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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>3rd March 2010</b>
<b>Report By:</b>	<b>Head of Planning and Housing</b>	<b>Report No:</b>	<b>09/0409/IC Plan 03/10  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 3 No. dwelling houses with garages at the Disused quarry, Port Glasgow Road, Kilmacolm</b>		

## **SITE DESCRIPTION**

The site is a former quarry extending to approximately 0.6ha and lying on the northeast side of Port Glasgow Road, Kilmacolm. To the south east, the site is bound by the house "Marchfield", which delineates the village boundary. To the north is the access road to Kilmacolm Cemetery. Open land lies to the north east and across Port Glasgow Road.

In November 2001 outline planning permission was refused for a similar proposal as :-

- "1. The proposal is contrary to Inverclyde Local Plan policies ENa and Hb which state:  
ENa "Development within the Greenbelt will be opposed unless it is necessary to meet rural needs, agriculture, recreation, forestry or landscape improvement."  
Hb "Residential development within the Greenbelt will be opposed unless it is shown to be in accordance with ENa".
2. The proposal is contrary to approved Structure Plan Policy GB1 in that it would result in an encroachment of development into the countryside within the Greenbelt.
3. The proposal is contrary to Strategic Policy 9 of the Final Draft of the Glasgow & Clyde Valley Joint Structure Plan in that there is no requirement for additional housing land release to meet assessed housing demand.
4. That with reference to the criteria identified in NPPG3 (Land for Housing) in the identification of housing land, the site is inappropriate for development as it would have an adverse impact on the existing landscape character and setting of Kilmacolm.
5. As the proposal would form three driveways onto Port Glasgow Road which carries a 60mph speed limit, to the detriment of road safety."

An appeal to the Scottish Ministers was dismissed. In his decision letter the Reporter concluded that the development is contrary to both the Structure Plan and Local Plan, being located within the Greenbelt. He noted that the Structure Plan confirmed there to be no requirement to release additional land for housing development in Inverclyde for the period until 2011, and as such the emerging reviewed Inverclyde Local Plan would not need to identify land for strategic purposes. Any future consideration of the release of this site should be in the context of the Local Plan, comparing it with other potential sites.

In January 2004 a further outline planning application for the erection of three houses and garages on the site was refused as:-

- "1. The proposal is contrary to Inverclyde Local Plan policy ENa as it is development in the Greenbelt not necessary to meet rural needs, agriculture, forestry or landscape improvements.
2. The proposal is contrary to the Inverclyde Local Plan policy Hb in that it is residential development in the Greenbelt not in accordance with policy ENa of the Inverclyde Local Plan.
3. The proposal is contrary to Strategic Policies 1 and 9 of the Glasgow and the Clyde Valley Joint Structure Plan 2000 as (a) it would result in the spread of the built up area into the Green Belt; (b) it does not promote urban regeneration; and (c) it does not safeguard the Green Belt.
4. The proposal is contrary to Policy DS1 of the Inverclyde Local Plan: First Review Final Draft 2002 which encourages a sustainable development strategy of encouraging all new development on brownfield development land (as defined in the Joint Structure Plan and Final Draft Local Plan), within the urban areas, existing towns and smaller settlements.
5. The proposal is contrary to Policy DS8 of the Inverclyde Local Plan First Review, Final Draft which presumes against development in the Green Belt. Non conforming proposals will only be considered in exceptional circumstances and where the criteria for development in Policy DS10 can be satisfied.
6. The proposal is contrary to Policy DS10 of the Inverclyde Local Plan : First Review, Final Draft in that this development in the Green Belt cannot be supported with reference to any of the following circumstances (i) agriculture/forestry need, (ii) recreation/leisure tourism contribution, (iii) specific locational requirements, (iv) it does not form part of an establishment or institution standing in extensive grounds.
7. The proposal is contrary to Policy H4 of the Inverclyde Local Plan, First Review, Final Draft which supports new housing in the Green Belt where it involves the replacement, conversion or sub division of existing dwellinghouses, where there is an operational business need, where it involves the reuse or redevelopment of large redundant institutions, or where it is part of an integrated project with significant employment and/or economic benefit.
8. That with reference to the criteria identified in NPPG3 (Land For Housing) in the identification of housing, the site is inappropriate for development as it would have an adverse impact on the existing landscape character and setting of Kilmacolm.
9. As the proposed access onto Port Glasgow Road cannot achieve sightlines of 2.5 x 90 x 1.05m to the detriment of road safety.

Some years ago the site was cleared of its dense scrub cover and tree cover. Furthermore, since outline planning permission was refused in 2004 the 30mph speed limit at the entrance to Kilmacolm has been extended to incorporate the site frontage. Previously, Port Glasgow Road, where it fronted the site carried a 60mph limit.

## **PROPOSAL**

Planning permission in principle is sought for the erection of three houses with three integral car garages. A single point of access onto Port Glasgow Road is proposed. The applicant has submitted a statement in support of his proposal. The applicant notes that:-

1. The Local Plan is under review but that the complete process can take up to five years before final approval.
2. The current Local Plan expires this year.
3. The speed limit along the site frontage has been reduced to 30mph and the sightline requirement in the Council's Roads Development Guide can be satisfied.
4. The site should be considered as a brownfield gap site.
5. The economic downturn has decreased developments while demand is increasing.

## **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.

#### 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.

## **CONSULTATIONS**

**Head Of Environmental Services** – No objections subject to a footway crossover being constructed in accordance with the Council's Roads Development Guide and all surface water being intercepted within the development.

**Head Of Safer Communities** - No objections subject to standard contaminated land conditions.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 15th January 2010 as there are no premises on neighbouring land and as it is contrary to the Development Plan.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

Twenty written representations, comprising two objections and 18 in support have been received.

The objectors' concerns are that:-

- 1.The Local Plan identifies the site as Green Belt and the criteria within Policy H4 are not met.
- 2.Two previous applications for housing on the site have been refused. The site was also considered as part of the Inverclyde Local Plan First Review and the Reporter at the Public Local Inquiry did not modify the Plan to enable development.
3. The position, height, elevation and size of the houses is not indicated.
4. There would be noise, nuisance and heavy traffic from the removal of rock.

Those in support of the application consider that the visual amenity of the approach to Kilmacolm would be improved.

## **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 application site was identified as Green Belt in the Inverclyde District Local Plan (1988). This designation was retained in the First Review of the Plan and in the Final Draft Plan (2002) as there was no requirement to release land for housing at the time and because to do so would have an adverse impact on the landscape setting of Kilmacolm. As a consequence the site was the subject of debate at the Local Plan Inquiry in 2004, where the applicant objected to the site's Green Belt status. The Reporter, however, recommended retention of the site in the Green Belt as a housing development at this location would have an adverse effect on landscape setting, even if were to be devoid of vegetation. The Reporter's recommendations were accepted by the Council.

Consequently, the current Local Plan identifies the site as lying within the Green Belt, and Policy DS8 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 comply with criteria (a) to (c). With reference to criteria (f), (g) and (h), the views of the Reporters in examining the previous appeals and at the Public Local Plan Inquiry determine the importance of the entrance to Kilmacolm. While it is noted that the site has been cleared of vegetation, this action should not be accepted as a justification for a change in approach. 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 the 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 in 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.

The Council's PPAN5 provides advice on the design of new housing in the countryside, with particular regard to fitting development into the landform and tree cover. Sites adjacent to or within groups of other buildings will be favoured. These design issues are matters which I consider appropriate to consider in an application for the approval of matters reserved by conditions, in the event that planning permission in principle is granted. 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, the letters of support and the objection letters as they relate to planning policy. I note the applicant considers that this development is brownfield but that is not the position in the Local Plan and also not a position that was supported by the Reporter when the Local Plan was considered at Public Local Inquiry. The fact that the new Local Development Plan may be 5 years away from adoption is not, I consider, a justification for departing from the Inverclyde Local Plan 2005. Indeed, it should be noted that the publication of the new Local Development Plan for consultation is programmed for 2012.

I recognise the applicant's further comments on the physical circumstances of the site, including the fact that the Council has formed a pavement along the site frontage linking it to the village, the speed limit on Port Glasgow Road has been reduced and a small part of the site is not in the Green Belt. However, none of these provide justification for extending housing development into the Green Belt. I also note the view that demand for housing is increasing. This is not a position supported by the Council's Report on the Monitoring and Update of the Local Plan. The appropriate way forward is restricting development in the Green Belt until such time as a 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 in letters of objection and support. The issue of road safety referred to in reason 9 of the 2004 refusal has been satisfactorily addressed. The applicant has submitted a drawing demonstrating that the sightline requirement identified by the Head of Environmental Services can be satisfied. Disturbance and traffic arising from the site works are not material Town planning considerations and any issue of noise can be controlled under Environmental Health legislation. I further note that there are no objections from the Head of Safer Communities on the grounds of noise. Scottish Government Circular 4/2009 confirms that there is no requirement for plans and drawings other than a location plan to be submitted for planning applications in principle. Detailed house designs and positions would require to be the subject of a further application for the approval of reserved matters.

In conclusion, I have assessed all submissions and consider 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.

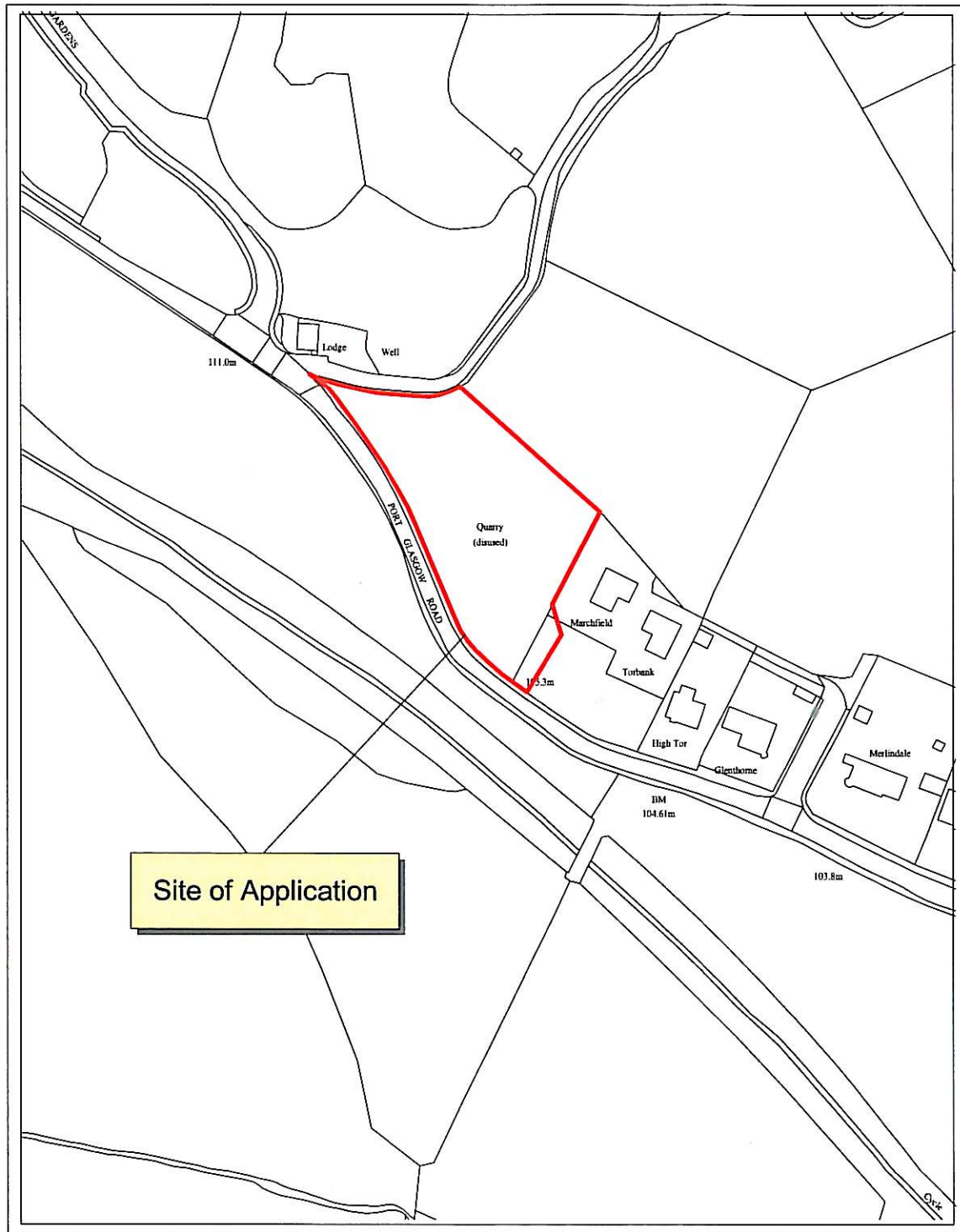
2. The development of three houses at this location would adversely impact on the landscape setting of Kilmacolm and create ribbon development along Port Glasgow Road, all to the detriment of the quality of the landscape setting currently enjoyed.

F. K WILLIAMSON

Head of Planning and Housing

#### BACKGROUND PAPERS

1. Application Form
2. Application plans
3. Glasgow & the Clyde Valley Joint Structure Plan
4. Inverclyde Local Plan
5. Scottish Government SPP
6. Consultation Responses
7. Written representations
8. Planning applications IC/03/420 and IC/01/268



Site of Application

Drawing No. 09/0409/IC  
 Port Glasgow Road, Kilmacolm  
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 Date: 11:02:10



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