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<b>Report To:</b>	<b>The Inverclyde Council</b>	<b>Date:</b>	<b>27 June 2019</b>
<b>Report By:</b>	<b>Head of Legal and Property Services</b>	<b>Report No:</b>	<b>LP/091/IC</b>
<b>Contact Officer:</b>	<b>Jim Kerr</b>	<b>Contact No:</b>	<b>01475 712617</b>
<b>Subject:</b>	<b>Introductory Report - Proposed residential development with access, open space, landscaping and associated works at 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 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 13 June 2019.

- 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 is outwith the development corridor identified in the Plan in that it fails to accord with the Green Belt objectives.

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(a) of the 2014 Inverclyde Local Development Plan as development within one of the 'fingers' of countryside that extend towards the centre of Kilmacolm will erode both the character and the setting of the village.

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.

## 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 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 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 13 June 2019.
- 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 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

**Report To:** The Inverclyde Council

**Date:** 27 June 2019

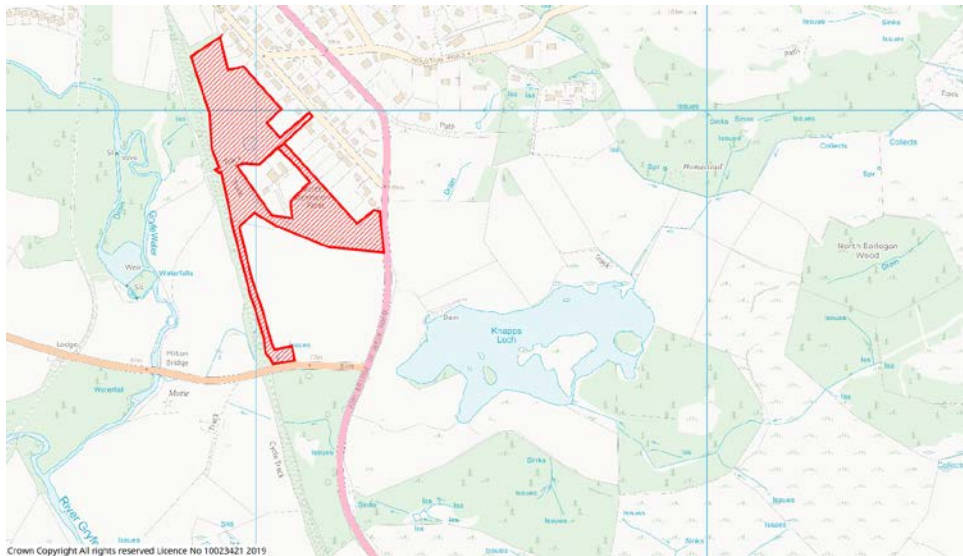
**Report No:** 19/0041/IC

**Major Application  
Development**

**Contact Officer:** Jim Kerr

**Contact No:** 01475 712617

**Subject:** Proposed residential development with access, open space, landscaping and associated works  
at  
**Land at North Denniston, Bridge of Weir Road, Kilmacolm**



#### **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.
- 589 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 consultations present no impediment to development.
- The recommendation is to REFUSE PLANNING PERMISSION.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=PNLB12IMKZK00>

## **SITE DESCRIPTION**

Immediately to the south of Kilmacolm at North Denniston, the application site is relatively low lying with few landscape features. It comprises primarily agricultural grassland which is used for occasional grazing. It is situated to the west of Bridge of Weir Road and extends to an area of 7.4 hectares. Irregularly shaped and encircling North Denniston Farm, it is bound to the west by the NCN75 cycle path and to the east by Bridge of Weir Road. To the northeast the site is bounded 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 terminating at the B788.

## **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 88 residential units has been submitted. In the applicant's supporting documentation it is indicated that 25% of these units will comprise affordable housing.

This site formed part of a previous proposal for a larger development with an indicative capacity of 100 residential units. That proposal, which included land across Bridge of Weir Road at Knapps, was refused planning permission in January of this year on appeal to the Scottish Ministers. The proposals for North Dennison, as detailed in an indicative masterplan, remain unaltered.

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 provides for 67 units at a density of 23 dwellings per hectare and is 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 suggests a capacity of 21 units at a density of 18 dwellings per hectare. It is expected that this 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.

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 & Access Statement, a Landscape and Visual Impact Assessment, a Transport Assessment, a Development Capacity and Green Belt Appraisal, a Heritage Impact Assessment, a Housing Land Supply, Socio-economic and Market Strength Statement, a Socio-economic infographic, a Preliminary Ecological Appraisal, a Flood Risk Assessment and Drainage Strategy Report, a Site Investigation Report, an Agricultural Land Quality Assessment, a Tree Survey and Arboricultural Constraints Report and a noise and air quality letter.

## **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 to 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 to 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.

## **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**

The Proposed Plan has been through examination and the Reporter's recommended modifications were reported to the Council's Environment and Regeneration Committee on 2 May 2019. The Council is in the process of moving to adopt the Proposed Plan. Reference to the Proposed Plan and the policies listed incorporate the Reporter's recommended modifications and the non-notifiable modifications approved on 2 May 2019.

## **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:

- a) be at significant risk of flooding (i.e. within the 1 in 200 year design envelope);
- b) increase the level of flood risk elsewhere; and
- c) 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 during construction and once completed 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:

- a) 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
- b) 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 and active travel 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 CO2 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**

In order to enable Clydeplan's all-tenure housing supply target for the whole of Inverclyde, of 4,400 house completions between 2012 and 2029, to be delivered, proposals for housing development on the sites listed in Schedule 3 and Schedule 4 of this plan and shown on the proposals map will be supported in principle, subject to detailed consideration.

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:

- a) a strong preference for appropriate brownfield sites within the identified settlement boundaries;
- b) there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan;
- c) evidence that the proposed site(s) will deliver housing in time to address the identified shortfall within the relevant Housing Market Area;
- d) a requirement for 25% of houses on new greenfield release sites in the Inverclyde villages to be for affordable housing; and
- e) further information and advice on the provision of affordable housing on greenfield sites in the Inverclyde villages will be provided in supplementary guidance.

### **Policy 18 - New Housing Development**

New housing development will be supported on the sites identified in Schedules 3 and 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 for affordable housing. Supplementary Guidance will be prepared in respect of this requirement.

### **Policy 20 - Residential Areas**

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

### **Policy 28 - Conservation Areas**

Proposals for development 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. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance 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 a listed building will not be permitted unless the building is no longer of special interest; it is clearly incapable of repair; or there are overriding environmental or economic reasons in support of its demolition. Applicants should also demonstrate that every reasonable effort has been made to secure the future of the building.

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

Development that would potentially have an adverse effect on a Scheduled Monument or the integrity of its setting will only be permitted in exceptional circumstances.

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

### **Policy 32 - Gardens and Designed Landscapes**

Development that would affect a Garden and Designed Landscape is required to protect and appropriately enhance its important features.

### **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:

- a) there are no alternative solutions; and
- b) there are imperative reasons of overriding public interest, including those of a social or economic nature; and

- c) compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

In such cases, the Scottish Ministers must be notified.

#### 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

When proposing any development which may affect a protected species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

#### 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. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be informed by a landscape and visual impact assessment.

#### 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:

- a) 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;
- b) 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
- c) 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:

- a) supporting the strategies and actions of the national and regional marine plans, and supporting the objectives and actions of the River Basin Management Plan for Scotland and the Clyde Area Management Plan, where applicable;
- b) minimising adverse impacts on, or improving, water quality, flow rate, morphology, riparian habitat and groundwater dependent terrestrial ecosystems;
- c) 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;
- d) 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;
- e) maintaining or improving waterside and water-based habitats; and
- f) providing access to the water and waterside, where appropriate.

### **CONSULTATIONS**

**Scottish Environment Protection Agency West** – The development of this site was previously considered under planning reference 17/0403/IC. Following receipt of further flood risk information, SEPA offered no objection. SEPA understands that planning application was refused.

SEPA notes from the Indicative Masterplan (Drawing No. ind12 dated 27 February 2019) that it is no longer proposed to develop east of the A761 (Bridge of Weir Road). SEPA has reviewed the current proposal and can confirm it has no objection to the proposed development on flood risk grounds.

Notwithstanding this, it is expected that Inverclyde Council undertakes its responsibilities as the Flood Risk Management Authority. Regulatory advice is also provided to the applicant.

**Head of Service – Roads and Transportation** - No objections in principle although the following points are noted:

1. Parking shall be provided in accordance with the National Guidelines:

1 bedroom	1 parking space
2-3 bedrooms	2 parking spaces
4 bedrooms	3 parking spaces

Visitor parking should be provided at 0.25 spaces per dwelling (unallocated).

2. All accesses shall be designed in accordance with DMRB with suitable visibility for the speed limit.
3. 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 6-12 months. No homes shall be occupied prior to construction of the access.

4. 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 2m.
5. The minimal dimensions for a garage as detailed in the National Guidelines are:

Minimum Garage size for Cars	7.0 m x 3.0 m (internal dimension)
Associated minimum clear access dimensions	2.1m wide x 1.98m height

6. The driveways should be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road.
7. Driveways shall be a minimum of 3.0m by 5.5m per parking space and the gradient shall not exceed 10%.
8. All roads within the site shall be a minimum of 5.5m wide.
9. The footpaths within the site shall be a minimum of 2.0m wide.
10. The applicant shall provide evidence to the Roads Service that all roads have a gradient of 8% or less.
11. Traffic calming shall be provided within the development to allow the promotion of a 20mph speed limit.
12. A Road Construction Consent will be required for all new roads, footways and footpaths.
13. 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.
14. The application shows various pedestrian accesses. The applicant should demonstrate whether this is achievable i.e. does the applicant own the land on which they will be formed?

The accesses to the cycle track shall be a minimum of 3m wide shared foot/cycle path.

15. All surface water during and after development is to be maintained within the site boundary to prevent any surface water flowing onto the road. Details require to be submitted for approval.
16. Details of overland flow for the 1 in 200 year event require to be submitted for approval.
17. Drainage details require to be submitted for approval before the DIA can be accepted.
18. The FRA is acceptable, however details of the Dam Breach Mitigation measures have to be submitted for approval.
19. Confirmation of Scottish Water's acceptance to the proposals is to be submitted.
20. Confirmation of SEPA's acceptance is to be submitted.
21. Maintenance of surface water and a surface water regime has to be submitted for approval.



**Head of Environmental and Public Protection (Environmental Health)** – 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.

**Scottish Natural Heritage** – It was considered that no comments require to be provided on this proposal as it does not meet the criteria for consultation.

**Scottish Gas Networks** – An initial objection to the proposal has been withdrawn. This is on the basis that the objection is a standard response from the “linesearchbeforeudig” self-serve portal and that the reply to the previous planning application removing the objection still applies. It is further advised that if the scope for the site changes then SGN will reconsider and assess the response at that time.

In the response to the previous application, SGN removing the objection was subject to no works, stockpiling material or construction roads happening on the pipeline side of the old railway track and on the basis that SGN is consulted before any ground works commence including investigation works, so that a site meeting can be arranged to confirm there are no threats to the pipeline.

**Strathclyde Partnership For Transport** - The Transport Assessment (TA) 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 but also local amenities. There are currently local bus services which operate on Bridge of Weir Road providing connections between Kilmacolm, Johnstone and Glasgow. To enhance the attractiveness of these services raised kerbs should be provided at both north and southbound stops and a suitable crossing point with dropped kerb access provided. The pedestrian connections to Gryffe Road and the informal pedestrian connections identified in the connectivity masterplan are also welcome along with proposal to connect to the NCN 75.

The proposals set out in the travel plan section of the TA are also welcome as these will support the development of sustainable travel patterns and reduce reliance on private car use. SPT suggests that the requirement for a travel plan, including the measures set out in the Transport Assessment is a condition of any planning permission. This is to encourage sustainable travel behaviour and reduce reliance on private car use.

It is requested that, if minded to grant permission for this application, conditions are attached covering the points outlined above. This is to encourage sustainable travel and reduce reliance on private car use.

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

**Head of Education** – The position remains as per the consultation response to the previous planning application. The schools affected by this proposal will be able to accommodate pupils and it is confirmed that Kilmacolm Primary School is not in danger of closure because of low capacity.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 12 April 2019 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 588 individuals, groups and organisations in connection with the application. This includes objections from both the Kilmacolm Community Council and Kilmacolm Civic Trust. One further representation was received which, whilst indicating a neutral stance, raised a number of concerns.

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 requires to be addressed via the Local Development Plan process.
- The development of this site for housing is not supported in the Local Development Plan.
- The proposal is contrary to the Examination Report for the proposed Local Development Plan.

#### Housing land concerns

- The Local Development Plan Examination Report and the previous appeal decision do not identify any requirement for additional housing land in Kilmacolm.
- The Renfrewshire Housing Market Area is already well served by other developments including at Brookfield and Bishopton.
- There is a large number of houses being built in at Brookfield and Houston.
- The population of Inverclyde is declining.
- There is no need for new housing within Kilmacolm and 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.
- New housing should be located near the village centre not to the edge of the settlement.

#### 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.
- The proposal would adversely impact on the fingers of countryside identified in the Local Development Plan Examination Report
- Visitors remark on the entrance to the village which will be impacted on.
- The proposal would permanently damage the beautiful vista of Knapps Loch and the adjacent area.
- Village boundaries are long established and clearly defined.
- The applicant's Landscape and Visual Impact Assessment is misleading in the way it presents the 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 in the fields between the site and the B788.
- The proposal is not sympathetic with existing architecture and housing stock.
- Additional light pollution would occur.
- The proposal would impact on views from the cycle path.

- The Bridge of Weir approach to the village is one of the top ten village approaches in Scotland.

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

- It is not a sustainable location and does not constitute low carbon placemaking.
- The appeal decision found that the development would be car based.
- The development is not within walking distance of the village centre.
- The bus service is infrequent and unsuitable for commuters.
- Public transport could not cope with the development.
- The bus service is overstated by the applicant.
- There is no railway to Kilmacolm.
- The car park at Johnstone Railway Station is full prior to 08:30.
- The railway line should be reinstated.
- The proposal will increase congestion within the wider West Central Scotland 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 cannot 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.
- Street lighting provision within Kilmacolm is inadequate.
- 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.
- 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 be impacted upon 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 bank within Kilmacolm.

#### Flood risk concerns

- The new development would be at risk of flooding.
- The development site is very marshy and frequently floods.
- An area of water permanently exists on the North Denniston section of the site.
- The development may put pressure on the existing dam and would be flooded if the dam was to fail as per SEPA's flood maps.
- The existing culvert is inadequate and contributes to flooding when blocked.
- The application form incorrectly states there is no flood risk.

#### Environmental and ecology concerns

- Following construction of the development, pollution may run off from the site to local watercourses.

- A diverse range of wildlife species may be impacted on including geese (over wintering and migratory), ospreys, herons and other nesting birds.
- There will be an adverse impact on flora and fauna.
- The development may impact on European Protected Species (EPS).
- An increase in air pollution may occur.

#### Social and recreation concerns

- The site is extensively used for walking and other outdoor recreational pursuits.
- The proposal will impact on tourism.
- The development will impact adversely on the cycle path.
- Opportunities for and access to countryside recreation will be reduced.

#### 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.
- Disruption would occur from the construction process.
- Garden sizes associated with the new houses would not offer sufficient amenity to new residents.

#### Heritage concerns

- The Conservation Area will be impacted on.
- Adjacent listed buildings will be impacted upon.
- The setting of the Edwardian villas on Gryffe Road will be impacted on.

#### Procedural concerns

- The application should have been subject to a new pre-application consultation process.
- The application should not have been accepted by the Council within 2 years of the appeal decision.
- It is unclear how many new properties are proposed.
- The final developer could significantly increase the number of properties proposed.
- Previous objections should be automatically attributed to this new application.
- The submission is inaccurate and misleading.
- The modifications since the public exhibition do not address the concerns raised.
- The proposal ignores the previous appeal decision and the developer should abide by this decision.
- The ownership declaration on the application form is wrong.
- The applicant failed to attend the pre-determination hearing for the previous planning application.

#### Other points of concern

- The proposal does not address the previous reasons for refusal.
- The processing of the application is a waste of public resources.
- The planning legislation is flawed and the planning system in Scotland is broken.
- Kilmacolm has already expanded in the past.
- 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 seeks to manipulate the planning process.
- The applicant has been the subject of petitions to the House of Commons calling for a change in the law to prevent this style of development.
- Kilmacolm is already the optimum size and shape.

- The proposal will remove agricultural land.
- Devaluation of property.
- The houses will not be affordable.
- Granting permission would set a precedent for future proposals.
- Brown bins are no longer collected for free.

## **PRE-DETERMINATION HEARING**

A pre-determination hearing was held on 13 June 2019 in Kilmacolm. Presentations were delivered by:-

- Mr. Michael Jefferis on behalf of Kilmacolm Community Council (objector) – issues raised: the timescale between submission of current and previous planning applications by the developer; the statutory pre-application consultation required in terms of the Town & Country Planning (Hierarchy of Development) (Scotland) Regulations 2009; Clydeplan Policy 8, the Reporter’s conclusions relative to Planning Appeal 17/0403/IC and the applicant’s view all with regard to housing land supply; Local Development Plan Policy RES7 on Residential Development in the Green Belt and Countryside; the impact on the landscape and visual impact; sustainable development; lack of public transport; lack of employment opportunities in Kilmacolm and subsequent car dependency; the wishes of the local community and the Planning Authority and the considerations and policies of the Local Development Plan 2014.
- Mr. Nicol Cameron on behalf of Kilmacolm Civic Trust (objector) – issues raised: the views of the village community; the similarity between the current application and the previous application for land at Knapps and North Denniston; current and proposed Local Development Plan policies on the principle of development in the Green Belt; Clydeplan and current and proposed Local Development Plan policies on sustainable development; lack of public transport; increase in car ownership and use; car parking in Kilmacolm; housing need and supply; the Council’s Spatial Development Plan; Policy RES3 of the current Local Development Plan and Policy 18 of the proposed Local Development Plan on New Housing Development; Clydeplan guidelines for development in the Green Belt; the impact on the unique character and setting of Kilmacolm; the impact on migrating geese; visual impact and Policy RES1 of the current Local Development Plan and Policy 1 of the proposed Local Development Plan.
- Sir Donald Miller (objector) – issues raised: flooding, in particular the frequency and extent of flooding at the site, flood water crossing the road, the construction and condition of the culvert, the length of time for flooding to clear and the impact on amenity of any bunding required to prevent flooding.
- Ms. Louise Tait (objector) – issues raised: car dependency; current Local Development Plan Policy TRA2 on sustainable access; visual impact; Clydeplan policies and proposed Local Development Plan policies.
- Mr. Antony Vitrano on behalf of Kilmacolm Residents’ Association (objector) – issues raised: current Local Development Plan Policy SDS8 on Green Belt and the Countryside; current Local Development Plan policy ENV2 on Accessing Development Proposals in the Green Belt and the Countryside; Clydeplan Policy 8 on Housing Land Requirement; Clydeplan Policy 14 on Green Belt; current Scottish Planning Policy; the Council’s decision relative to the Green Belt in April 2018; the impact on the environment; the impact on wildlife and the lack of public transport.

The Head of Regeneration & Planning then presented his report and recommendations to the Board.

Thereafter, Members asked a number of questions which were answered by the Head of Regeneration & Planning.

## **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 significant material planning consideration in the assessment of this application. The Proposed Plan has been through examination and the Reporter's recommended modifications were reported to the Council's Environment and Regeneration Committee on 2 May 2019. The Council is therefore in the process of moving to adopt the Proposed Plan. Reference to the Proposed Plan in this report incorporates the Reporter's recommended modifications and the non-notifiable modifications approved on 2 May 2019.

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 the 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 focused 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.

As part of the special development strategy, the SDP refers to thirteen community growth areas (CGAs) the CGAs remain an important component of the planned sustainable growth of the city region. They provide an opportunity to create low carbon sustainable communities through a master planned and design led approach by incorporating a range of housing types, tenures and density; integrated green infrastructure active travel links; renewable energy options; mixed uses including community infrastructure, and local scale employment. Of the thirteen CGAs, Bishopton is closest to the application site, approximately five miles to the east. Like the application site, the CGA at Bishopton lies within the Renfrewshire Sub-Housing Market Area.

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. 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.

Also material to the determination are the Reporter's findings on examination of the replacement Proposed Local Development Plan, published in April 2019, and the appeal decision to refuse planning permission for residential development on the wider Knapps/North Denniston site in January 2019.

It therefore rests to consider if the revised proposal overcomes the previous reasons for refusal and whether 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 for 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 sustainable, accessible and well connected?
  - Can the site be developed for the purpose proposed without detriment to road safety?
  - What socio-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 geographical area.

The Council's adopted Local Development Plan indicates no need for additional housing land release in the Kilmacolm/Quarriers Village area in the period it covers (2014-2019). Clydeplan Strategic Development Plan (2017) does not identify a requirement to identify additional land for



housing in either Inverclyde or the Renfrewshire Housing Sub-Market Area in the period to 2029. This position is confirmed in the Proposed Inverclyde Local Development Plan and is supported by the Reporter's finding on Examination of the Plan and by the appeal decision to refuse planning permission for residential development on the wider Knapps/North Denniston site.

### 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. This boundary is long established and consequently over time has become well defined by a variety of landscape features. These features all combine to form a robust and long established settlement boundary which also forms the 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 and 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.

Furthermore, the appeal decision noted a very clear distinction between the built-up area of Kilmacolm and the undeveloped countryside to the south, with the boundary between the two also forming the Green Belt boundary, and considered that the present Green Belt boundary is satisfactory. The LDP Examination independently concluded that development of this application site would not result in a significantly stronger settlement boundary.

Consequently, unless exceptional or mitigating circumstances can be demonstrated, the proposed development is contrary to the Green Belt policies of the Development Plan.

### 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.

Considering the application site, this area can be split into two sections. North of the Farm is well defined and spatially contained by the edge of 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.

That the construction of a residential development with an indicative capacity of around 88 units to 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 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.



North of North Denniston Farm

For the Knapps/North Denniston site, the Council sought detailed landscape advice to inform the assessment of the application. It was considered that the proposal overall would have a significant and adverse visual impact to the detriment of the landscape character and setting of Kilmacolm. The appeal decision concurred with the Council's concern regarding Knapps, noting that it would be unacceptably obtrusive in an attractive landscape that is particularly valued locally. This revised application addresses this point by removing the proposed development at Knapps.



East of North Denniston Farm

In assessing the Knapps/North Denniston site, the Council also noted concern over the proposed development at North Denniston. It is acknowledged that the area of the application site north of North Denniston is relatively enclosed, to the east there is an element of screening within the landscape and that the development strategy set out in the indicative masterplan allows space to retain the prominence of Puldohran House, which is a signature building at the edge of the village. However, for an application considered in principle only there can be no certainty over the detailed form of any development at this stage. There were also concerns over the impact on lighting from street lights, gardens and the new houses given that the new development would potentially have a substantial effect on the perception of the village edge between dusk and dawn.

The appeal decision noted that that the development at North Denniston would, in landscape terms, be largely contained by three features. First, there is the existing built-up area at Gryffe Road. Second, on the west side of North Denniston there is the footpath-cum-cycle route; this route is on an embankment and fringed with trees. Third, from the south North Denniston is largely screened by a low hillock. It was noted that the existing character of North Denniston is influenced the three large modern houses at North Denniston. These houses are within an

enclave that is encircled by the North Denniston part of the appeal site. The appeal decision agreed with the Council that Puldohran House is a signature building at the edge of the village; it is desirable that its visual impact should not be diminished and there should be no development on that part of the site which is south of Puldohran House and there is no reason why the Council should not be able to insist on the ground south of Puldohran House being laid out as an open space and considered that any permission could be subject to a condition requiring provision of this open space.

In concluding, the appeal decision considered that that the proposed development at North Denniston could be designed in a manner compatible with the character and amenity of the area. In further considering requirements for landscaping within the site, the appeal decision found no reason why satisfactory proposals for landscaping could not be brought forward at a detailed design stage.

The LDP Examination, on the contrary, noted that the site forms one of the 'fingers' of countryside that extends towards the centre of the village and is considered part of Kilmacolm's character. It concluded that its development would erode both the character and the setting of the village.

Retention of the character of the village is always a key consideration when assessing development proposals. While acknowledging the appeal decision, the findings of the LDP Examination accurately reflect the concerns that this proposal is contrary to Policy RES1 (criterion (a)) of the LDP. The green 'fingers' which extend into the village centre are important characteristics of the village, both visually and functionally in how the village connects to the surrounding countryside. The protection and enhancement of the quality, character landscape setting and the identity of settlements is also one of the objectives of the Green Belt and the failure to achieve the Green Belt objectives in accordance with Policy 14 of the SDP 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 and Cultural Heritage

As noted in the assessment of the previous planning application, 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, a scheduled ancient monument and the Kilmacolm Conservation Area.

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 Planning Board concurred 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. The Category C listed Hazelhope is situated on the south-western side of 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. It is not considered that there would be an adverse impact on the overall setting of the listed building and the appeal decision concurred with this position. Whilst the Planning Board noted the concerns raised in the objections in respect of the potential impact on the setting of the unlisted villas to Gryffe Road, with the exception of prominence of Puldohran House, the Planning Board did not consider this alone would form a basis for the refusal of the application.

The removal of the proposed development at Knapps eliminates any potential to impact on Greystones and Knapps, both Category B listed buildings, together with Kilmacolm Conservation Area.

Turning to archaeology, the 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 sought advice on this to inform the assessment of the previous planning application. The Council's Advisor recommended a suspensive condition in respect of securing the implementation of a programme of archaeological works, and recommended 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 were to be discovered during the course of the evaluation there would be a requirement for further stages of archaeological works in order to excavate 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 Planning Board considered that this advice remains valid in respect of the new application.

The Planning Board was therefore satisfied that there is no impediment to any development in respect of built heritage and archaeological matters and, as such, the proposal is acceptable when assessed against Policies HER5 and HER7 of the LDP and Policies 29 and 31 of the Proposed LDP.

### Ecology

Ecological issues are considered by the applicant in a preliminary ecological appraisal. 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.

Potential ecological impacts, informed by consultation responses from both SNH and the Council's Lower Clyde Greenspace Manager, were fully considered in the assessment of the previous planning application. It was concluded that there were no ecology issues which would provide a basis of the refusal of planning permission. The appeal decision found no reason to disagree that ecological matters could not be addressed adequately by imposing conditions on any planning permission should it be granted. SNH does not consider that the current application meets the criteria for it to provide an updated consultation response.

The Planning Board was therefore satisfied that, in the event planning permission was to be granted, ecological matters could be appropriately further informed, considered and addressed by a condition requiring an updated ecological survey inclusive of a bird breeding census and an assessment of the small pond within the site, inclusive of mitigation proposals for loss of habitat, all to ensure that any subsequent application for the detailed development of the site adequately addresses these matters.

Notwithstanding the concerns raised in the public representations, there is nothing to suggest that a position contrary to that taken in respect of the previous application would be appropriate in respect of ecological matters. Consequently the proposal is considered compliant with Policy ENV7 of the LDP and Policy 33 of the proposed LDP 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 in the event of blockage of the outflow culvert from the loch and makes 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 Planning Board was therefore satisfied that there would be no impediment to any subsequent application for the detailed development of the site incorporating these recommendations.

SEPA advise that it considered the development of this site under the previous planning application which was refused. SEPA was able to offer no objection to the proposal and having reviewed the current proposal, maintains this position.

The Head of Service – Roads and Transportation advises that the submitted FRA is acceptable. It is recognised that this application is considered in principle only and the Planning Board was satisfied that it would be appropriate to address the outstanding matters raised by the Head of Service – Roads and Transportation inclusive of the dam breach mitigation measures, details of the overland flow and the drainage details in the context of any detailed development proposals should this be required.

Whilst the Planning Board was mindful of the concerns raised in the public representations in respect of flooding and drainage, being guided by both SEPA and the Head of Service – Roads and Transportation, it was satisfied that there is nothing to suggest that matters relating to flooding and drainage cannot be appropriately addressed by condition and 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 highlighted in the public representations that the application site, being an area of attractive countryside within close proximity to the village, is used for outdoor recreation. The application site, however, comprises primarily agricultural grazing land. Development on the application site will not result in the loss of open space that has been laid out with the purpose of providing amenity, an area of public access or an area for countryside recreation. There is also nothing to suggest that the development would impact on tourism within Inverclyde, as suggested by those making representation. Consequently, it is not considered that the proposal will adversely impact on open space or countryside recreation with reference to the strategic objective of the Green Belt as supported by Policy 14 of the SDP.

Drawing together all the Green Belt considerations, 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 on any of these matters. The Planning Board also noted that the appeal decision considers that the site could be developed without adverse impact on landscape character and visual impact; however the Planning Board placed greater significance on the Examination report which concluded that this site forms one of the ‘fingers’ of countryside that extend towards the centre of Kilmacolm. The ‘fingers’ are considered to be part of the village’s character and that development would erode the village’s character and setting. The Planning Board was also content that the Green Belt boundary is satisfactory and that development would not result in a significantly stronger settlement boundary. It cannot therefore be considered that the development would be a logical incursion into the Green Belt.

Finally it rests to consider with reference to other non-Green Belt specific planning issues; 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 100 dwellings. This is above the indicative development capacity of 88 dwellings set out within the applicant’s supporting documentation. Scottish Planning Policy (SPP) 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 1,600 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 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, encouraging active travel. The indicated pedestrian and cycle path connection to the site are also welcomed by SPT in its consultation response. In respect of local facilities, the Planning Board was therefore satisfied that, within the context of local facilities, the site would be reasonably accessible.

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. 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. Such details would be considered as part of the detail of any development if appropriate.

In noting the comments of objectors, any perceived effect on parking at railway stations some distance from the application site would not warrant the refusal of the application. The reinstatement of the former railway line is not a matter to be considered in the assessment of this application. The appeal decision noted that this site would be largely car dependant. Whilst existing public transport could be used by commuters for example, the appeal decision considered that it is unlikely that existing public transport servicing Kilmacolm would be so attractive to prospective residents as to significantly reduce their use of private cars for making journeys. Accordingly, it held that there is a lack of sustainable public transport in the Kilmacolm area. In further considering the matter, the appeal decision noted that the development would not constitute low-carbon placemaking and that it would not help promote a pattern of development that, overall, encourages active travel and travel by public transport. Accordingly, the appeal decision considered that the proposed development would not accord with the Development Plan strategy.

The appeal decision went on to recognise that the proposed development is outwith the development corridor identified in Clydeplan. Within the corridor, major housing and economic investment is to take place at Bishopton. The appeal decision noted the proximity of Bishopton, which is the only community development area within the Clyde Waterfront development corridor, to Kilmacolm. Whilst the economic downturn has had an impact on delivery of the community growth areas, it considered that these remain an important component of the planned sustainable growth of the city region. It was found that Bishopton is a more sustainable location for development than Kilmacolm. Accordingly, the proposal was considered to conflict with that aspect of Development Plan strategy whereby investment in new housing and other new facilities should be encouraged at Bishopton.

In addressing transport and connectivity, this application presents nothing to allow a different conclusion to the appeal decision. It also remains that, based on the representations received, reliance on the private car to reach everyday services is a reality of living within the village.

The Planning Board considered that the proposal would not constitute low carbon placemaking and would be wholly unsustainable and inappropriately located. As such, the proposal is contrary to the development strategy within the SDP together with Policy TRA2 of the adopted LDP and Policy 10 of the proposed LDP.

#### Traffic and Road Safety



The Planning Board was principally guided by the advice from the Head of Service – Roads and Transportation. The Planning Board noted that 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. The Planning Board was 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 Service – Roads and Transportation 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 and provision of street lighting within the village can have no bearing on the assessment of this application. Finally, whilst the Planning Board noted the objections in respect of traffic on the wider road network within West Central Scotland, this does not form a basis for the refusal of this application.

The Planning Board was 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.

#### 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 considering whether to grant planning permission; this is a matter controlled by legislation operated by the Head of Environmental and Public Protection. 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. Equally, there is nothing to suggest that suitable garden sizes and amenity space in accordance with the Council's guidance could not be achieved within the development or that the occupation of the new dwellings would cause any noise or activity beyond that typically found within a residential area.

The Planning Board was 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.

#### Socio - Economic Impact

The applicant's supporting documentation considers that the development of new homes at the scale that is proposed will generate considerable local socio-economic benefits. These must, however, be weighed against issues such as development plan strategy and the appropriateness of the Green Belt location.

The applicant considers 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 Planning Board was not satisfied that they outweigh the negative impact of the development.

The Planning Board concluded that the proposal would not generate socio-economic benefits which would justify this development within the Green Belt. The Planning Board noted that the Reporter also concluded that socio-economic benefits do not justify the approval of the proposed development as an exception to the development plan.

### Capacity of Schools and Local Facilities

Representations raise concern over school capacity. The Head of Education confirms that both the primary and secondary catchment schools will be able to accommodate additional pupils resulting from the development. It is also reported in the representations that the applicant has suggested failure to implement this proposal may mean that Kilmacolm Primary School is in danger of closure because of low capacity. The Head of Education confirms this is not the case.

Pupils requiring to travel to secondary school by bus is also raised in the public representations. Such arrangements are commonplace and do not form the basis of the refusal of the planning application.

Finally on matters of education, concerns are raised in respect of the capacity of local private schools, however this is not a determining factor in the assessment of a planning application.

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 Planning Board had 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.

### Other matters raised in consultation responses

The Head of Environmental and Public Protection 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 Planning Board was happy to be guided by the advice of the Head of Environmental and Public Protection in considering that a noise or air quality assessment is required for this proposal.

The Health and Safety Executive and Scottish Gas consultations present no impediment to development. Scottish Water offered no objections to the previous planning application and the Planning Board remained satisfied that there is no impediment to the proposal in respect of water and sewerage.

### Other issues

A wide range of other issues have been raised in the representations.

Procedurally, concern is expressed that the applicant has failed to adhere to the statutory pre-application consultation (PAC) requirements relating to a major planning application as defined by The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This matter was fully considered prior to the validation of the application and it is accepted that there is no limit imposed by legislation on the number of applications that may be submitted pursuant to a Proposal of Application Notice and associated public consultation, and that the application submission fully complies with the requirements of Section 35B of the Town and Country Planning (Scotland) Act 1997 (as amended) together with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.



It therefore rested to consider if the application submitted is recognisably linked to what was described in the proposal of application notice previously submitted. Scottish Government Circular 3/2013 informs that there is scope for proposals to alter between the PAC and the application being submitted, and the applicant states in the pre-application consultation report that this proposal presents an evolution of the original proposal. It is accepted that proposals for North Denniston have not materially changed in content from the public consultation stage.

The Planning Board was also satisfied that overall, procedurally, the submission meets the requirement of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Adequate documentation has been submitted to allow the assessment and the supporting documentation for a major planning application which, by its very nature, will cover specialist disciplines.

Section 39 of the Town and Country Planning (Scotland) Act 1997 (as amended) gives discretionary powers to planning authorities in respect of declining to determine planning applications where a similar application has been dismissed on appeal within the previous 2 year period. The application site has been reduced in size by approximately 3.8 hectares and the indicative number of residential units proposed has also been reduced accordingly. Following careful consideration, it is accepted that, whilst this proposal may be an evolution of the original proposal, the modifications to the proposal and application site by the applicant in an effort to overcome the previous reasons for refusal are such that it is correct that the application is determined by the Council.

The applicant has completed the relevant certificates on the application form to certify that another party has an interest in the application site and the Planning Board had no basis to disagree with this. While it is noted that the applicant did not attend the pre-determination hearing for the previous application, there is no obligation for attendance at a pre-determination hearing and this can have no bearing on the determination of this proposal. Given the differences that occur between each individual planning application and the associated wide range of variables, there is no provision within the planning system for objections submitted for one planning application submission to count as an objection for a different planning application submission. Any views on the need for the reform of the planning system can have no bearing on the assessment of this planning 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.

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. Affordable housing can be defined as housing of a reasonable quality that is affordable to people on modest incomes, whether to rent or to buy, or through other intermediate tenures such as shared ownership, shared equity or mid-market rent. The applicant indicates that 25% of the proposed residential units will comprise affordable housing. If the proposal is supported, an affordable housing contribution would be required as part of the proposal.

Whilst the Planning Board noted 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 and that as the proposal is considered in principle only, the number of dwellings proposed could change. 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. Finally, the bin collection policies of the Council are not a material planning consideration.

## **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 proposed Inverclyde Local Development Plan, the Council has not identified the requirement for additional sites. This position has been endorsed by the proposed LDP Examination Report.

Policy 8 of the SDP is clear that 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 five criteria. There is conflict with three of the criteria; the development is not required to help remedy a shortfall of housing land which has been identified, the development will not contribute to sustainable development and the development undermines Green Belt objectives. With specific reference to the Green Belt objections, the proposal would not direct planned growth to the most appropriate locations and it would not support regeneration. It is therefore considered that regardless of housing land requirements, the proposal fails when tested against Policy 8 of the SDP.

The proposed development is also outwith the development corridor identified in Clydeplan. Within the corridor, major housing and economic investment is to take place at the CGA at Bishopton, which the appeal decision identified as a more sustainable location for development. Development at North Denniston conflicts with this aspect of Development Plan strategy.

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 proposal would be to the detriment of the character and the setting of the village with specific concerns over the impact on one of the 'fingers' of countryside that extends towards the centre of the village and which forms part of the character of Kilmacolm. This is contrary to Policies RES1(a), SDS3, SDS8 and ENV2 of the LDP together with Policies 1, 14 and 17 of the Proposed LDP. Additionally, the proposal is 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. Additionally, this unjustified, car dependant development within the Green Belt would not constitute low-carbon placemaking and it would not help promote a pattern of development that encourages active travel and travel by public transport. The proposal fails to comply with the requirements of Policy TRA2 of the adopted LDP and Policy 10 of the proposed LDP.

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, 8 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.

Paragraph 29 of SPP lists thirteen principles by which decisions should be guided. The proposal fails in respect of several aspects of these principles; it would not support the six qualities of successful placemaking, it would not support regeneration priorities, it would not support climate change mitigation by being primarily car dependant and it would not protect the landscape.

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, the failure to accord with the Development Plan strategy and the failure of the development to

constitute low-carbon placemaking 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. It therefore cannot be concluded that this planning application for the revised proposal overcomes the previous reasons for refusal.

## **RECOMMENDATION**

That planning permission 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 is outwith the development corridor identified in the Plan in that it fails to accord with the Green Belt objectives.
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(a) of the 2014 Inverclyde Local Development Plan as development within one of the 'fingers' of countryside that extend towards the centre of Kilmacolm will erode both the character and the setting of the village.
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.

David Wilson  
Chair, Planning Board