

PLANNING BOARD – 28 APRIL 2021

Planning Board

Wednesday 28 April 2021 at 2.30pm

Planning Board Councillors present: Councillors Clocherty, Curley (for Crowther) Dorrian, J McEleny, McKenzie, McVey, Moran, Murphy, Nelson, Rebecchi and Wilson.

Councillors observing: Councillors Ahlfeld, Brennan, Brooks, McCabe, Quinn and Robertson.

Chair: Councillor Wilson presided.

Officers in attendance: Interim Service Director Environment and Economic Recovery, Interim Head of Legal Services, Planning and Building Standards Manager, Mr D Ashman and Mr S McDaid (Planning Services), Mr G Leitch and Ms E Provan (Roads and Transportation), Mr J Kerr, Ms D Sweeney, Ms L Carrick and Mr C MacDonald (Legal Services), ICT Services Manager and Mr P Coulter (Corporate Communications).

The meeting was held by video-conference.

The following paragraphs are submitted for information only, having been dealt with under the powers delegated to the Board.

193 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 193

An apology for absence was intimated on behalf of Councillor Crowther, with Councillor Curley substituting.

Apologies for absence were also intimated on behalf of Councillor C. McEleny and Councillor MacLeod as non-Planning Board members.

Councillors Wilson and Clocherty declared an interest in Agenda Item 2 (Pre-Determination Hearing).

194 PRE-DETERMINATION HEARING 194

There was submitted a report by the Interim Service Director of Environment and Economic Recovery on an application by Mactaggart and Mickel Homes Ltd. for proposed residential development to include access, roads, open space, landscaping, drainage and other associated works (planning permission in principle) (major) at land west of Quarry Drive, Kilmacolm (20/0245/IC).

Councillors Wilson and Clocherty declared a non-financial interest in this matter as members of Clydeplan (Glasgow and the Clyde Valley Strategic Development Planning Authority), They also formed the view that the nature of their interest and of the item of business did not preclude their continued presence or their participation in the decision making process.

The Chair referred to the Pre-Determination Hearing Procedure included with the agenda papers and to extracts of the Remote Meeting Procedure which, for the benefit of those present, Mr Kerr read aloud.

The Chair then invited the applicant and objectors who had indicated they wished to address the Board to speak and the Board heard presentations from:-

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(a) Mr David Campbell (Director – North Planning and Development), Mr Craig Ormond (Director – Mactaggart & Mickel) and Mr Bruce Hampton (Senior Land & Planning Manager – Mactaggart & Mickel) for the applicant who made reference to: an introduction to Mactaggart & Mickel focussing on e.g. their close attention to design, building to the highest standards and relationships with stakeholders; the company's objective here – to secure planning permission and then continue to work with stakeholders on the details; the company's three commitments – to listen and engage, to achieve a sustainable development and to protect the character and ambiance of the village, making a positive contribution to the wider area and the community; satisfaction at the 25% affordable housing requirement; the identification by the Council of a shortfall in housing land for the area in which the village lies; the intention to move quickly to build out the development by 2024; support for the proposed development in the Council's Planning Policy Statement of October 2020; the support for the development of the site at the meeting of the Council's Environment and Regeneration Committee on 13 April 2021; and the absence of objections from consultees, with the comments of consultees being met by the imposition of conditions.

(b) Ms Sofia Latif (objector) – issues raised: the importance of the proposed development site for family life; the loss of village characteristics if the proposed development were to proceed; the preference of villagers for the site to be retained as a 'field'; the mental health benefits of green space and recreational land; existing congestion and parking problems in the village due to motor vehicles; landscaping as part of the proposed development in contrast with what is referred to as 'the meadow' in its present form; other solutions to the need for housing land e.g. development at Balrossie; and the price that the village community will pay for development on 'the meadow'.

(c) Mr Bill Crookston on behalf of Kilmacolm Resident's Association (objector) – issues raised: the terms of the Association's written objection to the planning application; the denial of a shortage of housing land in the Renfrewshire Housing Sub-Market Area; as a consequence, the categorisation of the proposed development as unnecessary; the ongoing planning appeal in relation to a site in Quarriers Village; and options open to the Council – the approval of this planning application, the refusal of this planning application and the deferral of a decision on this planning application pending the outcome of the planning appeal in relation to a site in Quarriers Village.

(d) Mr R. Nicol Cameron on behalf of Kilmacolm Civic Trust (objector) – issues raised: the consistency of the Trust's opposition to Green Belt development around the village; the opposition to this proposed development on the Green Belt on the village edge; the position of the Inverclyde Local Development Plan on residential development in the Green Belt; the absence of exceptional or mitigating circumstances in respect of this planning application; the approach to strategy for new development in all planning policy, in particular in Clydeplan; the policy preference for brownfield development; the sustainability of the proposed development with particular reference to the use of private motor vehicles and the infrequent bus services; the pressure in the village on parking, doctors and dentists; the distances to the nearest railway stations; the surplus of housing land in the Renfrewshire Sub-Market Housing Area; the policy position of Clydeplan on development in the Green Belt; and developer contributions to the village centre in the event that it is proved that development of this Green Belt site is proved conclusively.

During the above contribution Councillor McVey left the Hearing due to connectivity issues, at which time the Chair paused the meeting and called a five minute recess beginning at 3:20pm. Councillor McVey subsequently reconnected during the recess and the Hearing recommenced at 3:25pm.

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(e) Mr Peter Wylie (objector) – issues raised: the increasing importance of climate change over the last 20 years; the reality of what climate change means e.g. intense rainfall and rising temperatures; the claim by the developers that the proposed development could have beneficial outcomes for the climate; and the likely travel patterns of those who will live in the proposed development.

(f) Mr Michael Jefferis on behalf of Kilmacolm Community Council (former objector) – issues raised: support for the proposed development by the Community Council; the Proposed 2021 Inverclyde Local Development Plan; and the need for affordable housing in the village which will accommodate families.

The Interim Service Director of Environment and Economic Recovery then presented his report and recommendation to the Board.

Thereafter, Members asked a number of questions which were answered by the Interim Service Director Environment and Economic Recovery, the representatives of Mactaggart & Mickel and Mr G Leitch, Team Leader (Consultancy), Roads and Transportation.

Following consideration, Councillor McVey moved that planning permission be granted subject to the conditions detailed in the Interim Service Director, Environment and Economic Recovery's report.

As an amendment, Councillor J McEleny moved that planning permission be refused as the proposal is contrary to the Clydeplan Strategic Development Plan and significantly contrary to the adopted 2019 Inverclyde Local Development Plan.

Following a roll call vote, 2 Members, Councillors J McEleny and Wilson voted in favour of the amendment and 9 Members, Councillors Clocherty, Curley, Dorrian, McKenzie, McVey, Moran, Murphy, Nelson and Rebecchi voted in favour of the motion, which was declared carried.

Decided: That the Planning Board recommend to the Inverclyde Council that referral of the application be made under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 to the Scottish Ministers, indicating the Council's intention to grant planning permission in principle subject to the following conditions:

(1) Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed site layout. The proposed layout shall be shown on a plan at a scale of 1:500 showing the position of all buildings, roads, means of access, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), and vehicular turning areas, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location. Thereafter the matters that are approved shall be implemented in their approved form;

(2) Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed floor plans and elevations of all buildings and shall show dimensions as well as the type and colour of all external materials, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location. Thereafter the matters that are approved shall be implemented in their approved form;

(3) Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the type and colour of all hard surfacing materials, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location. Thereafter the matters that are approved shall be implemented in their approved form;

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(4) Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the phasing of the development, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location. Thereafter the matters that are approved shall be implemented in their approved form;

(5) Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed ground levels throughout the site and proposed finished floor levels, in relation to a fixed datum point. The application shall include existing ground levels taken from the same fixed datum point, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location and rear gardens are useable. Thereafter the matters that are approved shall be implemented in their approved form;

(6) Development shall not commence until an application for approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the details of surface water management and Sustainable Drainage Systems proposals, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location. Field drains shall be installed around the perimeter of the site to prevent surface water run-off to adjacent properties. For the avoidance of doubt the discharge rate shall be at pre-development greenfield run-off rates. Thereafter the matters that are approved shall be implemented in their approved form;

(7) Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to all walls (including any retaining walls) and fences to be erected on site, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location. Thereafter the matters that are approved shall be implemented in their approved form;

(8) Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the visibility splays to be provided in both directions at the junction of the new access with Wateryetts Drive, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location. Thereafter the matters that are approved shall be implemented in their approved form and maintained free from obstruction;

(9) Development shall not commence until an application for approval of the following matters has been submitted to and approved in writing by the Planning Authority relating to the proposed landscaping/planting at the site, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location. Details of the scheme shall include:

- i) Details of any earth mounding, hard landscaping, grass seeding and turfing;
- ii) A scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted as well as identifying trees that are to be retained or removed;
- iii) Details of the translocation of Greater Butterfly-Orchid, Common-spotted and Northern-marsh Orchids;
- iv) Details of planting for a defensible Green Belt boundary;
- v) Details of the phasing of these works;
- vi) Proposed levels for the landscaping.

Thereafter the matters that are approved shall be implemented in their approved form;

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(10) Development shall not commence until an application for approval of the following matters has been submitted to and approved in writing by the Planning Authority relating to the provision of equipped play area(s) has been submitted to and approved in writing by the Planning Authority, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location and shall include:

- a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
- b) details of the surface treatment of the play area, including the location and type of safety surfaces to be installed;
- c) details of fences to be erected around the play area(s);
- d) details of the phasing of these works; and
- e) details of the future maintenance of the play area(s).

Thereafter the play area(s) shall be implemented as approved and maintained in accordance with the approved scheme;

(11) For the avoidance of doubt the applications submitted in relation to conditions 1 and 2 above shall allow for the following, to ensure that the required level of parking is provided in the site and the roads and footways are acceptable:

- i) Parking should be provided in accordance with the National Guidelines:

- 1 parking space for a 1 bedroom house;
- 2 parking spaces for a 2 or 3 bedroom house;
- 3 parking spaces for a 4 bedroom house.

Note - for a garage to be counted as a parking space, it must be a minimum of 3.0m by 7.0m.

- ii) Visitor parking shall be 0.25 spaces per dwelling.
- iii) The minimum dimensions of driveways shall be 3m wide by 5.5m long per bay and the driveway gradients shall not exceed 10%.
- iv) Any visitor parking spaces shall be a minimum of 2.5m by 5.0m.
- v) All roads within the site shall be a minimum of 5.5m wide.
- vi) Visibility splays of 2.4m x 43.0m x 1.05m (25.0m if appropriate traffic calming is provided to achieve 20mph speed limit) at junctions and 2.0m x 20.0m x 1.05m should be provided from each driveway.
- vii) All footways within the site shall be a minimum of 2.0m wide.
- viii) All roads shall have a gradient of 8% or less.
- ix) Any turning heads shall be in accordance with the National Roads Development Guide.
- x) Traffic calming features should be introduced to reduce speeds to less than 20mph;

(12) For the avoidance of doubt the dwellinghouses shall be designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies (rising to at least 20% by the end of 2022). Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed low and zero carbon generating technologies to be installed in each dwellinghouse, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of any dwellinghouse on the site;

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(13) Prior to development commencing on site, full details of the arrangements for the provision of affordable housing as part of the development, shall be submitted to and approved in writing by the Planning Authority, to secure the provision of affordable housing and to ensure a satisfactory standard of control over the occupation of the affordable housing. These details shall include:

- i. the identification of which dwellings shall be constructed as affordable units;
- ii. the type and nature of the affordable housing provision to be made as part of the development;
- iii. the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing;
- iv. the occupancy criteria to be adopted for determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Works shall then proceed as approved with the agreed details being followed at all times thereafter unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt, the provision of affordable housing shall be not less than 25% of the total number of housing units to be constructed;

(14) Following approval of the matters referred to in Conditions 1 to 10 above, development shall not commence until the trees to be retained that have been approved under Condition 9 ii) have been protected by suitable fencing. Fencing shall be erected on at least the fullest extent of the canopy on broadleaf trees and half the height of conifer trees as set out in BS5837/2012. Development shall not commence until details of the location and type of fencing have been submitted to and approved in writing by the Planning Authority, to ensure the trees are protected during construction operations;

(15) For the avoidance of doubt any site clearance work shall be undertaken outwith the bird breeding season March to August inclusive unless otherwise agreed in advance in writing by the Planning Authority. Any request to carry out site clearance works during the bird breeding season shall be accompanied with a pre-construction bird breeding survey, to ensure the protection of breeding birds within the application site and accord with the recommendations of the Extended Phase 1 Habitat Survey July 2020 prepared by Acorna Ecology Ltd.;

(16) For the avoidance of doubt each dwellinghouse shall have an Electric Vehicle Charging Point. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed Electric Vehicle Charging Point, in the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of each dwellinghouse;

(17) No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Planning Authority, in order to identify and protect any archaeological remains and to allow the Planning Authority to consider this matter in detail. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the agreed programme;

(18) Development shall not commence until details of the relocation of the bus stop on Wateryetts Drive (stop number IN418) has been submitted to and approved in writing by the Planning Authority in conjunction with Strathclyde Partnership for Transport. The details to be submitted shall be on scaled drawings and include the provision of a layby and additional hardstanding to ensure vehicles can align at the stop and for the stop to be accessible. The submitted details shall also include when the relocated bus stop is to be constructed, to ensure the bus stop is relocated to an acceptable location and thereafter provided in an appropriate timescale;

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(19) Development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme with timescale for implementation, of all pollutant linkages has been submitted to and approved in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation, to satisfactorily address potential contamination issues in the interests of human health and environmental safety;

(20) Before the development hereby permitted is occupied the applicant/developer shall submit a report for approval in writing by the Planning Authority confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material source, volume, intended use and chemical quality with plans delineating placement and thickness, to ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety;

(21) In the event of suspected contamination that becomes evident during site works, consequential works shall not be implemented until a remediation methodology statement has been submitted to and approved in writing by the Planning Authority, to ensure all contamination issues are recorded and dealt with appropriately;

(22) Development shall not commence until details of a survey for the presence of Japanese Knotweed has been submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found, to help arrest the spread of Japanese Knotweed in the interests of environmental protection. Development shall not proceed until appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation;

(23) For the avoidance of doubt 5% of the residential units on site shall be wheelchair accessible housing. The details of the proposed wheelchair accessible housing shall be submitted for approval in writing by the Planning Authority at the same time as the application to be applied for under conditions 1 and 2 above, to ensure the development incorporates wheelchair assessable housing and the Planning Authority has the necessary information to ensure these are acceptable at this location;

(24) Development shall not commence until details have been submitted to and approved in writing by the Planning Authority in relation to low-carbon measures to address heat demand that are to be incorporated into the development. Following approval the measures shall be fully implemented on site, to allow assessment of the nature of heating provision for the development.