

**THE INVERCLYDE COUNCIL – 4 MAY 2021**

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**The Inverclyde Council**

**Tuesday 4 May 2021 at 4pm**

**Present:** Provost Brennan, Councillors Ahlfeld, Brooks, Clocherty, Crowther, Curley, Dorrian, Jackson, MacLeod, McCabe, McCormick, J McEleny, Moran, Nelson, Quinn, Rebecchi, Robertson and Wilson.

**Chair:** Provost Brennan presided.

**In attendance:** Chief Executive, Corporate Director Education, Communities & Organisational Development, Corporate Director (Chief Officer), Inverclyde Health & Social Care Partnership, Interim Service Director Environment & Economic Recovery, Interim Head of Legal Services, Planning & Building Standards Manager, Mr D Ashman (Planning Services), Mr G Leitch (Roads & Transportation), Mr J Kerr, Ms D Sweeney, Ms L Carrick, Mr C MacDonald and Ms E Peacock (Legal Services), ICT Service Manager and Service Manager, Communications, Tourism and Health & Safety.

The meeting was held by video-conference.

**202 Apologies and Declarations of Interest**

**202**

Apologies for absence were intimated on behalf of Councillor C McEleny, McKenzie, McVey and Murphy.

Councillor Wilson declared an interest in Agenda Item 2 (Proposed residential development of circa 100 units including 25% affordable and associated infrastructure, landscaping and open space on land at Planetreeyetts, Kilmacolm) and Agenda Item 3 (Residential development to include access, roads, open space, landscaping, drainage and other associated works (planning permission in principle) (major) on land west of Quarry Drive, Kilmacolm).

**203 Proposed residential development of circa 100 units including 25% affordable and associated infrastructure, landscaping and open space on land at Planetreeyetts, Kilmacolm**

**203**

There were submitted (1) an introductory report by the Interim Head of Legal Services and (2) a report by the Planning Board on the pre-determination hearing held on 28 April 2021 in relation to a planning application by Taylor Wimpey (West Scotland) Ltd for a proposed residential development of circa 100 units including 25% affordable and associated infrastructure, landscaping and open space at land at Planetreeyetts, Kilmacolm (18/0322/IC).

Councillor Wilson declared a non-financial interest in this item as a member of Clydeplan. He also formed the view that the nature of his interest and of the item of business did not preclude his continued presence at the meeting or his participation in the decision-making process.

**Decided:** that planning permission be refused for the following reasons, as recommended by the Planning Board:

(1) that due to unacceptable tension with the principles set out in paragraph 29 of Scottish Planning Policy it cannot be concluded that the proposal constitutes sustainable development;

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- (2) The proposal would undermine the plan-led process and result in a cumulative impact with the proposed plan-led and proportionate expansion of Kilmacolm with a resultant inappropriate level of new housing development, contrary to the Vision and Spatial Development Strategy of the 2017 Clydeplan Strategic Development Plan;
- (3) 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 and it fails accord with the Green Belt objectives;
- (4) The proposal is contrary to Policy 14 of the adopted 2019 Inverclyde Local Development Plan and Policy 15 of the 2021 proposed Inverclyde Local Development Plan in that it fails to accord with the objectives of the Green Belt;
- (5) The proposal is contrary to the aims of Policy 10 of the adopted 2019 Inverclyde Local Development Plan and Policy 11 of the proposed 2021 Inverclyde Local Development Plan in that it will generate significant traffic demand by private car, would not constitute low carbon placemaking and would be inappropriately located;
- (6) 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, Policy 1 of the adopted 2019 Inverclyde Local Development Plan and Policy 1 of the proposed 2021 Inverclyde Local Development Plan;
- (7) The proposed development cannot be held to protect the quality, character, landscape setting and identity of the village which results in it being incompatible with the requirements of Policy 34 of the proposed 2021 Inverclyde Local Development Plan; and
- (8) The loss of trees, which have a significant landscape value, are not justified with reference to each of the criteria set out within Policy 34 of the adopted 2019 Inverclyde Local Development Plan and Policy 35 of the proposed 2021 Inverclyde Local Development Plan.

**204 Residential development to include access, roads, open space, landscaping, drainage and other associated works (planning permission in principle) (major) on land West of Quarry Drive, Kilmacolm**

204

There was submitted (1) an introductory report by the Interim Head of Legal Services and (2) a report by the Planning Board on the pre-determination hearing held on 28 April 2021 in relation to a planning application by Mactaggart and Mickel Homes Ltd for a proposed residential development to include access roads, open space, landscaping, drainage and other associated works (planning permission in principle) (major) on land West of Quarry Drive, Kilmacolm (20/0245/IC).

Councillor Wilson declared a non-financial interest in this item as a member of Clydeplan. He also formed the view that the nature of his interest and of the item of business did not preclude his continued presence at the meeting or his participation in the decision-making process.

Following discussion, Councillor McCabe, seconded by Councillor J McEleny, moved that the application be refused as (1) the proposal is contrary to the Clydeplan Strategic Development plan and significantly contrary to the adopted 2019 Inverclyde Local Development Plan due to the site being located within land identified as Green Belt, and (2) the identified indicative shortfall of approximately 100 units in the Inverclyde part of the Renfrewshire Housing Sub-Market Area is not sufficient justification for a development in the Green Belt. It is considered that the surplus of land that exists in the wider Renfrewshire Housing Sub-Market Area should be utilised to address said shortfall.

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As an amendment, Councillor Clocherty, seconded by Councillor Robertson, moved that the decision of the Planning Board on 28 April 2021 be upheld and 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 conditions detailed in the report.

Following a roll call vote of those Councillors entitled to participate in the voting process, 4 Members, Councillors Curley, McCabe, J McEleny and Wilson voted for the motion and 8 Members, Provost Brennan, Councillors Brooks, Clocherty, Dorrian, Moran, Nelson, Rebecchi and Robertson voted for the amendment which was declared carried. Councillors Ahlfeld and Quinn abstained.

**Decided:** 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;

(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

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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;

(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

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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;

(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

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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;

(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

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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; and

(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.