

Ref: CM

Date: 28 July 2021

**A meeting of the Planning Board will be held on Wednesday 4 August 2021 at 3pm.**

**This meeting is by remote online access only through the videoconferencing facilities which are available to Members and relevant Officers. The joining details will be sent to Members and Officers prior to the meeting.**

**In the event of connectivity issues, Members are asked to use the *join by phone* number in the Webex invitation.**

**Please note that this meeting will be recorded.**

ANNE SINCLAIR  
Interim Head of Legal Services

## **BUSINESS**

**\*\*Copy to follow**

1.	<b>Apologies, Substitutions and Declarations of Interest</b>	<b>Page</b>
2.	<b>Planning Applications</b> Reports by Interim Service Director Environment & Economic Recovery on applications for planning permission as follows:	
(a)	<b>Mr &amp; Mrs N Ohly</b> Demolition of existing dilapidated two storey dwelling house, erection of new single storey replacement dwelling house and change of site access point: Framlington, Knockbuckle Road, Kilmacolm (21/0107/IC)	<b>p</b>
(b)	<b>Mr Giuseppe Pia</b> Proposed balcony to rear of detached dwellinghouse: Langdale, Bridge of Weir Road, Kilmacolm (21/0126/IC)	<b>p</b>
3.	<b>Call-In Notification</b> Report by Interim Service Director Environment & Economic Recovery intimating a call-in notification by Scottish Ministers in respect of land at West of Quarry Drive, Kilmacolm (20/0245/IC)	<b>p</b>
4. (a)	<b>Planning Appeals</b> Report by Interim Service Director Environment & Economic Recovery intimating the outcome of a planning appeal at Carsemeadow, Quarriers Village (18/0190/IC)	<b>p</b>
(b)	Report by Interim Service Director Environment & Economic Recovery intimating a notification of a planning appeal at Land Adjacent to 24 Rosemount Place, Gourrock (20/0186/IC)	<b>p</b>

Please note that because of the current COVID-19 (Coronavirus) emergency, this meeting will not be open to members of the public.

The reports are available publicly on the Council's website and the minute of the meeting will be submitted to the next standing meeting of the Inverclyde Council. The agenda for the meeting of the Inverclyde Council will be available publicly on the Council's website.

In terms of Section 50A(3A) of the Local Government (Scotland) Act 1973, as introduced by Schedule 6, Paragraph 13 of the Coronavirus (Scotland) Act 2020, it is necessary to exclude the public from the meetings of the Planning Board on public health grounds. The Council considers that, if members of the public were to be present, this would create a real or substantial risk to public health, specifically relating to infection or contamination by Coronavirus.

Enquiries to – **Colin MacDonald** – Tel 01475 712113

**Report To: The Planning Board**

**Date: 4 August 2021**

**Report By: Interim Service Director  
Environment & Economic Recovery**

**Report No: 21/0107/IC  
Plan 08/21**

**Local Application  
Development**

**Contact Officer: David Ashman**

**Contact No: 01475 712416**

**Subject: Demolition of existing dilapidated two storey dwelling house, erection of new single storey replacement dwelling house and change of site access point at Framlington, Knockbuckle Road, Kilmacolm**



Crown Copyright All rights reserved Licence No 10023421 2019

## **SUMMARY**

- The proposal accords with the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan
- 12 objections and 38 representations in support have been received
- The consultation replies present no impediment to development
- The recommendation is to GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QR8I6JIMM4500>

## **SITE DESCRIPTION**

The application site comprises a 1,130 square metres residential property known as “Framlington” on Knockbuckle Road in Kilmacolm. The plot is currently occupied by a semi-derelict detached villa which sits roughly at the centre of the plot and presents a front elevation to Knockbuckle Road.

The existing house has been vacated in recent years and, more recently, a considerable number of overgrown coniferous trees have been removed from the site with only a limited number of trees remaining. It is bound to the north by a low stone wall; to the east by an approximately 2.5 metres high hedge which sits to the rear of a grass verge associated with Millburn Drive; to the west by a mix of a lower beech hedge and stone wall (close to the front of the plot) and a 1.8 metres high timber screen fence which is partly dilapidated (close to the rear of the plot); and to the south by an approximately 1.8 metres high screen fence, 1.4 metres fence and wall combination and a mature hedge, the latter being within the neighbouring property.

The plot sits between Millburn Drive and Knockbuckle Lane, is currently accessed from Knockbuckle Road and is therefore bound on 3 sides by roads. Beyond Knockbuckle Lane the semi-detached bungalow “Dun Eistein” presents a side wall to the property; beyond Knockbuckle Road the detached villas “Birch Trees” and “Caerketton” present front elevations to the property and beyond Millburn Drive the detached bungalow “Larch Wood” presents a side elevation to the property. Knockbuckle Road contains a wide variety of mainly detached and semi-detached properties finished in a range of materials and colours, largely consisting of slate or tiled roofs but also containing cladding features, and with rendered and stone walls with timber featured cladding. Adjacent dwellings in Millburn Drive also have brick finishes.

## **PROPOSAL**

Planning permission is sought to demolish the existing villa and to construct a single storey dwelling in its place. The proposed dwelling is of bespoke and contemporary design, occupying a larger footprint within the plot than the current dwelling and having more of a north to south axis (compared to the east to west axis of the present dwelling). With the walls of the proposed dwelling forming a footprint of 257 square metres, it occupies approximately one-fifth of the overall plot.

The configuration of the dwelling footprint is unique with most rooms in the dwelling contained within the approximately 33 metres long main section of the dwelling running parallel with Millburn Drive. This section is broken up into a 22 metres long linear wall and a more recessed 8 metres long section, the latter containing the master bedroom. These components are separated by a 3 metres wide insert featuring a small pond. The two sections are linked by a short glazed corridor which is further recessed from Millburn Drive. The main section is to be finished with a low angle monopitch zinc roof (at approximately 16 degrees) with the master bedroom section finished with a flat sedum roof. There is a smaller centrally located western projection extending approximately 8 metres from the main section that is to be finished with a large overhanging sedum roof which will also enclose a detached storage and bin area siding onto Knockbuckle Lane.

Overall, the dwelling will contain 4 bedrooms, an open plan living room and kitchen/dining area, a small study and a utility room. There are also further small storage areas. The main section of the dwelling is to be finished in facing brick. Cedral timber panelling is to be used on the western projection with substantial areas of glazing and glazed doors facing into the private rear garden area. Fenestration on the northern and eastern elevations is more limited.

An “afternoon terrace” and planting area is to be contained within the private rear garden adjacent to the dwelling. The submitted information suggests these will be at garden level.

Vehicular access to the site is to be taken from Knockbuckle Lane with the existing access from Knockbuckle Road closed off. Most of the existing boundary treatments are to be retained, including the approximately 2.5 metres high hedge along the eastern boundary, although those on the western boundary will be adjusted to allow for the formation of the vehicular access and to

address visibility splay requirements. The plans also indicate that the remaining trees on the site are to be retained.

The applicant has provided a supporting statement, design statement, and an ecology study. It is explained that the health needs of the applicant's children have been the primary influence in key aspects of the design, allowing for future wheelchair use with all rooms on the one level.

## **ADOPTED 2019 INVERCLYDE LOCAL DEVELOPMENT PLAN**

### **Policy 1 - Creating Successful Places**

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

### **Policy 6 - Low and Zero Carbon Generating Technology**

Support will be given to all new buildings 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. This percentage will increase to at least 20% by the end of 2022.

Other solutions will be considered where:

- (a) it can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- (b) there is likely to be an adverse impact on the historic environment

\*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.

### **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 34 - Trees, Woodland and Forestry**

The Council supports the retention of ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- a it can be clearly demonstrated that the development cannot be achieved without removal;
- b the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- c compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council. This will also cover the protection of ancient woodlands and the management and protection of existing and new trees during and after the construction phase.

Proposals for new forestry/woodland planting will be assessed with regard to the Supplementary Guidance to be prepared in association with the Clydeplan Strategic Development Plan, and the UK Forestry Standard.

**Planning Application Advice Note (PAAN) 2** on "Single Plot Residential Development" applies.

## **PROPOSED 2021 INVERCLYDE LOCAL DEVELOPMENT PLAN**

### **Policy 1 - Creating Successful Places**

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

### **Policy 6 - Low and Zero Carbon Generating Technology**

Support will be given to all new buildings designed to ensure that at least 20% 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. This percentage will increase to at least 25% by the end of 2025.

Other solutions will be considered where:

- (a) it can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- (b) there is likely to be an adverse impact on the historic or natural environment.

\*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.

### **Policy 9 - Managing Flood Risk**

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

- o be at significant risk of flooding (i.e. within the 1 in 200 year design envelope);
- o increase the level of flood risk elsewhere; and
- o reduce the water conveyance and storage capacity of a functional flood plain.

The Council will support, in principle, the flood risk management 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 resources protected by the Plans historic buildings and places and natural and open spaces chapters, and the transport network. Where practical and effective, nature-based solutions to flood management will be preferred.

### **Policy 10 - 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 4th 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, which identifies who will be responsible for maintenance and how this will be funded in the long term.

### **Policy 11 - Promoting Sustainable and Active Travel**

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

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

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

The Council will support the implementation of transport and active travel schemes as set out in national, regional and 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; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters

### **Policy 12 - 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, including cycle parking standards.

Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

### **Policy 17 - Brownfield Development**

The Council offers in principle support for proposals to bring brownfield sites in the urban area into beneficial use.



Proposals for the temporary greening of brownfield sites will be supported where it is demonstrated that they will deliver a positive impact to the local environment and overall amenity of the area. For sites identified for development in this Plan, temporary greening projects should not prejudice the future development of the site.

Proposals for advanced structure planting to create a landscape framework for future development on sites identified in the Plan will be supported.

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 are acceptable to the Council and ensure that the site can be made suitable for the proposed use.

### **Policy 18 - Land for Housing**

To enable delivery of the Clydeplan Strategic Development Plan housing supply target for Inverclyde, new housing development will be supported on the sites identified in Schedule 3, 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 Design Guidance for Residential Development, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development.

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 the following criteria:

- 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) that the proposal is for sustainable development; and
- d) evidence that the proposed site(s) will deliver housing in time to address the identified shortfall within the relevant Housing Market Area.

There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages 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 35 - Trees, Woodland and Forestry**

The Council supports the retention of trees, including ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- a) it can be clearly demonstrated that the development cannot be achieved without removal; or
- b) the public benefits of the proposal outweigh the loss of trees/hedgerows; and

- c) compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council.

Proposals for new forestry/woodland planting will be assessed with regard to the policies of this Plan and the Forestry and Woodland Strategy for the Glasgow City Region

**Draft Planning Application Advice Note (PAAN) 2** on "Single Plot Residential Development" applies.

## **CONSULTATIONS**

**Head of Service - Roads and Transportation** – The following comments have been provided:

1. Parking should be provided in accordance with the National Roads Development Guidelines:  
  
1 bedroom     1 parking space  
2-3 bedrooms 2 parking spaces  
4 bedrooms    3 parking spaces
2. The proposed dwelling has 4 bedrooms which requires 3 parking spaces.
3. Parking spaces should be 3.0m x 5.5m each on the driveway. Where the driveway forms the pedestrian access to the site there should be a minimum of 0.9m past the parking spaces. The applicant should demonstrate that the parking and pedestrian accesses can be accommodated within the site.
4. The access should be paved for a minimum of 2.0m to prevent loose materials being spilled on to the road.
5. The access should be taken via a footway crossover and not a junction as shown on the proposed site plan.
6. The applicant should demonstrate that a visibility splay of 2.4m x 20.0m x 1.05m can be achieved from the main access onto Knockbuckle Lane.
7. The applicant should demonstrate that the access has a gradient of 10% or less.
8. All surface water during and after development is to be limited to that of greenfield run off. Surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas. In the event of a design exceedance it should show that there will be no detriment to land or property as a result of overland flow caused by the development.
9. All surface water run-off is to be contained within the site.

**Council's Ecologist** – The survey was carried out at the correct time of year following correct guidance and by experienced, licenced ecologists. The listed recommendations must be followed. If work is carried out during the nesting season a nest check must be carried out. Careful checks outwith this period would be required.

## **PUBLICITY**

The nature of the proposal did not require advertisement.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

The application was subject to neighbour notification. 12 objections and 38 representations in support (including support from Kilmacolm Civic Trust) were received.

The points of objection may be summarised as follows:

- The design of the proposed dwelling is considered to be insensitive in the context of the surrounding area, particularly its shape and the metal roof element of the structure which is regarded as more suited to a retail, industrial or agricultural environment and will be a visible feature on entry to Millburn Drive. Established characteristics of the area, such as an apex roof or white render and roof slates or tiles, have not been used.
- The sedum roof is more than revolutionary and will be a novelty feature.
- Other new houses in the vicinity have been built with more traditional materials.
- There are existing title restrictions on external finishes to properties in Millburn Drive requiring uniform colours and the proposal would contrast with these.
- Trees have been removed from the site which should have been retained.

The points in support may be summarised as follows:

### Design issues

- The design is considered to be a good example of forward thinking, bespoke, progressive architecture which is characteristic of the development of Kilmacolm. More locally, Knockbuckle Road comprises uniquely designed detached houses, some of which have accessibility adaptations. The accessibility for this proposal is built into the design.
- There are a wide variety of housing styles and building materials used around the village and this proposal would be characteristic of this. This includes the use of zinc roofing.
- The zinc roofing also allows a lower pitched roof helping to minimise visual impact.
- Varied depth of frontage to Millburn Drive and the brick finish relates to the existing street form.
- The proposed dwelling will not overlook neighbouring properties.
- The proposed dwelling is of an appropriately scaled height, in keeping with existing bungalows, and is well designed, looking attractive from each of the surrounding roads.
- The proposed layout cleverly addresses the “marooned” nature of the site between two roads and is tailored to the site.
- Retention of the existing perimeter hedge will mean it is not particularly obtrusive.

### Miscellaneous issues

- Removal of the dilapidated house and construction of the new house will bring an improvement to the area.
- The repositioned access to Knockbuckle Lane is a welcome safety improvement.
- The proposed house will meet the specific health needs of the applicant’s family. The required function has dictated the form.
- The design will support modern living.
- The Council should support re-development of derelict sites like this.
- Support for the sedum roof in the interest of biodiversity.

## **ASSESSMENT**

The material considerations in the determination of this application are the adopted and proposed Inverclyde Local Development Plans (LDP), adopted and draft Planning Application Advice Notes (PAAN) No.2 on “Single Plot Residential Development”, the consultation replies, the representations and the applicant’s supporting information.

The application site is located within a mainly residential area which is formally identified as such under Policy 20 of the proposed LDP. This policy indicates that proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area with, where relevant, regard to the Council's Planning Application Advice Notes Supplementary Guidance. Adopted and draft PAAN 2 are relevant in this regard. The guidance provided in both is that the plot size, the proportion of built ground to garden ground and the distance of the building to boundaries should reflect that in the locality; the established street front building line should be followed; the proposed building height, roof design, use of materials and colours should reflect that in the locality; ground level windows should comply with window intervisibility guidance with the use of opaque glazing or boundary treatments as an alternative solution where necessary; and the level of car parking according with the National Roads Development Guide.



Site as viewed from the junction of Knockbuckle Road and Knockbuckle Lane

There is no equivalent to Policy 20 in the adopted LDP due to the quashing of the “Our Homes and Communities” chapter of the LDP by the Court of Session in July 2020. Policy 1 of both LDPs is relevant, however, in that they require all development to have regard to the six qualities of successful places with consideration given to the relevant factors in the associated figures. In this instance the relevant factors are being “Distinctive” in reflecting local architecture and urban form (altered to “reflect local vernacular/architecture and materials” in the proposed LDP); “Resource Efficient” in making use of previously developed land, incorporating low and zero carbon energy-generating technology, utilising sustainable design and construction techniques; being “Safe and Pleasant” in avoiding conflict between adjacent uses, notably in this instance with regard to flooding, invasion of privacy and overshadowing, and minimising the impact of traffic and parking on the street scene; and being “Welcoming” in integrating new development into existing communities and creating attractive and active streets.

A range of other policies are also applicable. Policy 6 of both LDPs indicates support will be given to all new buildings 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. The figures in the proposed LDP are 20% and 25% respectively by the end of 2025.

Policy 8 of the adopted LDP and Policy 9 of the proposed LDP relate to managing flood risk and require that it be demonstrated that developments are not at significant risk of flooding, will not

increase the level of flood risk elsewhere, and will reduce the water conveyance and storage capacity of a functional flood plain. Policy 9 of the adopted LDP and Policy 10 of the proposed LDP require that new build development which requires surface water to be drained should demonstrate that this will be achieved during construction and once completed through a sustainable drainage system unless the proposal is for a single dwelling.

Policy 10 of the adopted LDP and Policy 11 of the proposed LDP relate to the promotion of sustainable and active travel with the key requirement in this instance being that electric charging infrastructure be included. Policy 11 of the adopted LDP and Policy 12 of the proposed LDP require that developments comply with the Council's roads development guidelines and parking standards.

Policy 17 of the proposed LDP is in respect of brownfield development and indicates that the Council offers in principle support for proposals to bring brownfield sites in the urban area into beneficial use. Policy 18 of the proposed LDP supports new housing development on appropriate sites within residential areas.

Finally, Policy 34 of the adopted LDP and Policy 35 of the proposed LDP supports the retention of trees and hedgerows which have significant amenity value.

As the proposal is for a single house plot on a brownfield site within a residential area it is considered to accord in principle with Policies 17 and 20 of the proposed LDP. Consideration, however, requires to be given to the details of the proposal and it is considered that the guidance within both PAAN2s is the starting point for such assessment. In this regard, plot size within the immediate vicinity varies although it most closely relates to plots on the same side of Knockbuckle Road. These are characteristically deep plots fronting Knockbuckle Road with rear boundaries onto other residential development. Indeed, the shape of the plot is almost a mirror image of "Dun Eistein" to the west. The footprint of the proposed dwelling occupies approximately 22% of the plot. There are plots in the vicinity where the percentage coverage rises to approximately 25%, others where it drops nearer to 15%. I am therefore satisfied that the proportion of built ground to garden ground is reflective of neighbouring developments. Similarly, the distance of the building to the garden boundaries is reflective of the locality with the exception of the depth of the dwelling on the plot. This matter needs to be explained in more detail.

The configuration of the plot, which is triangular in shape with the narrowest part fronting Knockbuckle Road, favours a more recessed building line to maximise use of the width of the plot. Indeed the current dwelling is recessed from Knockbuckle Road relative to adjacent dwellings because of this is. The applicant's design solution to achieve the floorspace required for a single storey dwelling is to re-orientate development on the plot with the key axis of the proposed dwelling running north-south rather than east-west. To a large extent function has dictated form with the design highly influenced due to the applicant's specific needs. This has resulted in an unusually deep dwelling with an elongated frontage onto Millburn Drive and a rear building line closer to the plot to the south than would normally be the case. Whilst unusual, the resultant reduced distance to the rear boundary is considered to be acceptable for several reasons. Firstly, it is only a narrow section of the rear boundary which is affected. The part of the dwelling closest to the common boundary is approximately 6 metres wide and is set back approximately 4.3 metres from the common boundary, leaving a remaining rear garden width along this boundary of approximately 26 metres. It is also the specific location of this closest section that makes it acceptable, in that it faces towards the neighbouring front garden and is largely screened by the existing boundary fence and hedge. Furthermore, as a consequence of pre-application negotiation to break up what would have been an excessively long frontage to Millburn Drive by recessing sections and finishing the master bedroom with a flat roof to reduce bulk, this part of the proposed dwelling could not be construed to have a dominating presence to the detriment of the dwelling to the rear. It is therefore the case that although unusually close to the rear garden boundary, the proposal is acceptable in this instance. The narrow section of the proposed dwelling which fronts Knockbuckle Road follows the established building line.

The issue of the design and, in particular, the use of zinc as a roofing material has been the key concern of most objectors. This is due to the identified lack of use of the material elsewhere in the immediate vicinity and the extent of it on the main roof of the proposed dwelling at the entry point to Millburn Drive. There are several points to be considered in this regard.



Site as viewed from existing entrance at Knockbuckle Road

The application site is unique in the vicinity in only sharing one common boundary with another property. It is bound by roads on the three other boundaries and therefore has an element of detachment from nearby plots. The one common boundary is shared with a dwelling forming part of the Millburn Drive private residential cul-de-sac but the application site does not form an identifiable part of it having pre-dated this development.

On the original submission the applicant produced mock images from an aerial perspective which showed the roof as having a light grey finish. These are the images that the objectors would have originally seen. Following discussion it is clear that the colour of the roof was misleading in the original images and revised submissions show it to be a darker grey more akin to the colour of slates. Colour can be controlled by condition on a grant of planning permission. Nevertheless, it remains the case that it would be the most expansive use of zinc roofing in the immediate vicinity. It is the case, however, that there are several examples of the use of zinc, lead and other types of cladding throughout Kilmacolm, including an example on dormer windows further east along Knockbuckle Road. The applicant's supporting information displays various examples of these.

With respect to chronological progression in townscape and architectural innovation, settlements do not stand still over time. This relates to not only design but also the use of facing materials. Indeed, the applicant refers to several historical examples of dwellings in Kilmacolm which were innovative designs of their time and which are now listed or treasured heritage. It is also the case that the section of roof on which the zinc would be used is of low gradient which will minimise its impact from street level.

Finally, having considered the full length of Knockbuckle Lane and other streets in the vicinity, it is clear that there are a range of house designs and materials which have been used over time and the use of a further roofing material would not be uncharacteristic of the progression of townscape developments. The use of flat sedum roofs was only referred to by one objector but these have less visual impact being flat and are of assistance in addressing sustainable drainage and therefore

sustainable design. On balance therefore, the variety of materials and designs in the vicinity suggests that there is not a contextual townscape homogeneity and that further variety in materials is acceptable.

Turning to window distances and privacy concerns, all the neighbouring dwellings are either sufficiently distant or protected by existing boundary treatments, or both, so as not to lead to the proposal creating any privacy issues.

I also note that the Head of Service – Roads and Transportation is satisfied over parking provision within the site.

I am therefore satisfied that the proposal is acceptable with regard to the adopted and draft PAAN2. This also addresses most of the factors in the Policy 1 of the adopted and proposed LDPs. With respect to those not yet addressed, low and zero carbon energy-generating technology may be addressed by condition (also Policy 6 in both LDPs); the site is not susceptible to flooding nor would create a flood risk elsewhere subject to a condition on surface water containment (also addressing adopted LDP Policies 8 and 9 and proposed LDP Policies 9 and 10); the single storey nature of the development with low angles and flat roofs means there will be no overshadowing implications for adjacent properties; the innovative design will lead to an attractive street; and the relocation of the site access and the adequacy of the parking provision will address potential impacts on traffic and parking (and the requirements of Policies 11 and 12 of the adopted and proposed LDPs respectively). I am therefore satisfied that the proposal addresses the requirements of Policy 1 of the adopted LDP and Policies 1 and 18 of the proposed LDP.

With regard to the remaining policies of both LDPs, it is now a standard requirement of the Council that new dwellings be fitted with electric vehicle charging points and this can be addressed by a condition on a grant of planning permission. This will address the requirements of Policy 10 of the adopted LDP and Policy 11 of the proposed LDP. With regard to Policy 34 of the adopted LDP and Policy 35 of the proposed LDP, the hedge along the eastern site boundary is regarded as of great significance in helping to integrate the proposed dwelling into the streetscene, particularly as it will form the entry point to Millburn Drive and it is important that it is retained. This may be addressed by condition.

I therefore consider that the proposal accords with both the adopted and proposed LDPs. It remains to be considered if there are any other material considerations which suggest that planning permission should not be granted. In this regard I turn first to the consultation replies not yet addressed.

Whilst most issues raised by the Head of Service – Roads and Transportation have been addressed above, others require comment. There is adequate space for the parking requirements to be met. The surfacing of the first 2 metres of the driveway, ensuring the gradient does not exceed 10%, the visibility splay requirement and containing surface waters within the site may all be addressed by condition. The recommendations of the Council's ecologist can also be addressed by condition.

With regard to the objections which have been submitted and have not yet been addressed, title restrictions are not a material planning consideration. I note that some trees were removed before the submission of the application but as the site is not within a conservation area nor protected by a tree preservation order there are no controls within the remit of the Council which are applicable. I note comments on the construction of other new houses but each application has to be treated on merit. With regard to the representations in support of the application, I do not consider that there are any which require specific comment over and above the points already addressed in my assessment above.

Finally, the afternoon terrace shown appears to consist of concrete slabs laid flush to garden level. As such it is not a raised platform and therefore consideration against the adopted and draft Planning Application Advice Notes 5 is not required.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Local Development Plan unless material considerations indicate otherwise. In this instance I consider that there are no such material considerations that are applicable and therefore planning permission should be granted, subject to a range of relevant conditions as set out below.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

1. That prior to their use samples of all facing materials shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the zinc roof finish shall be a dark grey colour to closely match the colour of slates on neighbouring properties. The approved materials shall thereafter be used unless a variation is agreed in writing by the Planning Authority.
2. That prior to the commencement of development samples or other details of all soft and hard landscaping materials shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.
3. That all surface water drainage from the site shall be contained and treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). This shall include details of how flows are to be managed to avoid flooding of adjacent ground and shall be limited to that of greenfield run-off, and the containment of surface waters within the application site.
4. That the dwelling hereby permitted 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), details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the dwelling.
5. That the dwelling hereby permitted shall be provided with an electric vehicle charging point prior to its occupation.
6. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be 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. 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.
7. That the driveway shall be finished with a sealed surface over the first 2 metres as measured from the edge of the carriageway.
8. That the driveway gradient shall not exceed 10%.
9. That a visibility splay of 2.4 metres by 20 metres by 1.05 metres high shall be provided at the access point at all times.
10. That for the avoidance of doubt the hedge along the eastern boundary of the site shall be protected and retained at all times during and after construction.
11. That the recommendations in the Preliminary Roost Assessment & Bat Activity Survey by Wild Surveys, dated 8<sup>th</sup> June 2021 shall be implemented in full.



## Reasons

1. To ensure the appropriateness of all facing materials.
2. In the interests of visual amenity.
3. To control runoff from the site to reduce the risk of flooding.
4. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
5. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.
6. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
7. To prevent deleterious materials being carried onto the carriageway.
8. To ensure the usability of the driveway.
9. In the interests of traffic safety.
10. In the interests of visual amenity.
11. In the interests of ecology and to comply with the Nature Conservation (Scotland) Act 2004.

Mr Stuart W Jamieson  
Interim Service Director  
Environment & Economic Recovery

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Ashman on 01475 712416

Report To: The Planning Board

Date: 4 August 2021

Report By: Interim Service Director  
Environment & Economic Recovery

Report No: 21/0126/IC  
Plan 08/21

Local Application  
Development

Contact Officer: David Sinclair

Contact No: 01475 712436

Subject: Proposed balcony to rear of detached dwellinghouse at  
Langdale, Bridge of Weir Road, Kilmacolm.



## SUMMARY

- The proposal complies with the Inverclyde Local Development Plan.
- Thirteen objections and one neutral representation have been received raising concerns over scale and size, design, overlooking into neighbouring properties and impacts on neighbouring amenity and wellbeing.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=summary&keyVal=QRNMPPIMMEY00>

## **SITE DESCRIPTION**

Langdale is a detached villa set within a site covering approximately 1350 square metres, located on the south-west side of Bridge of Weir Road, Kilmacolm. Built in the early 20<sup>th</sup> Century, the villa is two storey to the front with a basement level to the rear and contains a cylindrical tower topped with a conical red tiled spire in the northernmost corner on the principal elevation. The building is finished in red roof tiles; white render walls; with white sash and case windows to the front and a mixture of decorative and uPVC windows to the rear, all finished in white. The rear elevation contains a large floor length white uPVC window at first floor level with a door set within the frame on the right hand side of the window when viewed from the garden.

The site is positioned on a south-west facing slope, with gradients varying between 1 in 10 and 1 in 30. Boundary treatments include a mixture of hedging and trees around all boundaries, with a low boundary wall along the front elevation on Bridge of Weir Road with a higher section of wall and set-back gated entrance in the northernmost corner of the site. Three coniferous trees lie along the rear boundary within the site. A dense area of trees and bushes around 10 metres deep, measuring up to 10 metres in height is located immediately behind the north-west boundary within the neighbouring garden at Longridge.

The site is adjacent to similarly sized detached residential properties on all sides, set in similarly sized gardens.

## **PROPOSAL**

Planning permission is sought for the erection of a raised platform at first floor level on the rear elevation of the building. The platform is proposed to be set on a galvanised steel frame, measuring 5.5 metres across and extending out from the rear elevation by 3 metres, with the floor level positioned 2.8 metres above the surrounding ground level. It is proposed to install a set of stairs on the west side of the balcony. A steel frame balustrade is proposed around the raised platform.

## **ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES**

### **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.

**Planning Application Advice Note (PAAN) 5** on “Outdoor Seating Areas” applies.

## **PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES**

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

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 3 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

### **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.

**Draft Planning Application Advice Note (PAAN) 5** on “Outdoor Seating Areas” applies.

## **CONSULTATIONS**

None required.

## **PUBLICITY**

The nature of the proposal did not require advertisement.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

The application was the subject of neighbour notification. 14 representations were received, comprising one neutral comment from the Kilmacolm Civic Trust and 13 objections, 12 from individuals and one from the Kilmacolm Community Council. Concerns were raised as follows:

### Amenity concerns

- Noise concerns from the number of people who could occupy it due to its size, contrary to Planning Application Advice Note guidance.
- Concerns that neighbouring houses will have no privacy in their own gardens due to the height of the balcony and being overlooked and overheard.
- Concerns over impact on neighbouring amenity generally.
- The applicant has removed a number of trees in the last year, which previously sheltered the view into neighbouring gardens. The balcony will give them an even clearer view into neighbouring gardens.

### Design concerns

- The proposed balcony would dominate the landscape behind.
- The garden slopes downwards to the rear, therefore the balcony will be very high and exposed.
- The design of balcony falls outwith the scope of Council guidance, is ugly and is not in keeping with the property and nearby properties.
- Concerns over the use of metal for the structure.
- Concerns over impacts on the public realm on Houston Road.
- The proposed balcony is excessive and not a feature which is replicated in any other residences in the neighbourhood.

### Procedural and Legislative concerns

- Proposal would be a breach of Article 8 of the Human Rights Act.
- Concerns over lack of consultation with neighbours prior to removing the trees or applying for the balcony.
- A large balcony that overlooks private recreational space does not appear to be in keeping with either the spirit or the regulations of planning requirements.

### Safety concerns

- Concerns over the safety of the first floor kitchen window, which contains a door 2.8 metres above the ground level of the house and no barriers to prevent anyone falling out.

One neutral representation was received from the Kilmacolm Civic Trust. The Trust stated that they had no objection in principle to the proposal, however raised the following points:

- The platform for the balcony will be some 3 metres above ground level. This may give oversight into neighbouring properties. We suggest that the Planning Officer should conduct a site visit.
- The design and materials used for the elevated balcony make it look like industrial scaffolding. We feel that the Architect could do better.

## ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan (LDP); the proposed Local Development Plan (LDP); Planning Application Advice Note (PAAN) 5 on “Outdoor Seating Areas”; Draft Planning Application Advice Note (PAAN) 5 on “Outdoor Seating Areas”; and the representations received.

The application site is located within an established residential area and requires assessment against Policy 1 in both LDPs. This Policy requires all development to have regard to the six qualities of successful places and the relevant Planning Application Advice Notes Supplementary Guidance, of which both the adopted and Draft PAAN 5’s are relevant to this proposal. The relevant qualities to this proposal in both Policy 1’s are being ‘Distinctive’ through reflecting local architecture and urban form and ‘Safe and Pleasant’ by avoiding conflict with adjacent uses. Policy 20 in the proposed LDP is also relevant and requires the proposal to be assessed with regard to its potential impacts on the amenity, character and appearance of the area.



Site as viewed from Houston Road

Firstly, in addressing impacts on the character of the area, the proposed balcony is to be located on the rear elevation of the dwellinghouse and will be largely obscured from the public realm, only being partially visible from Houston Road over the 2 metre high boundary wall and hedge and beyond an intervening property. The balcony is well set back from Houston Road, only being visible from a minimum distance of over 40 metres between existing trees positioned between Houston Road and the rear of the dwellinghouse. Given its position to the rear of the property and distance from the road, it stands that the proposal will not impact significantly on the public realm or on the urban form of the area, meeting the quality of being ‘Distinctive’ in Policy 1 of both LDPs in this regard.

In considering the impact of the proposal on the character and appearance of the building and on neighbouring amenity (Policy 20 of the proposed LDP), the impacts primarily relate to the appearance of the construction, possible activity and noise, and any implications for privacy. In considering these for the balcony I turn to the guidance given in both PAAN 5’s on “Outdoor Seating Areas”.

In considering the appearance of the construction, both PAAN 5’s state that the design and position shall be appropriate to the architectural design of the house. I note that the proposed balcony is to be positioned along part of the rear elevation of the building which contains a white render wall with a number of modern white uPVC windows of varying sizes and contains little architectural features or decoration. The balcony is to be positioned in line with the south-west

side of this section of the building, forming a continuation to the existing wall. I note that the stairs are to slightly overlap the existing single storey side extension by approximately 0.35 metres, however they will be subsidiary in scale and position and will not significantly impact on the building's frontage. In considering the choice of materials proposed, I note the concerns raised that the balcony will have a similar appearance to industrial scaffolding, however consider that this can be mitigated by providing a suitable finish to the balcony frame. This matter can be addressed by condition to ensure the balcony has an acceptable impact on the character of the existing property. I find the design and position of the balcony to be largely what could be expected for such a development, albeit that the steps leading to the rear garden area are not replicated for other developments of this nature. Nevertheless, in the context of the scale of the associated dwelling I consider the steps to be acceptable in providing access to the rear garden area and appropriate to the architectural design of the house, in accordance with both PAAN 5's.

In considering possible activity and noise, I note the concerns raised in the objections over the size of the balcony and the number of persons that could potentially occupy the balcony at any given time. Both PAAN 5's state that balconies should be restricted in size to allow for limited seating and the enjoyment of wider views. Covering an area of 16.5 square metres, the balcony



Rear elevation showing position of proposed platform

can be considered an acceptable size to afford seating for a family to enjoy good weather and not of a scale which would afford the opportunity of undertaking a wide range of activities over extensive periods throughout the day and evening. Whilst I note the concerns raised over this matter, I consider that the proposed balcony would be unlikely to result in an unacceptable level of noise and disturbance which would impinge on the enjoyment of neighbouring gardens.

Finally, in considering implications for privacy, both PAAN 5's state that where positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden area, the erection of screening shall generally be required. Screening may not be required in cases where there is no increase in the intervisibility between and the overlooking of neighbouring. The balcony is to be positioned approximately 19 metres from the south-east side boundary and approximately 15 metres from the south-west rear boundary, therefore it is to be sufficiently distant from both of these boundaries to not require screening. The balcony is, however, to be positioned approximately 4.5 metres from the side boundary to the north-west. In assessing the impact of neighbouring intervisibility on this boundary, I note that the boundary currently contains a well-established line of vegetation, comprised of a mixture of coniferous trees and evergreen hedges including Cherry Laurel and Griselinia, which provide a blanket cover between the two gardens up to a height of around 7 metres. While I acknowledge the concerns raised over the proposal resulting in overlooking and an invasion of neighbouring privacy, the proposal does not conflict with the guidance in this regard. Based on the above assessment, I consider the proposal to be in accordance with the guidance given in both PAAN 5's.

Turning to concerns raised by objectors not yet addressed above, the proposal would mitigate the current safety concerns of the first floor rear door. Concerning the removal of trees and a lack of consultation with neighbouring properties over this matter, trees within the property are not protected by a tree preservation order (TPO) nor are they within a conservation area and therefore no breaches of legislation have occurred. As the application has been assessed against the current situation following the removal of the trees in the rear garden, this issue is therefore of no relevance to this planning application. Article 8 of the Human Rights Act is not prejudiced by consideration of the planning merits of a proposal. Planning legislation ensures that all those with a right to comment are allowed to do so during the entire procedure.

Based on the above assessment, I consider that the proposal is unlikely to create conflict with adjacent uses in terms of noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing, therefore it meets the quality of being 'Safe and Pleasant' in Policy 1 of both LDPs. Furthermore, the proposal can be considered to have an acceptable impact on the character, appearance and amenity of the area, in accordance with Policy 20 of the proposed LDP.

In conclusion, the proposal is in accordance with Policy 1 of the adopted LDP and Policies 1 and 20 of the proposed LDP. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Local Development Plan unless material considerations indicate otherwise. As the proposal is in accordance with the relevant Plan Policies and there are no material considerations which would warrant refusal of this application, it stands that planning permission should be granted subject to a condition.

## **RECOMMENDATION**

That the application be granted subject to the following condition:

1. That all steel elements of the balcony hereby permitted shall be given a white powder coated finish.

Reason:

1. To ensure a finish compatible with the appearance of the rear elevation of the dwellinghouse is provided.

Stuart Jamieson  
Interim Service Director  
Environment & Economic Recovery

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Sinclair on 01475 712436.

**Report To:** The Planning Board

**Date:** 4 August 2021

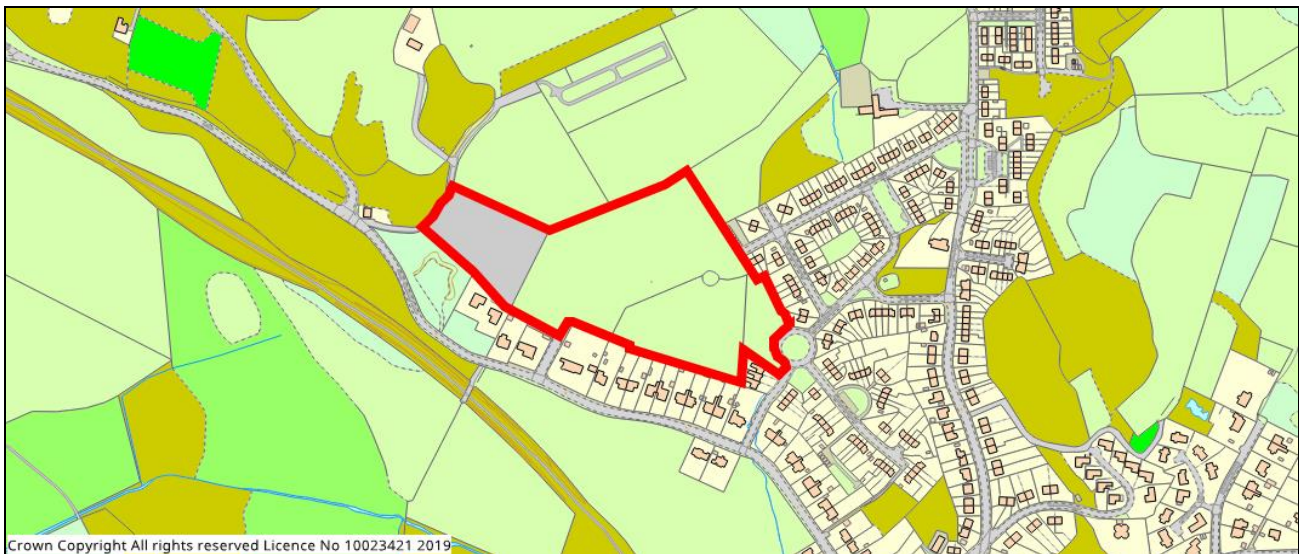
**Report By:** Interim Service Director  
Environment & Economic Recovery

**Report No:** 20/0245/IC  
**Major Application Development**

**Contact Officer:** Sean Mc Daid

**Contact No:** 01475 712412

**Subject:** Notification of call-in of the planning application by the Scottish Ministers in respect of 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**



## **SUMMARY**

- The planning application has been called-in by the Scottish Ministers to determine the application themselves.

Details of the application call-in may be viewed at:  
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=121586>



## **INTRODUCTION**

A Pre-Determination Hearing was carried out on 28 April 2021 by the Planning Board as the proposed development is a Major Development and considered to be significantly contrary to the adopted 2019 Inverclyde Local Development Plan.

On 4 May 2021 the full Council agreed with the recommendation that notification 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 conditions. The notification of the recommendation is required as the Council owns a small part at the eastern side of the application site and the proposal is significantly contrary to the adopted 2019 Inverclyde Local Development Plan.

## **NOTIFICATION OF CALL-IN BY THE SCOTTISH MINISTERS**

On 5 July 2021 notification was received from the Scottish Ministers that they have directed the application be referred to them for determination. The Scottish Ministers consider the case raises issues of national significance with regard to the interpretation and application of Scottish Planning Policy, and in view of Inverclyde Council's interest in the proposed development, to allow further scrutiny of the reasons for proposing to approve it as a significant departure from the development plan.

The decision on the application by the Scottish Ministers will be final.

## **RECOMMENDATION**

That the Board notes the position.

Stuart Jamieson  
Interim Service Director  
Environment & Economic Recovery

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Sean Mc Daid on 01475 712412.

**Report To: The Planning Board**

**Date: 4 August 2021**

**Report By: Interim Service Director  
Environment & Economic Recovery**

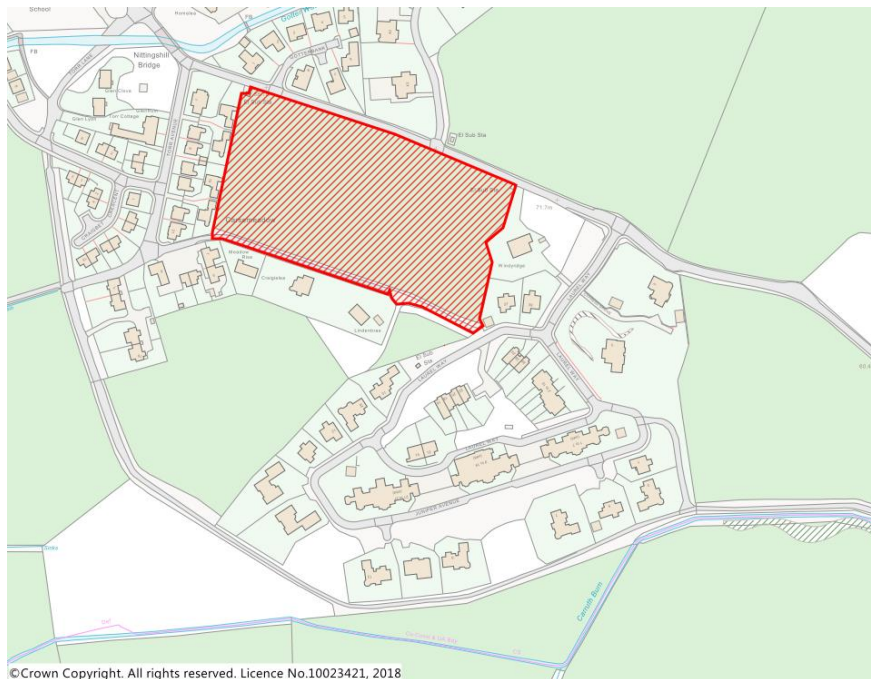
**Report No: 18/0190/IC  
08/21**

**Major Application  
Development**

**Contact Officer: David Ashman**

**Contact No: 01475 712416**

**Subject: Planning Permission in Principle for residential development, access, infrastructure, landscape/open space, and associated works at  
Carsemeadow, Quarriers Village**



### **SUMMARY**

- The original planning application was refused by Inverclyde Council.
- The applicant appealed the decision to the Scottish Ministers.
- The appeal was dismissed.
- The applicant appealed to the Court of Session and was successful with the appeal decision quashed and remitted back to the Scottish Ministers for further consideration.
- Following further consideration the Scottish Ministers have again dismissed the appeal.

Details of the appeal may be viewed at:  
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121085>

## **INTRODUCTION**

The full background to the original refusal of planning permission by the Council in January 2019, the applicant's appeal and dismissal of this by the Scottish Ministers and the subsequent decision of the Court of Session to quash the decision of the Scottish Ministers are set out in my report to the September 2020 meeting of the Planning Board. All that requires to be re-iterated here is that as a result of the Court of Session decision the appeal against the refusal of planning permission was remitted back to the Scottish Ministers for fresh consideration.

## **THE NEW APPEAL DECISION**

The Principal Reporter David Buylla was appointed to determine the new appeal. He considered the main issues to be (a) whether the proposal would be sustainable development and; (b) whether or not there is a shortfall in the effective five year housing land supply.

It should be noted that his considerations were set against the background of changes to Scottish Planning Policy (SPP) published by the Scottish Government in December 2020. Previously there was a presumption in favour of "development that contributes to sustainable development". In the revised SPP this is now a presumption in favour of "sustainable development". When assessing the sustainability of a proposal, paragraph 33 of the revised SPP requires the factors listed in paragraph 29 to be used. Prior to this change, where relevant policies in a development plan were out of date or were considered to be out of date due to a shortfall in the five year supply of effective housing land, or where the plan did not contain relevant policies, paragraph 33 elevated the presumption from a material consideration to a significant material consideration and any disbenefits of a proposal were required not only to outweigh, but significantly and demonstrably to outweigh, its benefits. In the revised SPP this is no longer the case.

Paragraph 32 restates the requirement of the Town and Country Planning (Scotland) Act 1997 that applications be determined in accordance with the development plan unless material considerations indicate otherwise and paragraph 33 confirms that, if a proposal is found to be sustainable development that will be a material consideration in its favour. However, the presumption in favour of such development is merely one of the material considerations to be weighed in the balance. SPP paragraph 125 now confirms that where a proposal for housing development is for sustainable development and the decision-maker establishes that there is a shortfall in the housing land supply in accordance with Planning Advice Note (PAN) 1/2020, the shortfall is a material consideration in favour of the proposal.

### Would the proposal be sustainable development?

In reaching his conclusion the Reporter considered the 13 principles of paragraph 29 of SPP. His key conclusions in this regard were that the site has poor accessibility by more sustainable travel modes; that it would divert potential investment away from urban locations and brownfield sites where there is a need for regeneration; that it would perform very poorly against the expectation that development will support the delivery of accessible housing and other development; it would not support climate change mitigation and adaptation; and that it would not protect or enhance cultural heritage through its highly visible location and reducing the sense of separation between the former Bridge of Weir Hospital site and Quarriers Village. He therefore concluded that the negative sustainability implications of the proposal, especially its inaccessible location, significantly and demonstrably outweigh its positive aspects and, therefore, it could not be regarded as sustainable development.

### Is there a shortfall in the five year supply of effective housing land?

The Reporter referred to the 2019 Inverclyde Housing Land Audit in his consideration of housing land supply and noted that predicting whether there is a sufficient five year supply of effective housing land is not an exact science. He considered that evidence to support claims that sites within the Inverclyde part of the Renfrewshire Housing Sub-Market Area (HSMA) are incapable of becoming effective within the next five years is lacking and that, on balance, he was not persuaded that there is a shortfall in the effective supply in this area. In any event, he concluded, when the evidence suggests very healthy supply of land for housing across the Renfrewshire

HSMA as a whole, it does not seem logical to seek to justify a housing development proposal on the basis that it could meet a demand arising from a small and relatively inaccessible corner of that HSMA which has few of the day to day facilities that residents would require, when that demand could easily be met in a more suitable and accessible location within the HSMA.

### Conclusion

Drawing all of the above together, he concludes that the proposal is not sustainable development and does not accord with Clydeplan's Vision and Spatial Development Strategy. More specifically:

1. Development of a greenfield, Green Belt site that has poor public transport and active travel connectivity would be contrary to Clydeplan Policy 1 and the Local Development Plan's (LDP) Spatial Development Strategy. It would also be contrary to Clydeplan Policy 8.
2. It would be contrary to LDP Policy 1, in respect of successful places and Policy 14 in respect of acceptable Green Belt developments.
3. It would be contrary to LDP Policy 28 as it would adversely affect the setting of the Quarriers Village Conservation Area.

Accordingly he concluded that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would justify granting planning permission.

He also considered in his conclusion the current Court of Session challenge to the revised SPP, noting that upon reversion to the 2014 SPP there would be a greater "tilt" in favour of the proposal with regard to effective housing land supply. He noted that even in this event he remained convinced that the adverse impacts of the proposed development, particularly the poorly accessible location of the site, would significantly and demonstrably outweigh its benefits. On this basis he considered it reasonable to issue his decision ahead of the outcome of the challenge.

### **RECOMMENDATION**

That the Board notes the position.

Stuart Jamieson  
Interim Service Director  
Environment & Economic Recovery

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Ashman on 01475 712416.

**Report To: The Planning Board**

**Date: 4 August 2021**

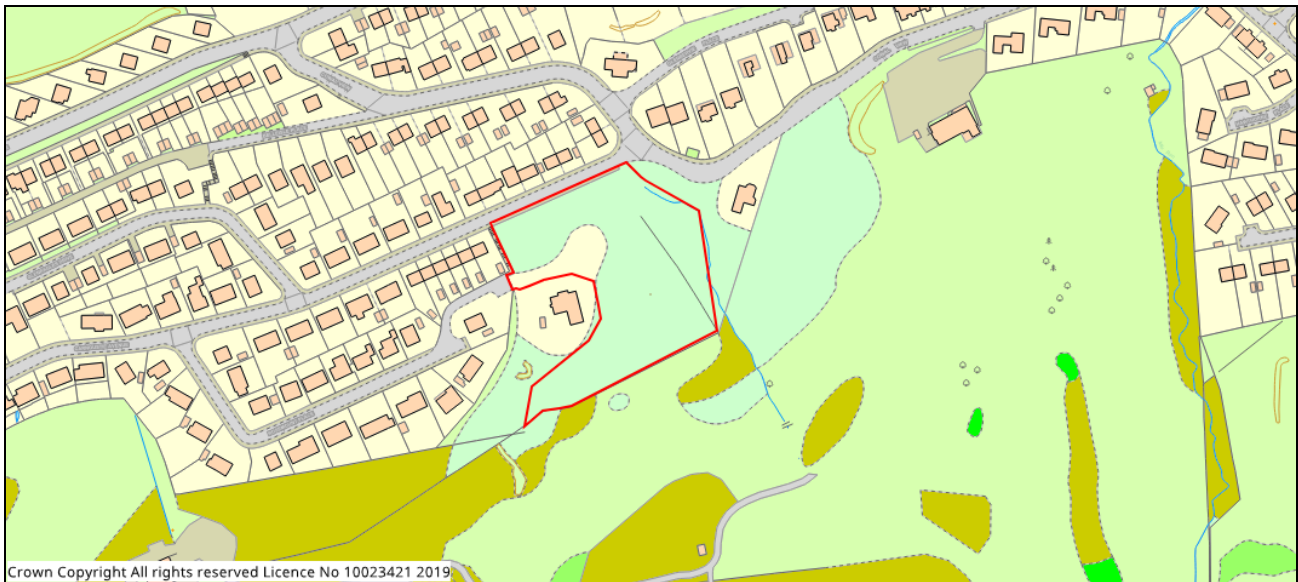
**Report By: Interim Service Director  
Environment & Economic Recovery**

**Report No: 20/0186/IC  
Local Application  
Development**

**Contact Officer: Sean Mc Daid**

**Contact No: 01475 712412**

**Subject: Notification of Appeal: at  
Land adjacent to 24 Rosemount Place, Gourrock**



## **SUMMARY**

- The planning application was refused by the Planning Board.
- The applicant has appealed the decision to the Scottish Ministers.

Details of the appeal may be viewed at:  
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=121686>

## **INTRODUCTION**

In May 2021 planning permission in principle was refused by the Board against the recommendation to approve for the erection of six detached dwellinghouses/house plots (planning permission in principle) for the following reasons:

1. The proposed development fails to protect the historic Gourock Golf Club (established 1896) which borders the site and whose layout threatens to be compromised in contradiction to Scottish Planning Policy 2014. Paragraphs 135 and 136 state that the historic environment is a key cultural and economic asset and a source of inspiration and should be seen as integral in creating successful places and that planning has an important role to play in maintaining and enhancing the distinctive and high quality irreplaceable historic places which enrich our lives, contribute to our sense of identity and are important resources for our tourism and leisure industry. Paragraph 151 goes on to state that there is a range of non-designated historic assets, which do not have statutory protection and these resources are an important part of Scotland's heritage and should be protected and preserved as far as possible in situ wherever feasible.
2. The amount of additional traffic generated by the proposed development on the shared surface narrow access route with poor visibility splays could prove a danger to pedestrians and vehicles in contradiction to Local Plan Policy 1, Successful Places - Easy to move around - Be well connected, with good path links to the wider path network and public transport nodes and neighbouring developments. As well as contradicting the Roads Development Guide that considers the needs of pedestrians first when considering the design of any road layout. "2.2.4 Street Structure. b Connections to wider networks," states that - "The existing road network must be capable of coping with the existing as well as levels of all types of traffic generated by the development. The road and paths created within the development must connect into the existing road and other user networks in a logical and progressive manner."

## **NOTIFICATION OF APPEAL**

Notification has been received that an appeal against the refusal has been lodged with the Scottish Government. The appellant has also sought an award of costs against the Council as the Council have acted unreasonably in its handling of this application as the Council's Planning Board failed to properly address the application with specific reference to its compliance with the Development Plan and failed to provide suitable justification for their decision.

## **RECOMMENDATION**

That the Board notes the position.

Stuart Jamieson  
Interim Service Director  
Environment & Economic Recovery

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Sean Mc Daid on 01475 712412.