It is given a medium to low level of sensitivity within the applicant's LVIA.



East of North Denniston Farm

Turning to the Knapps Area, first impressions are more dramatic. The area is suddenly revealed as Bridge of Weir Road turns to the north and drops down by Knapps Loch on the approach to the village. Open fields of craggy pasture lead up to mature woodland which is the setting for several very large houses, each in their own extensive grounds. These are spaced out across the hill and form a settled, mature landscape. This forms a strong edge to the village with Knapps Loch and surrounding area having qualities reminiscent of a 17<sup>th</sup> century designed parkland landscape. It is a very positive first impression of the village, and establishes a character that is further reinforced when travelling from the village edge towards the village centre. The image and impressions of Kilmacolm are set by the main entrances to the village – from the north and west along Port Glasgow Road, from the south along Lochwinnoch Road, and from the east along Bridge of Weir Road. Each contributes to the image of an established Scottish village set in rolling countryside. The applicant considers the overall landscape sensitivity at Knapps as medium, but this is a position that cannot be accepted; indeed the Council's Landscape Advisor advises that this landscape should be seen as being of high value and it is very susceptible to change from a rural landscape to a suburban housing scheme.



Knapps

That the construction of a residential development with an indicative capacity of around 100 units to either side of the main southern approach to Kilmacolm will have a visual impact is not in doubt. Photographs, photomontages and 3D models forming part of the LVIA have been taken from a series of vantage points both adjacent to the site and more distant locations. These include a range of nine different viewpoints on Bridge of Weir Road, together with Gryffe Road looking south-east, the cycle path looking north-east and a point near Duchal House looking north-east. More distant viewpoints from Gateside Road and Blacksholm Road are also provided. Whilst the viewpoints are useful in illustrating the potential scale and form of a residential development on site, the Council's Landscape Advisor urges caution in the ways the views are observed. Viewing on site is different to viewing panoramic photographs. On site the eye naturally captures a narrower angle of view and attention will be focused on the development area to which the eye will be drawn. In reality, the visual significance of the site is greater than has been indicated in the panoramic photographs.

Examining the applicant's visual appraisal, the Council's Landscape Advisor considers that this presents an under representation of the sensitivity of a number of the identified receptors. This includes from within the Kilmacolm Conservation Area, from the cycle path and, in particular, from the A761 Bridge of Weir Road arriving into and leaving the village. In respect of the latter, the applicant notes the value of this receptor as medium to low based on the argument that the A761 introduces an engineered element into the landscape. However, this road forms the primary southern approach to the village with sense of arrival into Kilmacolm; it affords key views of the village in the landscape and the Council's Landscape Advisor considers that this can be assessed as medium to high in value. Susceptibility is notably given a low rating by the applicant based on the A761 being a major road linking a number of settlements. The Council's Landscape Advisor fundamentally disagrees and regards the sensitivity of this receptor to be high.

The applicant's LVIA concludes that based on the visual assessment and appraisal, together with careful detailed design, that the site has capacity for development. The applicant's Capacity Statement also considers the distinct parts of the site separately and notes the variance in approach to layout within each area. This is based on the indicative masterplan. It is true that north of North Denniston is relatively enclosed and to the east there is an element of screening within the landscape. The development strategy set out in the indicative masterplan also allows space to retain the prominence of Puldohran House, a signature building at the edge of the village. This application is, however, considered in principle only and there can be no certainty over the detailed form of any development at this stage. Indeed, the applicant recognises in the Design and Access Statement that the indicative masterplan does not preclude alternative layouts coming forward. Whilst the Council's Landscape Advisor does not find disagreement with the applicant's position in respect of there being development capacity here, the resulting impact simply cannot be fully quantified at this stage.

Considering Knapps, the applicant's LVIA states that the introduction of residential development would not affect the settlement pattern of Kilmacolm, and would be well contained both by built

development and mature structural vegetation. It is unclear as to how this conclusion has been reached. It is also stated that introducing development into this area would reinforce the pattern of settled wooded hills. The Council's Landscape Advisor does not agree with this point. The pattern created by a small number of large houses in very extensive plots ranged across an expansive and mature wooded hillside provides a completely different character to a suburban development of modern detached houses with comparatively small gardens, serviced by a domestic road and street lighting system. Even after any trees planted have matured, it will remain that proposed development will not reinforce the pattern of the settled wooded hills. The proposed development cannot reflect this and by virtue of its location, would severely detract from it. The applicant's LVIA further states that introducing development into this area would retain the open character and recreational uses around Knapps Loch. Again, the Council's Landscape Advisor does not agree with this position; conversely, the proposed development would diminish the open character of the landscape around Knapps Loch.

The applicant further contends that a landscape strategy, which results in the provision of a well treed setting for the properties, will ensure that the proposed development reflects the settlement character of Kilmacolm and assimilates the development into the local views from the Loch and Bridge of Weir Road. Whilst, in theory, this could present some mitigation there is an underlying weakness to this approach. Screening the new development on its southern edge with woodland scale trees would effectively mean restricting sunlight into the new development, creating shaded gardens. It would also constrain views to the landscape beyond. The Board consider that human nature suggests that over time, there will be a demand to both improve daylight and maximise the views across the landscape. In accordance with the advice of the Council's Landscape Advisor, it is not unreasonable to assume that house owners may manage trees in and around their new property. Accordingly, he considers that there would be a tension from the outset between hiding the new development behind large trees and maintaining sunny gardens and spectacular open views.

There is precedent supporting this position in the immediate area. These concerns were raised in the assessment, and subsequent refusal, of a planning application for a dwellinghouse within a wooded site on Houston Road, Kilmacolm. Here, the trees were protected by the conservation area designation. This concern was recognised by the Scottish Government's Reporter who, in dismissing the subsequent appeal, noted that in his experience there would be such a strong desire to remove further trees, he could not ignore the potential.

With regard to lighting, with the exception of one reference to the avoidance of lighting at a low level along the new access road at North Denniston, there appears to be no analysis of the potential impact whether it be from street lights, gardens or the new houses. The Council's Landscape Advisor is of the view that the new development would have a substantial effect on the perception of the village edge between dusk and dawn. The nature of the lighting from the development will not replicate the sporadic lighting from the large established houses on the wooded hill side. It will instead point the eye to a cluster of well-lit modern houses sitting against a substantially dark background. This will be most apparent during the long winter nights when any new trees planted are not in leaf.

Concerns over the visual impact deterioration of landscape character are further supported by SNH. It is noted that the site lies on the edge of Kilmacolm in a prominent location providing an agricultural context and setting and that this is an important landscape edge which contributes to the characteristic gateway and approach to Kilmacolm from the south. The proposal will, by its nature, lead to adverse impacts to the local landscape character, the landscape setting of the village and to visual amenity. It will compromise the setting and characteristic gateway through the introduction of urbanised forms, new road infrastructure and street lighting into the relatively rural landscape and setting.

Indeed, in drawing comparisons, the Board is also mindful of the recent appeal decision for a similar planning application in principle for residential development on a greenfield site to the western approach of Bridge of Weir, which in many ways has similar characteristics to the

application site. Here, the Scottish Government Reporters also considered that the appeal site was an important part of the landscape setting of the village and they considered that development on that site, because of its prominence and location on the edge of the built up area, would have a significant and direct impact on the landscaped setting of Bridge of Weir. They did not consider that developing the site would be in keeping with the character of the settlement or the local area.

Clearly, the application site forms an important and significant part of the landscape setting of the village. Notwithstanding the additional details provided by the applicant in this respect, the Board endorses the views of the Council's Landscape Advisor, SNH and those submitting representation on this matter in considering that the proposal overall would have a significant and adverse visual impact to the detriment of the landscape character and setting of Kilmacolm.

This leads the Board to conclude that, as the proposed development cannot be held to protect the quality, character, landscape setting and identity of the village, it does not ensure the Green Belt objectives are achieved in accordance with Policy 14 of the SDP. Policies SDS8 and ENV2 of the LDP rigorously defend the Green Belt and as there are no exceptional or mitigating circumstances which would justify this incursion into the Green Belt, the proposal is contrary to Policies SDS8 and ENV2 of the LDP. The proposal is further contrary Policy RES1 of the LDP with reference to the incompatibility with the character and amenity of the area (criterion (a)) and in respect of landscaping proposals and impact on existing landscape features (criteria (b) and (c)). The failure to reflect local character, maintain and enhance landscape character or support the objectives of the Green Belt also renders it incompatible with the placemaking criteria with reference to Policy 1 of the SDP, Policy SDS3 of the LDP and Policy 1 of the Proposed LDP.

#### Built Heritage

Within approximately 500 metres of the site there are a variety of heritage resources. These include two Category A listed buildings, four Category B listed buildings and one Category C listed building. There is also one garden and designed landscape and a scheduled ancient monument. The Kilmacolm Conservation Area also adjoins the northern boundary of the Knapps part of the site.

The Category A listed Duchal House, associated Garden and Designed Landscape together with the motte which is a scheduled ancient monument all lie to the south-west of the proposed development site, well beyond the tree lined former railway embankment and to the south of the B788. The Board concurs with the applicant's conclusions in their Heritage Statement that given their position relative to the proposed development site, there will be no adverse impact on these heritage resources. Greystones and Knapps, both Category B listed buildings are situated in elevated positions on Houston Road to the north of the application site. The Board concurs with the applicant that views towards the development from Knapps are screened by intervening woodland to the west and southwest of the property and views towards Knapps Loch are not across the proposed development site. Greystones is visible from the southern approach to Kilmacolm and the proposed development would change both the views towards this house within its wooded setting from the south together with the outlook from the listed building towards Knapps Loch. The Category C listed Hazelhope is situated on the south-western side Gryffe Road with views towards the rear of the house available across the field from the cycle path. As noted by the applicant the views to and from the rear of the listed building will be changed to one of a suburban residential character.

Of greater concern is the potential impact of the proposed development on the Kilmacolm Conservation Area. This Conservation Area was designated in 1972. The layout of the large residences, many of which are designed by renowned Scottish architects and set within extensive grounds with a strong wooded character, creates a distinct area in the south eastern part of the village. The views towards this area on the approach to the village form a very important aspect and, as noted in the assessment of landscape character and visual impact, the image and impressions of Kilmacolm are set by the main entrances to the village. Whilst the applicant may consider that the indicative masterplan has been designed to respond to the existing urban form



and that the proposed development would not significantly adversely affect the character of the Conservation Area, this is not the case. The scale of the proposed dwellings in the indicative masterplan will simply not replicate the grandeur and splendour of the dwellings within the Conservation Area, set in large gardens on a maturely wooded hillside. The overall impression that is likely to be created is that of an up-market suburban housing scheme. By extending such development housing along the southern boundary of the Conservation Area, the proposal development would result in a major change to the nature of the landscape south of the Conservation Area. Consequently, there would be a significant and unacceptable impact on the setting and appearance of the Conservation Area, most extensively in respect of the southern approach to Kilmacolm.

On this basis, the proposal is contrary to Policy HER1 of the LDP and Policy 28 of the Proposed LDP due to the significant and unacceptable impact on the setting and appearance of the Conservation Area.

### Cultural Heritage

Turing to archaeology, applicant's Heritage Impact Assessment states that there are no known heritage assets within the proposed development site. It further acknowledges, however, that there is some potential for buried archaeological remains to survive within the site and accordingly a programme of mitigation would be agreed in respect of any effects on archaeology. The Council's Archaeology Advisor concurs with this position and recommends a suspensive condition in respect of secured the implementation of a programme of archaeological works. The Council's Advisor further advice that this should take the form of an intrusive archaeological evaluation to determine the extent and character of any buried archaeological remains within the development area. These works may demonstrate that there are no archaeological remains present and then there would be no requirement for any further archaeological works. However, if archaeological remains are discovered during the course of the evaluation there would be a requirement for further stages of archaeological works in order to excavated and record them before development may proceed. Additional archaeological works could include excavation and post-excavation analyses and final publication of the results if warranted.

The Board is therefore satisfied that there is no impediment to any development in respect of archaeological matters and, as such the proposal is acceptable when assessed against Policy HER7 of the LDP and Policy 31 of the Proposed LDP.

### Ecology

Ecological issues are considered by the applicant in a preliminary ecological appraisal submitted in support of the proposal. Two Sites of Importance for Nature Conservation (SINC) lie to the south of the application site. A SINC also lies to the west of North Denniston across the former railway. There are no natural heritage or environmental designations within the application site. It does not follow, however, that the proposed development would have no potential for ecological impacts.

SNH has considered the ecological appraisal in depth offering specific advice in respect of badgers, otters and bats. Two potential badger setts have been identified. While one sett is considered to shows signs of recent use, monitoring using camera traps does not suggest that either are in current use. It is noted that whilst the camera traps were in place for the recommended fourteen days, these were displaced by cattle during the monitoring period. Regardless of this limitation, SNH agree with the recommendation in the preliminary ecological survey that further survey should be carried out and advise that any subsequent application for detailed planning permission should be supported by an updated badger survey and protection plan. No places used by otter for shelter or protection were identified during the preliminary ecological appraisal. Although not within the proposed development site itself, signs of this species were however recorded from the wider survey area. SNH again advise that any subsequent application be supported by an updated otter survey and protection plan.

The application site has been assessed as having low habitat suitability for bats. SNH is broadly content with the conclusion that no further bat activity survey work is required. It is recommended that any approval of planning permission ensures no tree felling without the written consent of the planning authority, the subsequent detailed application for the site be accompanied by details of tree protection measures and that any subsequent detailed application for the site be accompanied by a landscape planting scheme that show how existing trees and woodland within the application site will be connected to habitat features outwith the site. Additionally, the applicant has confirmed to the satisfaction of SNH that the two trees with moderate bat roosting potential are outwith the site boundary and that they will not be impacted by the proposed development.

The Lower Clyde Greenspace Manager has also considered the preliminary ecological appraisal. His advice reflects that of SNH in respect of bats, badgers and otters. He further recommends that a full breeding bird census and a thorough assessment of the small pond at North Denniston for amphibians and breeding birds are carried out. Furthermore, mitigation proposals for any loss of habitat would be necessary with particular reference to greylag geese (wintering) and breeding skylarks. Any subsequent application for the detailed development of the site will require to address these matters.

Whilst the Board notes concerns from objectors in respect of species not discussed above, the Board is guided by both SNH and the Lower Clyde Greenspace Manager in respect of ecology matters and the range of species which may be affected by the proposal. The consultees do not raise any concern in respect of potential pollution to waterbodies or watercourses and it would therefore be inappropriate to refuse permission on this basis. Notwithstanding the concerns raised, there are no ecology issues which would provide a basis of the refusal of planning permission; the proposal is considered compliant with Policy ENV7 of the LDP and Policy 33 in respect of the requirements to minimise adverse impacts on wildlife and habitats.

### Flooding and Drainage

The River Gryfe flows to the south-west of the site, and as noted in the applicant's Flood Risk Assessment (FRA), most of the site lies well above the river. The former railway embankment also lies between the lowest parts of the site and the river. The FRA recommends that ground levels within the site are no lower than 72m AOD.

Knapps Loch lies to the south-east of the site. The FRA advises that modelling of the overflow of the loch predicts the potential for flooding of areas of the site to the east and west of Bridge of Weir Road in the event of blockage of the outflow culvert from the loch and make recommendations on how to mitigate this. If there was a breach of the dam itself, the FRA notes that there is risk of flooding within the site. A dam breach assessment has also been undertaken for the loch and a series of recommendations set out to reduce the risk and impact of a dam breach on the development site. The Board is satisfied that there would be no impediment to any subsequent application for the detailed development of the site incorporating these recommendations. Following clarification from the applicant, SEPA offer no objection to the proposal in respect of flooding. The Head of Environmental and Commercial Services advises that the FRA submitted fails to follow the requirements set out in the Council's guidance in respect of the submission of FRAs. Notwithstanding further clarifications from the applicant in this respect, this application is considered in principle only and the Board is satisfied that it would be appropriate to address the outstanding matters raised by Head of Environmental and Commercial Services in the context of the detail of any development proposals should this be required.

Whilst the Board notes the concern in respect of the lack of detail on the SUDS system, this application is considered in principle only and such details would be addressed via any application for the detail of the development. The maintenance of the Knapps Loch dam is a matter separate to the planning process.

The Board is therefore satisfied that there is nothing to suggest that matters relating to flooding and drainage cannot be appropriately addressed as part of any development in accordance with Policy 16 of the SDP, Policies INF4 and INF5 of the LDP and Policies 8 and 9 of the Proposed LDP.

#### Impact on the recreational use of the area

It is clear from the public representations that the Knapps Loch, being an area of attractive countryside within close proximity to the village, is widely used for outdoor recreation, has tourism potential and has had free access for over 100 years. The Lower Clyde Greenspace Manager notes that there is a long history of responsible access being encouraged at Knapps and the land around it. Several forestry grants have been accessed in the past which encourage such access, and there are a number of pedestrian gates along the boundary showing the positive approach to public access that has been followed to date. The concerns regarding the development proposals are noted, however, there is nothing to suggest that an alternative southerly access to this area could not be provided as part of the detail of any proposal to maintain a pedestrian access link from the village. Clearly, residential development within this area will reduce the existing open countryside immediately adjacent to the settlement and may discourage some from using the wider Knapps Loch area for outdoor recreation. This is, however, difficult to quantify. The applicant highlights an opportunity for community ownership of an area surrounding Knapps Loch which may be available in association with this proposal to secure this area for future community use. However, this could be promoted by the landowner independently from any planning application.

Considering the concerns raised in respect of the use of the area for a local agricultural show and annual fireworks display, these are matters between the landowners and the respective organisers of the events and cannot have any impact on the determination of the planning application.

Consequently, the proposal is considered acceptable in terms of the impact on the recreational use of the wider Knapps Loch area with reference to the strategic objective of the Green Belt; it will continue to ensure opportunities for countryside recreation as supported by Policy 14 of the SDP.

Drawing together all the Green Belt considerations, it is concluded that the proposal will have a significantly detrimental impact on the landscape character and visual amenity of the site and on the adjacent built heritage including the setting of and approach to the Kilmacolm Conservation Area. While noting concerns over impacts on cultural heritage, flooding and drainage, ecology and recreational use, it is considered that the site could be developed without an unacceptable impact.

Finally it rests to consider other planning issues not specific to this being a Green Belt site; will the site be accessible and well connected, can the site be developed for the purpose proposed without detriment to road safety, what economic benefit would occur from the development, what will be the impact on adjacent and nearby residential properties and will this impact be acceptable and is there capacity in respect of schools and local facilities for this development?

#### Transport and Connectivity

The Transport Assessment submitted by the applicant is based on a development of 119 dwellings. This is above the development capacity of 100 dwellings set out within the indicative masterplan. Scottish Planning Policy makes it clear that planning permission should not be granted for significant travel generating uses at locations which would increase the reliance on the car, where direct links to local facilities by walking or cycling are not available or cannot be made available, and where access to local facilities via public transport networks would involve walking more than 400 metres. A range of facilities are available within the Kilmacolm Village Centre including local shops and services, public library and community centre together with medical practices and a public house. The southernmost part of the application site is situated just under 1600 metres from the village centre; this is within the maximum threshold for accessibility to local facilities by walking set out within Planning Application Advice Note 75. Footpath access to the village centre is available via Bridge of Weir Road and Gryffe Road with access to the village centre is also

available via the cycle path accessible from the northernmost part of the North Denniston part of the site. This would provide for additional off-road walking and cycling facilities. The indicated pedestrian and cycle path connection to the site are also welcomed by SPT in its consultation response. The Board is therefore satisfied that the site would be reasonably accessible to local facilities.

It is acknowledged that most residents would likely have to travel elsewhere for employment opportunities. Primary education is available in the village, but secondary education provision requires transport unless attending the local private school. There are bus stops situated within close proximity on Bridge of Weir Road with a reasonably frequent service to the village centre, local destinations and to Braehead and Glasgow beyond, and this could be used by commuters. It is the intention to provide an additional new footway on west side of the A761, linking the development site to the existing footway on Bridge of Weir Road and SPT consider this would provide a safe walking route from the site to the nearby bus stops together with local amenities. Further footway connections between the site entrance for the Knapps part site are recommended to provide safe access to the bus stop. Such details would be considered as part of the detail of any development if appropriate.

In noting the comments of objectors, the reinstatement of the former railway line is not a matter to be considered in the assessment of this application. Any perceived effect on parking at railway stations some distance from the application site would not warrant the refusal of the application.

In respect of transport and connectivity, the Board therefore concludes that the site would be reasonably accessible by means other than the private car. As such the proposal is acceptable when assessed against Policy TRA1 of the LDP together with Policy 10 of the Proposed LDP.

#### Traffic and Road Safety

The Board is principally guided by the advice from the Head of Environmental and Commercial Services in his consultation response. The Board notes there is no objection in principle to the development when assessing the impact on the local road network and road safety. There are no objections to the access arrangements of the site and the applicant has clarified the access to the North Denniston part of the site will be a priority junction as per the indicative masterplan. The Board is in agreement with the advice in respect of the provision of footpaths on Bridge of Weir Road and the extension of the 30mph limit. Such matters would be addressed as part of the detail of any development if appropriate, as would the road layout within the site together with the parking requirements for individual dwellings. Matters relating to the roadworks and street lighting, together with any matters relating to the adoption of roads, footpaths and car parks are addressed via separate legislation.

A range of traffic and road safety concerns have been raised in the objections received. The Head of Environmental and Commercial Services raises no concerns regarding any knock-on effect in respect of parking within the village centre or at the local primary school. Whilst construction traffic will inevitably travel to the site via the local road network, this does not warrant the refusal of the application. Matters relating to existing road surface condition can have no bearing on the assessment of this application. Finally, the Board notes the objections in respect of traffic on the wider trunk road network; whilst this proposal is not one which ordinarily requires consultation with Transport Scotland, a consultation was requested and Transport Scotland offered no objections.

The Board is satisfied that there are no traffic or road safety implications arising from the proposal. As such the proposal is acceptable when assessed against Policy TRA1 of the LDP and Policy 11 of the Proposed LDP.

#### Economic Impact

The applicant's supporting documentation considers that the development of new homes at the scale that is proposed will generate considerable local economic benefits primarily through

construction employment and investment, both directly and indirectly. Furthermore, it is contended that the development would also support additional spending within Kilmacolm associated with the increase in population. It is true that approval of the proposed development would create employment opportunities in the short term during the construction period and in the longer term in respect of the new residents contributing to the local economy, however the economic benefits would not be significant and the Board is not satisfied that they outweigh the negative impact of the development.

The Board concludes that the proposal would not generate economic benefits which would justify this development within the Green Belt.

### Residential Amenity

Residential amenity can be affected in a number of ways. Concerns have been expressed over noise, disruption and dust from construction, privacy implications for both existing and new residents, loss of view from neighbouring property, the potential for noise disturbance from new neighbours, the potential impact on the health and wellbeing of existing residents and the incompatibility of the recreational use of the area with the amenity of new residents.

Any development project will produce noise and an element of disruption during the construction phase and this cannot be a determining factor in consider whether to grant planning permission; this is a matter controlled by legislation operated by the Head of Safer and Inclusive Communities. Whilst the application is in principle only and the masterplan submitted purely indicative, there is nothing to suggest that suitable separation between new and existing properties could not be achieved to protect privacy. Furthermore there is also nothing to suggest the occupation of the new dwellings would cause any noise or activity beyond that typically found within a residential area. Whilst the Board notes the concerns regarding the health and wellbeing of existing residents, it is not a matter which could be considered to form a relevant or reliable basis for the refusal of planning permission. The Board has no concerns regarding the incompatibility of the recreational use of the area with the amenity of new residents.

The Board is satisfied that the relationship of the proposed development would not lead to the unacceptable disruption to residential amenity in a manner that could justify the refusal of planning permission.

### Capacity of Schools and Local Facilities

Concerns are raised in the representations in respect of school capacity. The Head of Education confirms that both the primary and secondary schools affected by this proposal will be able to accommodate additional pupils resulting from the development. Further concerns are raised in respect of the capacity of local private schools together with Gryffe High School in Houston. Private school capacity cannot be a determining factor in the assessment of a planning application and Gryffe High is within a neighbouring local authority area and the application site does not lie within the catchment of this school. Further concerns were raised in the representations that it had been suggested by the applicant that if this proposal is not to proceed, Kilmacolm Primary School is in danger of closure because of low capacity. The Head of Education confirms this is not the case.

Turning to local healthcare facilities, again concerns are raised in respect of the capacity in respect of these services. The applicant considers capacity exists in respect of these facilities and the Board has no basis to conclude differently.

As a result, there are no implications arising in respect of the capacity of schools and local facilities which would warrant refusal of the planning application with reference to Policy RES1 (criterion (e)) of the LDP.

In assessing these non-Green Belt specific issues, it is concluded that none present an obstacle to the development of the site. It finally rests to address other issues that have been raised in consultation responses and in letters of representation.

#### Other matters raised in consultation responses

An underground high pressure gas pipeline runs to the south of the site. Following a consultation utilising HSE's online portal, HSE advise they have no interest in the proposed development. Scottish Gas Networks raised an initial objection to the proposal however this was subsequently withdrawn, subject to ensuring that the pipeline is safeguarded. This can be addressed by condition if necessary. Scottish Power, whilst noting that infrastructure is present in the area, offer no objections to the proposal. Scottish Water also offer no objections to the proposal.

The Head of Safer and Inclusive Communities offers no objections; matters relating to ground contamination and Japanese Knotweed, external lighting and hours of works can be addressed by condition or advisory note if necessary. Issues in respect of sound insulation complying with the building regulations would be for the building warrant process. The Board is happy to be guided by the advice of the Head of Safer and Inclusive Communities that it is not considered that a noise or air quality assessment is required for this proposal.

#### Other issues

A wide range of other issues have been raised in the representations. Procedurally, the submission meets the requirement of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. While there is concern over the timing of the submission prior to the Christmas period, there are no restrictions in the submission of planning applications prior to this period and the Council sought to ensure that neighbours and those who wished to make representation were not disadvantaged by extending the publicity period. Adequate documentation has been submitted to allow the assessment and the supporting documentation for a major planning application by its very nature will cover specialist disciplines. The proposal has been modified by the applicant following the initial public exhibition although it is acknowledged that this may not mean that all concerns raised are addressed.

Concern is raised that an Environmental Impact Assessment (EIA) should have accompanied the application. Prior to the submission of the application, the applicant sought a Screening Opinion in respect of Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. After careful consideration, it was accepted that an EIA was not required.

Article 8 of the Human Rights Act is not prejudiced by consideration of the planning merits of a proposal. Planning legislation ensures that all those with a right to comment are allowed to do so during the entire procedure, from pre-application discussion and through neighbour notification and publicising of the application.

Noting the concern that the granting of planning permission may create a precedent for future proposals, all planning applications are considered on their own merit and this would be the case for adjacent sites if permission was granted for this proposal. That new houses may face towards the sports pitch is not a reason for the refusal of planning permission and there is nothing to suggest that the proposal would impact on litter. Contrary to the concern raised, the Council is not promoting this development.

Concerns in respect of the provision of affordable housing are raised. Policy RES4 of the Local Development Plan and Policy 17 of the Proposed Local Development Plan, together with associated supplementary guidance, sets out the Council's position in this respect. If the proposal is supported, an affordable housing contribution would be required as part of the proposal.

Finally, whilst the Board notes concern regarding the nature of the applicant's business, the background of an individual applicant and any involvement that the applicant may have in other proposals, applications, cases or matters can have no bearing on the assessment of this planning application. It is acknowledged that, if the applicant is to achieve planning permission, another party would develop the site. The right of appeal applies across the planning system and again can have no bearing on the assessment of the application. There is also nothing to prevent the submission of planning applications for Green Belt locations.

## **Summary and Conclusion**

At a national level, Scottish Planning Policy reinforces the aims of the Scottish Government's National Planning Framework 3 to facilitate new housing development, requiring each housing market area to support the achievement of the housing land requirement across all tenures, maintaining at least a five-year supply of effective housing land at all times. The Council's adopted Local Development Plan indicates no need for additional land release. Clydeplan indicates a private housing land requirement within the Inverclyde part of the Renfrewshire Sub-Market area for 140 houses. In considering the merits of the proposed Inverclyde Local Development Plan, which will cover a 10 year period, the Council has not identified additional sites.

As matters stand, there is no need for additional housing land at this time. Any requirement for additional housing land in the period to 2029 is a matter for the Local Development Plan examination, and notwithstanding the suitability or otherwise of the application site, it would be both inappropriate and premature to prejudice the plan-led system by supporting the release of additional housing land at this time.

Even in the event that there was a need for additional housing land, Policy 8 is clear in requiring additional assessment of any site against the criteria set out in this Policy. There is conflict with two of the criteria; the development is not in keeping with the character of the settlement and the local area and it undermines Green Belt objectives. So, housing need or not, the proposal fails when tested against Policy 8 of the SDP.

Furthermore, as the site is situated within the Green Belt there is a presumption against development. Assessing the proposal with direct reference to the impacts on landscape character and visual impact, the built and cultural heritage, ecology, flooding and the recreational use of the area, it has been concluded that the detriment to landscape character and amenity and built heritage, with specific concerns over how perceptions and the setting of Kilmacolm when entering from the east will be significantly and severely detrimentally impacted. This is contrary to Policies RES1(a – c), SDS3, SDS8, ENV2 and HER1 of the LDP together with Policies 1, 14, 17 and 28 of the Proposed LDP. Additionally, the proposal is also a departure from Policies 1 and 14 of the SDP. The proposal is also not a form of residential development in the Green Belt supported by Policy RES7 of the 2014 Inverclyde Local Development Plan.

For developments of a strategic scale, Box 1 of Diagram 10 sets out the basis of the assessment in respect of the SDP. As the proposal fails in respect of Policies 1 and 14 of the SDP, it is a departure from the SDP. Box 2 of Diagram 10 provides the criteria for establishing whether a development proposal is an acceptable departure from the SDP. The proposal does not merit support in respect of any of the criteria listed nor are there any other material considerations which would justify a departure from the SDP. Accordingly, the proposal is an unacceptable departure from the SDP and is therefore contrary to the SDP.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The combination of a lack of identified housing need and the substantial and unacceptable visual impact of this development on the Inverclyde Green Belt satisfies that the proposal is contrary to the Development Plan. In reviewing the application and supporting documentation, it is concluded that there are no material considerations to indicate that the application should be considered favourably.

## **RECOMMENDATION**

That the application be refused for the following reasons:

1. The proposed development is contrary to the Spatial Development Strategy of the 2017 Clydeplan Strategic Development Plan as it is an unjustified urban development which fails to accord with the Green Belt objectives in that it does not protect the quality, character, landscape setting and identity of the village.
2. The proposal is contrary to Policies ENV2 and SDS8 of the 2014 Inverclyde Local Development Plan together with Policy 14 of the 2018 Proposed Inverclyde Local Development Plan in that it fails to accord with the objectives of the Green Belt.
3. The proposal fails in respect of Policy RES1 of the 2014 Inverclyde Local Development Plan with reference to the incompatibility with the character and amenity of the area (criterion (a)) and in respect of landscaping proposals and impact on existing landscape features (criteria (b) and (c)).
4. The proposal fails to have regard to the six qualities of successful places as required by Policy 1 of the 2017 Clydeplan Strategic Development Plan and Policy 1 of the 2018 Proposed Inverclyde Local Development Plan. The proposal is also contrary to the placemaking aims of policy SDS3 of the 2014 Inverclyde Local Development Plan.
5. The proposal is not a form of residential development in the Green Belt supported by Policy RES7 of the 2014 Inverclyde Local Development Plan.
6. The proposal is contrary to Policy HER1 of the 2014 Inverclyde Local Development Plan and Policy 28 of the Proposed 2018 Proposed Inverclyde Local Development Plan in that there would be a significant and unacceptable impact on the setting and appearance of the Conservation Area.

David Wilson  
Chair, Planning Board