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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>3rd February 2010</b>
<b>Report By:</b>	<b>Head of Planning and Housing</b>	<b>Report No:</b>	<b>09/0360/IC Plan 02/10</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>Guy Phillips</b>	<b>Contact No:</b>	<b>01475 712422</b>
<b>Subject:</b>	<b>Erection of bungalow type dwelling house at Port Glasgow Road, Kilmacolm</b>		

## **SITE DESCRIPTION**

The site extends to approximately 0.07ha and lies on the south west side of Port Glasgow Road, Kilmacolm, opposite the house, "Cherry Trees". The semi detached bungalow, "St Fillans" adjoins to the south east. To the south west and north west the site is adjoined by a field. A burn runs through the westmost part of the site, from north to south.

In 1984, outline planning permission was refused for the erection of a house on the site and for separate applications on nearby sites opposite "Machrie" and "Dungoyne". The site opposite "Dungoyne" was the subject of a further outline planning application in 1987 which was also refused. An appeal against that decision was dismissed.

## **PROPOSAL**

The applicant is seeking planning permission in principle for the erection a house on the site. The applicant has submitted a letter in support of his proposal, a copy of which is attached. In summary, he has asked that the following be considered:

1. The site is located in the Green Belt, but no other planning designations apply.
2. The site is located within a settlement, is an exceptional circumstance that will not affect the integrity of the Green Belt, and will not compromise or have a significant impact on the aims and objectives of planning policy.
3. There was deemed to be no strategic requirement to release more land in the Kilmacolm area in September 2003. Since then, only large houses have been built in Kilmacolm, with the need for smaller houses not met. As a consequence, the village is not being sustained on a balanced basis. There is a need to build houses suitable for the elderly and young families.
4. The site is an infill between "St. Fillans", "Creggan" and Port Glasgow Road.
5. The siting and design complies with PPAN5.

## **LOCAL PLAN POLICIES**

Local Plan Policy DS8 - Green Belt

There is a presumption against development in the designated Green Belt, as identified on the Proposals Map. Proposals will only be considered favourably in exceptional or mitigating

circumstances and where the criteria for development in Policy DS10 for the 'Countryside' can be satisfied.

#### Local Plan Policy DS10 - Countryside

Development within the countryside (including the Green Belt) will be permitted only where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture and forestry;
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and contributes to the social and economic development of the area;
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site;
- (d) it entails appropriate re-use of vacant buildings which it would be desirable to retain for their historic or architectural character; or
- (e) it forms part of an establishment or institution standing in extensive grounds; and
- (f) it does not adversely impact on the landscape character;
- (g) it does not adversely impact on the natural heritage resource;
- (h) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (i) there is a need for additional land for development purposes, provided it takes account of the requirements of the Structure Plan; and
- (j) it complies with other relevant Local Plan policies.

#### Local Plan Policy H4 - Proposals for Development in the Green Belt and Countryside

Proposals for new dwellings in the 'Green Belt' and 'Countryside' identified on the Proposals Map, will be supported only if the proposed development is for a single or small group of dwellings, falls within one of the following categories and is acceptable with reference to the Planning Practice Advice Note, No. 5 regarding detailed guidance in relation to siting and design:

- (a) demolition and replacement of existing occupied dwelling houses which cannot otherwise be brought up to modern standards and where the new building reflects the scale and character of the existing one to be replaced; or
- (b) the conversion of existing buildings (see also Policy H18); or
- (c) justified by the operational needs of farms or other businesses or activities which are inherently rural in nature and where they will be located adjacent to those businesses or activities (the applicant will be required to enter into Section 75 Agreements regarding occupancy criteria) (See also Policy H19); or
- (d) the sub-division of an existing dwelling house (or houses) for the provision of one or more additional units where any new build element is clearly ancillary to the overall finished building; or
- (e) the re-use or redevelopment of large redundant institutions (see also Policy H17); or
- (f) is part of an integrated project with significant employment and/or economic benefits which is in accordance with other policies of the Local Plan and where the Council is satisfied that the housing is essential to ensure the implementation of the whole development and that such considerations are of sufficient weight to merit the Council's support.

## **CONSULTATIONS**

**Head Of Environmental Services** – The Flood Risk Assessment is satisfactory. There are no objections subject to a visibility splay of 2.5 x 90.0 x 1.05m being achieved at the access.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 20th November 2009 as it is contrary to the development plan and as there are no premises on neighbouring land.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

Nine objections have been received to the planning application (copies attached).

In summary, the objectors are concerned that:-

1. The site is designated as Green Belt and to grant permission would be contrary to the Local Plan.
2. The proposal conflicts with Policy H4 of the Local Plan.
3. The Reporter's findings on the Public Local Inquiry into the Inverclyde Local Plan are consistent with the appeal dismissed for the erection of a house opposite "Dungoyne" in 1987 and still hold good.
4. The existing houses, "Penlee" and "Creggan", lying approximately 100m north east of the application site are an anomaly. "Rounding off" of development is not appropriate for this part of Kilmacolm.
5. Approval of development in this instance would set a precedent for the development of other sites on the south west side of Port Glasgow Road.
6. South westerly views over the site and the agricultural land beyond are important in terms of the rural character of the northern part of Kilmacolm.
7. Road safety would be adversely affected.
8. Disturbance of visual amenity. If planning permission in principle is granted it would breach the human rights of the occupiers of houses on the north east side of Port Glasgow Road.
9. The Council's Monitoring & Update Report 2009 on the Inverclyde Local Plan 2005 does not identify the site as part of an area requiring further review and revisiting the designation of the greenfield site in question.
10. There would be disturbance to the occupiers of "West Lindowan", opposite, from motorists using its driveway as a turning point.
11. There are doubts over infrastructure to support an additional house. The road, local gardens and the stream running through the site flood regularly.
12. There are sufficient "brown sites" in Kilmacolm/Quarriers Village/Port Glasgow to accommodate any additional housing needs in an area that is losing its population without encroaching on Green Belt sites.

## **ASSESSMENT**

The material considerations in the determination of this planning application are the Development Plan, the planning history of the site and the adjoining area, the Reporter's findings on the Public Local Inquiry into the Local Plan, the consultation responses and the written representations.

The land on the south west side of Port Glasgow Road, incorporating the application site, was identified as Green Belt in the Inverclyde District Local Plan (1988). Subsequently it was identified as a housing opportunity site in the Final Draft of the Inverclyde Local Plan (2002). Following

significant representations, the Final Draft was modified in 2003, reinstating the site as Green Belt. This decision was taken on the basis that there was no strategic requirement to release land for housing, that it would be detrimental to the visual appearance of Kilmacolm and that its release would make it difficult to resist the development of land immediately to the south west. At the subsequent Local Plan Inquiry the Reporter recommended retention of the site in the Green Belt as a housing development at this location would have an adverse effect on local amenity. The Reporter's recommendations were accepted by the Council. The Local Plan identifies the site as lying within the Green Belt, and as such it is covered by Policy DS8, which presumes against development. Proposals will only be considered favourably in exceptional or mitigating circumstances and where the criteria for development in Policy DS10 can be satisfied.

Policy DS10 advises that development will be permitted only where it can be supported with reference to a range of criteria, including:-

- (a) it is required for the purposes of agriculture and forestry.
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and contributes to the social and economic development of the area.
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site.
- (f) it does not adversely impact on the landscape character.
- (g) it does not adversely impact on the natural heritage resource.
- (h) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation.
- (i) there is a need for additional land for development purposes, provided it takes account of the requirements of the Structure Plan.
- (j) it complies with other relevant policies of the Local Plan.

The proposal does not fit with criteria (a) to (c). With reference to criteria (f), (g) and (h), the views of the Reporters in examining the appeal opposite "Dungoyne" and at the Public Local Plan Inquiry determine the importance of south westerly views over the site and the agricultural land beyond in terms of the rural setting of the northern part of Kilmacolm. There have been no physical changes in the circumstances of the site since these deliberations. In relation to criterion(i), preparations are underway in bringing forward a new Inverclyde Local Development Plan, including a comprehensive review of the Green Belt boundary. The Glasgow and Clyde Valley Strategic Development Planning Authority's Housing Need and Demand Assessment will inform the number, scale and wider location of housing land requirement. It will be on this basis that the new Local Development Plan, subject to public consultation, will identify any additional land to be made available and/or released from the Green Belt.

In failing to accord with the relevant criteria within Policy DS10, I consider there to be no justification for departing from Policy DS8.

Policy H4 advises that proposals for new dwellings in the Green Belt will be supported only if the proposed development is for a single or small group of dwellings, falls within one of the following categories and is acceptable with reference to the Planning Practice Advice Note, No. 5 regarding detailed guidance in relation to siting and design:

- (a) demolition and replacement of existing occupied dwelling houses which cannot otherwise be brought up to modern standards and where the new building reflects the scale and character of the existing one to be replaced; or
- (b) the conversion of existing buildings (see also Policy H18); or
- (c) justified by the operational needs of farms or other businesses or activities which are inherently rural in nature and where they will be located adjacent to those businesses or activities (the applicant will be required to enter into Section 75 Agreements regarding occupancy criteria) (See also Policy H19); or

- (d) the sub-division of an existing dwelling house (or houses) for the provision of one or more additional units where any new build element is clearly ancillary to the overall finished building; or
- (e) the re-use or redevelopment of large redundant institutions (see also Policy H17); or
- (f) is part of an integrated project with significant employment and/or economic benefits which is in accordance with other policies of the Local Plan and where the Council is satisfied that the housing is essential to ensure the implementation of the whole development and that such considerations are of sufficient weight to merit the Council's support.

As the proposal is in principle, issues of design and siting are not under consideration and it is therefore not appropriate to consider the proposal against detailed design guidance in PPAN 5. It is, however, clear that the proposal does not fit with any of the criteria within Policy H4.

All of the above lead me to conclude that the proposal is contrary to the Inverclyde Local Plan. In coming to this position, I have examined the supporting statement of the applicant and the objection letters as they relate to planning policy. I note the applicant considers that this development will not impact upon the integrity of the Green Belt and that it is in effect an infill development between "St. Fillans" and "Creggan". I disagree with both points. The Green Belt at this location provides an important role in establishing the setting and character of Kilmacolm along its principal entrance from and exit towards Port Glasgow. The combination of undeveloped plots of ownership affords both a unique and open outlook towards the village meriting protection. The development of housing along this stretch of road would be detrimental to and significantly alter the streetscape and landscape setting. It is the houses at "Creggan" and "Penlee" that create the anomaly and should not be taken as an invitation to develop the gap. Indeed, I share the view of an objector that a single house plot at this location would create a precedent, potentially resulting in a sporadic, uncontrolled series of planning permissions for single houses along this stretch of road.

I note the applicant's further comment on the need for a variety of housing stock in Kilmacolm, however the Council's Report on The Monitoring and Update of the Local Plan serves to reinforce the current Local Plan's position. The appropriate way forward is resisting development in the Green Belt until such time as the full review is undertaken in response to the findings of the Housing Need and Demand Assessment for the new Local Development Plan.

Although contrary to the Local Plan, I am required to consider other material considerations, including points made by objectors. While I note the concerns raised on the grounds of road safety and flooding, I accept that the Head of Environmental Services raises no objections. In considering the application due regard has been given to the human rights of all relevant parties, including the applicant and the objectors. Article 8 of the Human Rights Act is neutral, being neither pro or anti development. Provided the Council takes into account the rights of both the applicant and objectors in reaching a decision, the Act is complied with. In this respect I have assessed all submissions and conclude that planning permission should be refused.

## **RECOMMENDATION**

That the application be refused.

### **Reasons**

1. The proposal fails to provide a justification for development in the Green Belt against the criteria in Policies DS10 and H4 and, as such, is contrary to Policy DS8 of the Inverclyde Local Plan.
2. Development of a single house plot at this location would create a precedent, with the potential for a sporadic, uncontrolled series of planning permissions for single houses on the south west

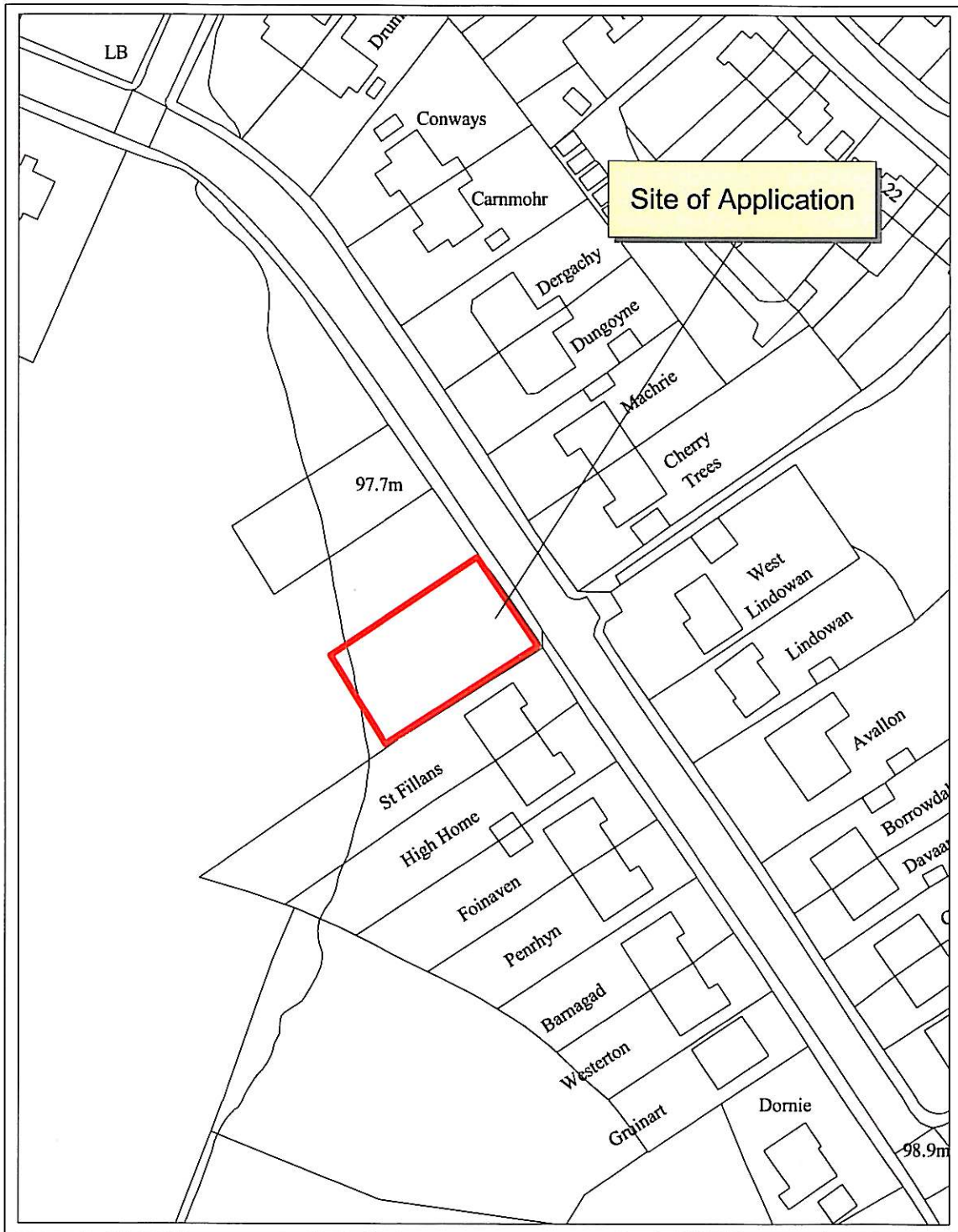
side of Port Glasgow Road to the detriment of south westerly views, important to the rural setting of the northern part of Kilmacolm.

F. K WILLIAMSON

Head of Planning and Housing

#### BACKGROUND PAPERS

1. Application form
2. Application plans
3. Inverclyde Local Plan
4. Consultation responses
5. Written representations
6. Planning applications IC/84/183, IC/84/177, IC/84/147 and IC/87/178



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 Port Glasgow Road, Kilmacolm  
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