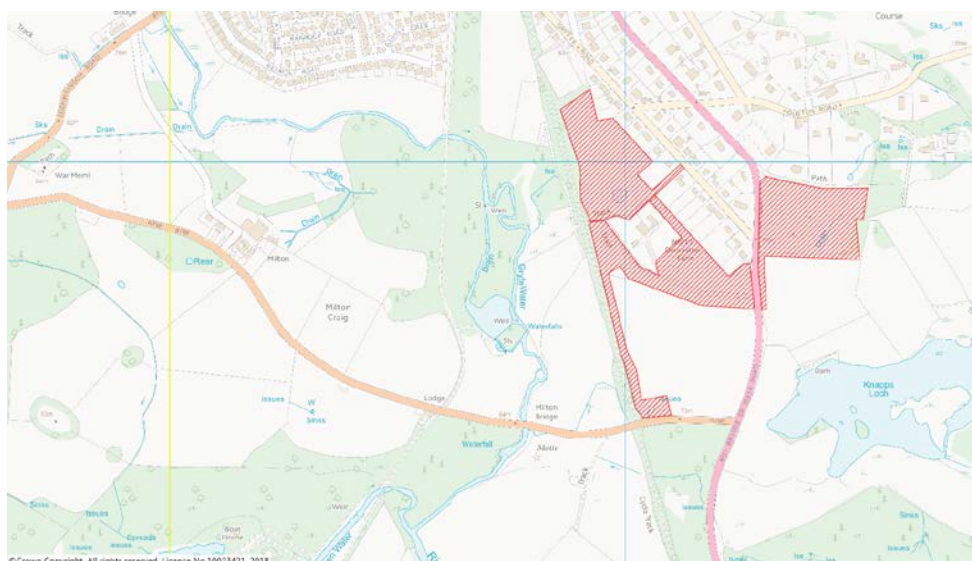


**Report To:** The Planning Board **Date:** 6 February 2019

**Report By:** Head of Regeneration and Planning **Report No:** 17/0403/IC  
Plan 02/19  
**Major Application Development**

**Contact Officer:** James McColl **Contact No:** 01475 712462

**Subject:** Notification of planning appeal: 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



#### SUMMARY

- The planning application was refused by Inverclyde Council.
- The applicant appealed the decision to the Scottish Ministers.
- The appeal was dismissed.

Details of the appeal may be viewed at:  
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=119938>

## **INTRODUCTION**

In July 2018 planning permission was refused for a residential development as:

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.

## **NOTIFICATION OF APPEAL DECISION**

The appeal against the refusal was lodged with the Scottish Government; Robert Maslin BA DipTP MRTPI was appointed to consider the case and undertook an unaccompanied site visit.

The Reporter found the main issues were development plan strategy; green belt policy; effect on the character and amenity of the locality; and housing land supply.

Firstly, the Reporter concluded that the proposal does not comply with the development plan strategy. The spatial strategy in Clydeplan focuses on a growth corridor with Bishopton being a strategic investment area and a community growth area within the growth corridor. The Local Development Plan's development strategy identifies areas of major change and key sites; this site has not been identified. Overall, Clydeplan is consistent with the Inverclyde Local Development Plan, the appeal site is a greenfield location and with the emphasis on brownfield sites and regeneration, the Reporter found Bishopton a more sustainable location for development.

Considering the Green Belt, the Reporter found that the present green belt boundary in this location is satisfactory, so without exceptional or mitigating circumstances the development is contrary to the green belt policies of the development plan.

In assessing the impact on amenity, the Reporter considered there to be reasonable separation distance between nearby houses and the boundary of the appeal site; nearby houses are on higher ground so that they and their garden grounds would not be unacceptably dominated by development on the appeal site; the appeal site is of a size sufficient to ensure that the proposed houses would be an adequate distance from the existing nearby houses; and there need be no unacceptably adverse effect on the privacy of existing nearby houses.

Moving on to consider the character of North Denniston, the Reporter recognised that Puldohran House is prominent in views of Kilmacolm from the south, signaling the approach to the village. He found it desirable that its visual impact should not be diminished, and that in the event of development the retention of open ground around it could be retained to make development at North Denniston compatible with the character and amenity of the area.

East of the road at Knapps, he found that development would be an undesirable intrusion which would significantly adverse effect on the setting of the loch and on the southern approach to Kilmacolm, contrary to the character and amenity of the area.

In considering housing land supply, the Reporter acknowledged that Kilmacolm is located in part of the central conurbation housing market area and is part of the Renfrewshire housing sub-market area, where there is land sufficient to accommodate required numbers. He understands that developers are building at a slower rate than envisaged in the plan and found that failure to achieve building rates envisaged in the local development plan may, at least in part, be the result of economic factors and not solely because the total amount of land is insufficient or subject to constraints of a non-economic kind. It follows that increasing the housing land supply may not necessarily result in an increase in house building.

In response to the appellant's claim that sites identified for housing are not all effective and that there is in fact a shortfall of land, the Reporter was inconclusive other than to consider that if there is any shortfall in the effective housing land supply, it is not as large as is claimed by the Appellant; the position is not clear-cut. For the purpose of the assessment the Reporter took it that there is shortfall and considered if it would be appropriate to develop this site in remedying this.

He found that the proposal is not sustainable, would be out of character and would undermine Green Belt objectives. Furthermore, it would not meet the Placemaking requirement of contributing towards the creation of a high-quality place, is not compatible with the spatial development strategy as it is not within either the Clyde Waterfront or a community growth area and would produce no significant net economic benefit. There has been no demonstrated specific locational need – there is opportunity at Bishopton for development of this scale.

While the Council represented that there would be an adverse impact on the conservation area, the Reporter found its merit being in the houses rather than the setting, and dismissed this position. He also found there to be no conflict with the setting of any listed building, biodiversity issues, or Greenock's role as a strategic centre.

In concluding development plan considerations, the Reporter considered that the proposed development does not accord with development plan strategy; is contrary to green belt policies; does not accord with local development plan policy RES1; is not an acceptable means of addressing a shortfall in the five-year effective housing land supply and does not accord with Clydeplan.

The Reporter was required to determine this appeal in accordance with the development plan unless material considerations indicate otherwise. In this case Scottish Planning Policy, socio-economic benefits, other appeal decisions and community ownership have to be considered to assess if there is any basis for over-turning the development plan.

The appellant took the view that the local development plan review is at an early stage and in such circumstances Scottish Planning Policy informs that little weight can be given to it. The Reporter disagreed. He noted that the proposed local development plan has been approved by the Council and that in terms of the whole plan preparation process, the proposed plan is relatively close to the stage at which it might be adopted. His conclusion is that it would be premature to approve the proposed development at the present time. In examining Scottish Planning Policy further, he found it supportive of refusal when considering sustainability even if acknowledging a shortfall in the five year housing land supply.

The Reporter accepted that there is spare capacity in the local primary school, doctors' surgery and dentists' surgery and that additional population would help keep local shops in business, but that the appeal site is not the only possible location for new housing development in Kilmacolm. He found that the local development plan examination that is now commencing will afford opportunity to consider which sites, if any, should be allocated for new housing. Accordingly, socio-economic benefits do not justify approval of the proposed development as an exception to the development plan.

Two appeals referred to in submissions were not considered to set a compelling precedent by the Reporter.

Finally, while the landowner has proposed that an area of land around Knapps Loch be made available for transfer to a community body for use for community purposes in perpetuity and this would be beneficial, the Reporter found that it would not mitigate or offset the adverse aspects of the proposed development.

The appeal was dismissed.

## **RECOMMENDATION**

That the Board notes the position.

Stuart Jamieson  
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact James McColl on 01475 712462.