

Report To: Planning Board

Date: 6 April 2022

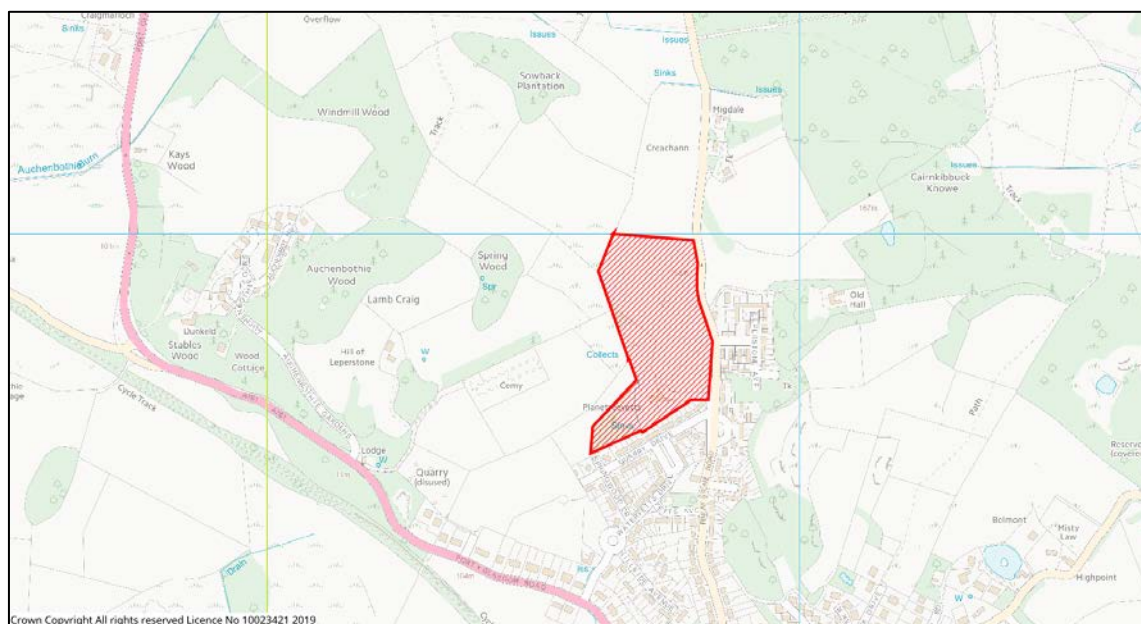
**Report By: Interim Director
Environment & Regeneration**

**Report No: 18/0322/IC
Plan 04/22
Major Application
Development**

Contact Officer: David Ashman

Contact No: 01475 712416

**Subject: Proposed residential development of circa 100 units including 25% affordable and associated infrastructure, landscaping and open space at
Land at Planetreeyetts, Kilmacolm**



SUMMARY

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

Details of the appeal may be viewed at:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121778>

INTRODUCTION

In May 2019, the Council refused planning permission in principle for residential development as:

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.
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.
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.

NOTIFICATION OF APPEAL DECISION

An appeal against the refusal was lodged with the Scottish Government on 20th August 2021. The grounds of appeal contested all the grounds of refusal.

The appointed Reporter finds that the main issues are whether or not there is a shortfall in the five-year effective housing land supply and whether the principle of housing development is acceptable subject to its:

- Ability to remedy the shortfall;
- Contribution to sustainable development;
- Impact on the character of the settlement and local area;
- Impact on green belt objectives; and
- Commitment to deliver necessary infrastructure.

Considering housing land supply, the Reporter notes that although the appellant and the Council use different methods to assess effectively housing land supply, she concludes that there is a shortfall in the Inverclyde Housing Market Area, although the level of that shortfall varies depending on the method of calculation used. She also concludes that, with regard to the

Renfrewshire Housing Sub Market Area, she is not convinced that the Inverclyde part of Renfrewshire HSMA should be considered a discrete HSMA. She therefore concludes that there is evidence that the supply of effective housing land is not sufficient to meet the five-year requirement as established in Clydeplan. This means that the terms of Policy 8 of Clydeplan are engaged and steps need to be taken to remedy the shortfall. The purpose of Policy 8 is to respond to an identified shortfall in the effective housing land supply by permitting housing development on appropriate sites, even those which would not normally be considered suitable for such development in the context of the Clydeplan vision and spatial development strategy. This includes sites within the Green Belt where they would not undermine Green Belt objectives.

She thereafter assesses the relevant criteria in Policy 8. With regard to these she concludes, firstly, that the proposal could contribute to reducing the housing supply shortfall.

However, based on Kilmacolm's location outwith the city region's main centres of population and employment, she considers that most residents will have to travel outside of Kilmacolm for work and for secondary school provision and that commuting by private vehicle is likely to be a more attractive option than intermittent public transport. This leads her to conclude that the proposal would not contribute to sustainable development under Clydeplan.

With regard to landscape issues, she concludes that the site forms an important part of the landscape setting of the village and in this respect the proposed development would have an adverse visual effect both on the approach to and from Kilmacolm, thus having a harmful impact on the landscape character and setting of the settlement and the local area.

Turning to Green Belt objectives, she concludes that the proposed development could weaken the aim of achieving certain regeneration priorities elsewhere within the Clydeplan area and that the proposal would harm the quality, character, landscape setting and identity of Kilmacolm. On the whole, she considers that the proposal would undermine certain Green Belt objectives.

The Reporter also considered the identified housing land supply shortfall against Scottish Planning Policy (SPP), particularly paragraph 33 as there is a presumption in favour of development that contributes to sustainable development being a significant material consideration. In this regard, and given earlier Court decisions, the Reporter considers there to be a relatively steep "angle of tilt" to be applied in favour of the development, given the sizeable housing land supply shortfall. In noting that SPP requires consideration of whether or not there are any adverse impacts significantly and demonstrably outweighing the benefits of the development, she examines the 13 principles listed in paragraph 29 of SPP. It is not necessary to repeat the full analysis here but she concludes that whilst most can be met, not all can. She notes that the proposed development would result in a permanent and adverse change to a landscape which she considers to be valuable to the character of the settlement and the local area. Furthermore, it would encourage unsustainable vehicle trips failing to support climate change measures. These concerns are too important to be overlooked and weigh heavily against the contribution the proposal would make in helping to reduce the housing shortfall. Overall, she considers that the adverse impacts presented by the proposed development, significantly and demonstrably outweigh the benefits.

REPORTER'S CONCLUSION

The Reporter concludes that the proposed housing development could make a valuable contribution to a sizeable shortfall in the five-year effective housing land supply. However she finds it to be contrary to the development plan overall. Although she applies a steep 'angle of tilt' in favour of the development relative to the level of shortfall, she does not find this wholly determinative. She considers that the adverse impacts of the proposed development, primarily its harmful effect on the landscape character and setting of Kilmacolm and the local area, and that it would encourage unsustainable vehicle trips, to significantly and demonstrably outweigh the benefits.

She therefore concludes, for the reasons set out above, 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 still justify granting planning permission.

The appeal was dismissed.

RECOMMENDATION

That the Board notes the decision.

Stuart Jamieson
Interim Director
Environment & Regeneration

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