

**Local Review Body**

**4 August 2010**

**Planning Application for Review**

**Mr James Madden**

**Erection of 3 dwellinghouses with 3-car internal garages**

**Disused Quarry, Port Glasgow Road, Kilmacolm (09/0409/IC)**

**Contents**

- Planning Application and plans (NB plans circulated separately)
- Report of Handling dated 8 March 2010
- Consultation Responses
- Representations
- Decision Notice dated 9 March 2010
- Letter dated 1 June 2010 from Canata & Seggie, Chartered Architects enclosing Notice of Review form, letter/supporting document dated 10 May 2010, site photographs and sample photographs and site location plan (NB plan circulated separately)  
(NB although the Notice of Review indicates new material has been raised, the applicant's agent has subsequently confirmed that no new information has been submitted)
- Suggested conditions should planning permission be granted on review

Planning and Housing  
Development Control & Conservation  
**Inverclyde**  
council

Head of Planning and Housing  
Cathcart House  
6 Cathcart Square  
Greenock PA15 1LS

23 DEC 2009

4552

FOR OFFICIAL USE ONLY	
Reference No.	08/0409/16
Date of Receipt	23/12/09
Fee Paid	£1,740
Date Fee Received	23/12/09
Date Valid	
Receipt No.	402

## PLANNING APPLICATION

Town & Country Planning (Scotland) Acts

The undemoted applicant hereby makes application for Planning Permission for the development described on this form and the accompanying plans.

see note 1

1. Particulars of Applicant	Particulars of Agent (if any) acting on applicants behalf:
Name <u>JAMES MADDEN</u>	Name .....
Address <u>9 B BEATRICE GARDENS</u>	Address .....
<u>HOUSTON</u> Postcode <u>PA6 7ES</u>	..... Postcode .....
Telephone Number .....	Telephone Number .....
	Profession .....

see note 2

2. Description of Development	
<u>ERECTION OF 3 NO. DWELLING HOUSES WITH 3 CAR</u>	
<u>INTEGRAL GARAGES</u>	
Site Location <u>DISUSED QUARRY, PORT GLASGOW ROAD, KILMACOLM.</u>	
Site Area (hectares) <u>0.6043</u>	Number of dwellinghouses proposed <u>3</u>
	New gross floorspace (sq. metres) <u>12000</u>

see note 3

3. Application Type (Tick appropriate box/es)			
(a) Outline Permission	<input checked="" type="checkbox"/>	(c) Detailed Permission	<input type="checkbox"/>
(b) Approval of Reserved Matters	<input type="checkbox"/>	(d) Change of Use of land/buildings	<input type="checkbox"/>
(e) Other (please specify) .....			

see note 4

4. Applicants interest in site (Tick appropriate box)			
(a) Owner	<input checked="" type="checkbox"/>	(c) Tenant	<input type="checkbox"/>
(b) Lessee	<input type="checkbox"/>	(d) Prospective Purchaser	<input type="checkbox"/>
(e) Other (please specify) .....			

Revision 'A' - November 2008  
Revision 'B' - December 2008  
Revision 'C' - July 2009  
Revision 'D' - October 2009

see note 5

5. Existing Uses

(a) Please state the existing use(s) of the land/buildings: DISUSED QUARRY

(b) Was the original building erected before 1st July 1948? Yes / No

Has the original building been altered or extended Yes / No

If yes, please indicate nature of alteration / extension and if possible approximate dates.....

If the land / buildings are vacant, please state last known use..... QUARRY

see note 6

6. Access Arrangements and Parking (Tick appropriate box/es)

(a) Not Applicable  (e) Number of existing on site parking places

(b) New vehicular access proposed  (f) Number of proposed on site parking places 15

(c) Existing vehicular access to be altered / improved  (g) Detail of any available off site parking

(d) Separate pedestrian access proposed

see note 7

7. Drainage Arrangements (Tick appropriate box/es)

(a) Not Applicable  (c) Connection to existing public sewer

(b) Public Sewer  (d) Septic Tank

If (d), indicate method of disposal of effluent (e.g. soakaway, watercourse etc).....

see note 8

8. Water Supply (Tick appropriate box/es)

(a) Not Applicable  (c) Existing private supply

(b) Public Main  (d) Proposed private supply

If (c) or (d), please specify nature of supply source and proposed storage arrangements.....

see note 9

9. Building Materials (Complete as appropriate)

- (a) Not Applicable  **TO BE DISCUSSED AT A LATER DATE IF OUTLINE PLANNING IS GIVEN**
- (b) Outside Walls Material.....  
Colour.....
- (c) Roof Covering Material.....  
Colour.....
- (d) Windows Material.....  
Colour.....
- (e) Boundary Treatment Material.....  
Colour.....

see note 10

**10. Landscaping**

Is a landscaping/tree planting scheme proposed?

Yes  No

Are any trees/shrubs to be cleared on site?

Yes  No

If yes, please show details of scheme on a SITE PLAN

see note 11

**11. Costings**

What is the estimated costs of any works to be carried out?

£ 1,200,000.

see note 12

**12. Confirmation**

Signature of applicant/agent.....

on behalf of.....

Date 22-12-09

see note 13

**CERTIFICATES UNDER ARTICLE 15 OF THE TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE)(SCOTLAND) REGULATIONS 2008**

Either certificate A, B or C must be completed together with certificate E

**CERTIFICATE A** (To be completed where the applicant is owner of the whole application site including any access visibility splays and land required for drainage systems or water connections)

I hereby certify that:

No person other than \* myself/the applicant was an owner (refer to note (a)) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application

**CERTIFICATE B** (To be completed where the applicant does not own the whole application site including any access visibility splays and land required for drainage systems or water connections)

I further certify that:

\* I have/the applicant has given the requisite notice (Notice No.1) to all persons other than \* myself / the applicant who at the beginning of the period of 21 days ending with the date of the accompanying application were (refer to note (a)) owners of any part of the land to which the application relates.

Name(s) of Owner

Address(es)

Date of Service of Notice(s)

.....	.....	.....
.....	.....	.....
.....	.....	.....

\* Delete whichever is inappropriate

NOTE (a) Any person who in respect of any part of the land is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 7 years remains unexpired.

**CERTIFICATE C (To be completed in EVERY CASE)**

I further certify that:

\* (1) None of the land to which the application relates constitutes or forms part of an agricultural holding

\* (2) I have/the applicant has given the requisite notice to every person other than myself/himself who at the beginning of the period of 21 days ending with the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates

These persons are:  
Name(s)

Address(es)

Date of Service  
of Notice(s)

.....  
.....  
.....

.....  
.....  
.....

.....  
.....  
.....

**CERTIFICATED**

I confirm that I have been unable to notify all parties under Certificates A, B and C

\* Delete whichever is inappropriate

Signature of Applicant/Agent .....

On behalf of .....

Date 22-12-09 .....

see note 15

**CHECKLIST - The following documentation should be submitted:**

please tick all boxes

TWO APPLICATION FORMS

FOUR SETS OF PLANS

FEE (Where appropriate)

DESIGN & ACCESS STATEMENT  
(National and Major applications only)

PRE-APPLICATION CONSULTATION REPORT  
(National and Major applications only)

**WARNING**

If any person issues a certificate which purports to comply with the requirements of Section 35 of The Town and Country Planning (Scotland) Acts, and contains a statement which he knows to be false or misleading in a material particular or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revision 'A' - November 2008  
Revision 'B' - December 2008  
Revision 'C' - July 2009  
Revision 'D' - October 2009

**REPORT OF HANDLING**

Report By: Guy Phillips

Report No: 09/0409/IC

Local Application  
Development

Contact  
Officer: 01475 712422

Date: 8th March 2010

Subject: Erection of 3 No. dwelling houses with 3-car internal garages at  
Disused Quarry Port Glasgow Road Kilmacolm

**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 x1.05m 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.

## **DECISION**

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.

Signed:

Case Officer: Guy Phillips

<sup>m</sup> F. K WILLIAMSON  
Head of Planning and Housing




M E M O R A N D U M

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To: Nick McLaren, Development Management and Building Standards Manager      Date: 1 February 2009

From: Fergus Macleod, Planning Policy and Housing Manager      Our Ref: C.1.1

 Ron Gimby, x 2491      Your Ref: 09/0409/IC

Subject: **Erection of 3 No. dwelling houses with 3 car integral garages, Disused Quarry, Port Glasgow Road, Kilmacolm**

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I refer to your consultation request seeking observations on the above proposal. I have the following comments to make:

Background

I believe that 2 outline planning applications for the erection of 3 dwellings have been refused on this site, the first one having also been dismissed on appeal in May 2002. The site was also considered at the Public Local Inquiry into the Inverclyde Local Plan in 2004. On this occasion the Reporter recommended that there be no modification to the Local Plan for reasons that the development would have an adverse impact upon the landscape setting, it would form ribbon development and there was no requirement for mainstream housing to be allocated in Kilmacolm. The Council accepted the Reporter's recommendation, and the site was retained in the Green Belt.

Local Plan Policy and Assessment

A small part of the south eastern corner of the site is within the settlement boundary of Kilmacolm:

Policy H1 (Safeguarding the Character and Amenity of Residential Areas) – This policy safeguards and where possible enhances the character and amenity of existing residential areas, and allows for new residential development, in principle, subject to other Local Plan policies. The part of the site covered by this policy is however too small for the development of a dwelling house.

The remainder of the site is located within the Green Belt:

Policy DS8 (Green Belt) – This policy presumes against development in the Green Belt. Proposals will only be considered favourably in exceptional or mitigating circumstances, and where the criteria in policy DS10 can be satisfied.

Policy DS10 (Countryside) – Development will only be permitted if it can be supported with reference to the criteria within this policy.

- a) The proposal is not required for the purposes of agriculture or forestry.
- b) The application is not for a recreation, leisure or tourism proposal.
- c) There is no specific locational requirement, and the proposal for 3 houses has the potential to be located on an alternative site.
- d) The proposal does not involve the re-use of vacant buildings.
- e) The proposal does not form part of an establishment or institution standing in extensive grounds.
- f) As the application is for planning permission in principle, it is difficult to consider its full impact on the landscape character, although it should be noted that the Reporter at the Local Plan Inquiry in 2004 concluded that it would have an adverse impact upon the landscape setting.
- g) The proposal will not impact upon natural heritage resources.
- h) As the application is for planning permission in principle, the effect on the visual amenity of the area is difficult to assess, although it may be capable of a degree of mitigation due to its location in the former quarry.
- i) There is no identified need for additional housing land for development purposes.
- j) The proposal does not comply with policy H4 (see below).

Overall the proposal cannot therefore be supported with reference to the above criteria.

Policy H4 (Proposals for Development in the Green Belt and Countryside) – This policy supports new dwellings in the Green Belt if it is for a single or small group of dwellings, falls within one of the following categories and is acceptable with reference to PPAN 5.

- a) It does not involve demolition and replacement of a house.
- b) It does not involve a conversion.
- c) It has not been justified by the operational needs of a farm or other rural business.
- d) It does not involve the subdivision of an existing building.
- e) It does not involve the re-use of a redundant institution.
- f) It is not part of an integrated project.

The proposal does not fall within any of these categories and therefore cannot be supported by Local Plan policies.

### Recommendation

The proposal does not satisfy the majority of the criteria identified within policy DS10 nor the categories within policy H4, and therefore is contrary to the Local Plan. I would suggest that the applicant be advised that a Green Belt review is being undertaken as part of the review of the Local Plan, and Mr Madden's views on this land will be considered in the assessment. This is the most appropriate mechanism to address any proposed change to the Green Belt boundary. The first Local Development Plan

document to be published which will identify the Council's preferred Green Belt boundary will be the Main Issues Report, anticipated in spring of 2011, and further representations will also be able to be made by Mr Madden at this stage.



Memorandum Safer Communities Planning Application Consultation Response	
To: Planning Services For the Attention of Guy Phillips	
From: Safer Communities	Date of Issue to Planning: 04.02.10

Lead Officer: Janet Stitt	
Tel: 01475 714 270	Email: janet.stitt@inverclyde.gov.uk

Safer Communities Reference (optional):	XX/XXXXX/EHCOPL
Planning Application Reference:	09/0409/IC
Planning Application Address:	Port Glasgow Road Kilmacolm
Planning Application Proposal:	Erection of 3 dwelling houses

Team	Officer	Date
Food & Health	Michael Lapsley	N/A
Environment & Safety <i>Contaminated Land</i>	Sharon Lindsay Roslyn McIntosh	04/02/10 04/02/2010
Public Health & Housing	Janet Stitt/	29/01/10
Environment and Enforcement	Stewart Mackenzie	03/02/10

*Amend table entries as appropriate and insert date when each officer review is completed.*



Healthy  
Working  
Lives



**Recommended Conditions:**

It is recommended that the undernoted conditions be placed on any consent the council may grant:

*Delete or amend as appropriate*

**Food & Health**

No Comments

**Environment & Safety**

No Comments

**Contaminated Land**

1. 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 treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the planning authority prior to development starting on site.

Reason: To help arrest the spread of Japanese Knotweed in the interests of environmental protection.

2. That the development shall not commence until an environmental investigation and risk assessment, including any necessary remediation strategy with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options.

Reason: To satisfactorily address potential contamination issues in the interests of environmental safety.

3. That on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the Planning Authority, confirming that the works have been carried out in accordance with the remediation strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site.

Reason: To provide verification that remediation has been carried out to the authority's satisfaction.

4. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the planning authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.

Reason: To ensure that all contamination issues are recorded and dealt with appropriately.

5. That no material shall be imported onto the site until written details of the source and intended reuse of the imported materials has been submitted for approval, in writing by the Planning Authority. The report shall characterise the chemical quality (including soil-leachate and organic content etc), volume and source of the imported materials with corresponding cross-sections and plans indicating spatial distribution and depth/thickness of material placement within the development site.

Reason: To protect receptors from the harmful effects of imported contamination.

**Public Health & Housing**

The applicant shall submit to the Head of Planning Services a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the residential accommodation shall not commence until the above details are approved in writing by the Head of Planning Services and the equipment and any structural changes are in place.

Reason: To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.

#### **Environment and Enforcement**

6. The applicant must consult or arrange for their main contractor to consult with either Stewart Mackenzie or Emilie Smith at Inverclyde Council, Safer Communities (01475 714200), prior to the commencement of works to agree times and methods to minimise noise disruption from the site.

Reason: To minimise the effects of vibration within the properties.

### **Recommended Advisory Notes**

It is strongly recommended that the undernoted Advisory Notes be placed on any consent the Council may grant:

- i. **Site Drainage:** Suitable and sufficient measures for the effective collection and disposal of surface water/ground water should be implemented during construction phase of the project as well as within the completed development to prevent flooding within this and nearby property.
- ii. The applicant should be fully aware of the **Construction (Design & Management) Regulations 2007 (CDM 2007)** and it's implications on client duties etc.
- iii. **Surface Water / Ground Water:** Any SUDS appraisal must to give appropriate weight to not only any potential risk of pollution to watercourses but to suitable and sufficient measures for the effective collection and disposal of surface water / ground water to prevent flooding.
- iv. Measures should be implemented during the construction phase of the project as well as the within the completed development to prevent flooding within the application site and in property / land nearby.
- v. **Septic Tanks:** Should the premises be served by a septic tank, it will be necessary to ensure that the capacity of the tank is sufficient to deal with any additional demand and that the maintenance and emptying regime is modified accordingly.

## Contact Details

Name Kilmacolm Community Council  
Address 1 c/o Colin McGinn (Secretary)  
Address 2 "Ardgour", Woodrow Ave  
Town Kilmacolm  
County Inverclyde  
Postcode PA13 4QF  
Telephone  
E-mail  
Fax

## Enquiry Details

Planning  
Application Site 09/0409/IC Disused Quarry, PG Rd, Kilmacolm  
Address:

Nature of Enquiry: Comments

09/0409/IC - Disused Quarry, PG Rd - Erection of 3 No. dwelling houses with 3-car internal garages.  
At the Kilmacolm Community Council Meeting on Tuesday 26th January 2010, this planning application was discussed.  
In principle, KCC is supportive of the application, but has reservations about the access to/from the site from PG Rd due to limited sight-lines. This potential issue will surely be obvious to the Planning Dept and Roads Dept, but nonetheless we bring it your attention to ensure that a safe solution can be defined.

What are your comments?

How can we help? (your question)

**KILMACOLM CIVIC TRUST  
(Scottish Charity No SCO 32744)**

30 Whitelea Crescent  
Kilmacolm  
PA13 4JP

Mr F K Williamson  
Head of Planning Services  
Inverclyde Council  
Cathcart House  
6 Cathcart Square  
GREENOCK  
PA15 1LS

1 February 2010

Dear Mr Williamson

**PLANNING APPLICATION: 09/0409/IC Outline planning application to build 3 houses, each with internal garages for 3 cars, Disused Quarry, Port Glasgow Road, Kilmacolm**

The Kilmacolm Civic Trust has considered this application

The site lies within the Greenbelt as set out in the Approved Inverclyde Local Plan.

This site has been the subject of previous applications which have been considered and refused. It was also considered as part of the Inverclyde Local plan First Review where the Inspector made no modification to the plan to enable development.

The circumstances for considering the site remain unchanged; the arguments against development are still robust. In particular the site is within the green belt and the criteria in the Local Plan Policy H4 are not met by this proposal. In addition the Trust is strongly of the view that development of the site would change in a detrimental manner the entrance to the village.

The Kilmacolm Civic Trust in considering this application is of the view that the rationale outlined by the Inspector Mr Henderson in his Report into objections to the Inverclyde Local plan First Review Final Draft 2002 Volume 2: Housing for Kilmacolm, Port Glasgow Road: former Quarry, paras 7.462 - 7.470 remains unchanged.

Therefore, the Kilmacolm Civic Trust strongly object to this application.

Yours Sincerely,

John Watson (Vice Chair – Planning)

Martin Law  
19 Clydeview Rd  
GREENOCK

I AM WRITING THIS LETTER ABOUT PLANNING PERMISSION IN  
KILMACOLM TO BUILD 3 HOUSES. IN QUARRY I THINK THAT IT  
SHOULD BE GRANTED AND DON'T SEE ANY REASONS WHY IT  
SHOULD NOT BE.

Yours Sincerlly  
M. Law

TRANSCRIBED FROM ORIGINAL LETTER

Emma Wilson  
128 Slaemuir Av  
Port Glasgow  
PA14 6NQ

To the planning officer,

I saw the recent advert in the Greenock telegraph about planning permission to build 3 houses in the old Quarry in Port Glasgow Road in Kilmacolm.

I don't see any reason why permission should not be granted as it would make it look a lot better with something nicer to look at when driving into Kilmacolm.

Yours Sincerlly  
Emma Wilson

TRANSCRIBED FROM ORIGINAL LETTER



Mr & Mrs Forbes  
12 Hope Street  
Flat 1/3  
Greenock  
PA15 4AN

We noticed your advert in the Greenock Telegraph regarding planning permission and we think that permission should be granted for building three houses in the old quarry in Port Glasgow Road Kilmacolm. As we frequently pass by there and it would be better to see these houses built, rather than lots of rocks and bushes, and to be quite honest with nothing on it it looks like a dumping site. So building these houses would be a lot better looking for the area and would really make a difference where you are entering the cemetery and Kilmacolm.

Yours sincerely  
Mr & Mrs Forbes

TRANSCRIBED FROM ORIGINAL LETTER

7 Southfield Ave  
PORT GLASGOW  
PA14 6PW

To Whom It May Concern

In reply to the advertisement in the GREENOCK TELEGRAPH concerning the building of houses on the land as you approach Kilmacolm this would be a very good thing for the town as at this moment in time the land is nothing but an eyesore on the environment and anyone passing would think it is a tipping area.

Therefore the building of homes would be a vast improvement.

Mrs P McCormick

TRANSCRIBED FROM ORIGINAL LETTER

M. Stewart  
5 Southfield Ave  
PORT – GLASGOW  
Inverclyde  
PA14 6PW

To whom it may concern

I noticed in the Greenock Telegraph an advert for Planning permission for the Old Quarry on Port – Glasgow Road Kilmacolm.

I do not see why permission cant be given as it would improve the view when you are travelling into the area because when you are entering the area the land as it stands does not look much. So I think the permission should be given.

Yours sincerely  
M Stewart

TRANSCRIBED FROM ORIGINAL LETTER

S STEWART  
150 AUCHENBOTHIE RD  
PORT GLASGOW  
PA14 6JE

PLANNING HOUSING  
BUSINESS CENTRE  
CATHCART HOUSE  
6 CATHCART SQUARE  
GREENOCK  
PA15 14S

I THINK THAT PLANNING PERMISSION SHOULD BE GIVEN AT  
THE SITE ON PORT GLASGOW RD KILMACOLM AS IT WOULD  
IMPROVE THE LOOK GOING INTO THE VILLAGE AND WOULD  
ALSO BRING WORK TO THE AREA.

S Stewart

TRANSCRIBED FROM ORIGINAL LETTER

PLANNING HOUSING  
BUSINESS CENTRE  
CATHCART HOUSE  
6 CATHCART SQUARE  
GREENOCK  
PA15 14S

MRS MARGARET STEWART  
150 AUCHENBOTHIE RD  
PORT GLASGOW  
PA14 6JE

DEAR SIR

I THINK THAT PLANNING PERMISSION SHOULD BE GIVEN AT THE OLD QUARRY SITE ON PORT GLASGOW RD KILMACOLM FOR HOUSES WITH INTERM GARAGES. AS IT WOULD THE IMAGE LOOK, AT GOING INTO THE VILLAGE AND ALSO BRING SOME WORK TO THE AREA FOR LOCALS.

YOURS FAITHFULLY  
M Stewart

TRANSCRIBED FROM ORIGINAL LETTER

PLANNING HOUSING  
BUSINESS CENTRE  
CATHCART HOUSE  
6 CATHCART SQUARE  
GREENOCK  
PA15 14S

MRS C TANNAHILL  
148 AUCHENBOTHIE RD  
PORT GLASGOW  
PA14 6JE

Dear Sir,

I Think planning permission should be granted at the old quarry site on Port Glasgow Road Kilmacolm for houses with Intern Garages . This would improve the image when driving into the village and could also bring work and business to the area.

Yours faithfully  
Mrs C Tannahill

TRANSCRIBED FROM ORIGINAL LETTER

PLANNING HOUSING  
BUSINESS CENTRE  
CATHCART HOUSE  
6 CATHCART SQUARE  
GREENOCK  
PA15 14S

MR W. TANNAHILL  
148 AUCHENBOTHIE RD  
PORT GLASGOW  
PA14 6TE

31/1/10

DEAR SIR,

I THINK PLANNING PERMISSION SHOULD BE GIVEN AT THE  
OLD QUARRY SITE ON PORT GLASGOW ROAD KILMACOLM.  
FOR HOUSES WITH INTERM GARAGES, THIS WOULD MAKE A BIG  
IMPROVEMENT TO THE IMAGE WHEN DRIVING INTO THE VILLAGE AND  
COULD ALSO BRING WORK AND BUSINESS TO THE VILLAGE AND  
SURROUNDING AREA.

YOURS FAITHFULLY

WILLIAM TANNAHILL  
(SIGNED)

TRANSCRIBED FORM ORIGINAL LETTER.

160 Auchenbothie Road  
PORT GLASGOW  
PA14 6JE  
29<sup>th</sup> January 2010

Planning, Housing & Building Centre  
Cathcart House  
6 Cathcart Street  
GREENOCK

Dear Sirs

In response to the advertisement for building Three houses at The Old Quarry, Port Glasgow Road, Kilmacolm, I feel that planning permission should be granted in this instance.

Yours faithfully,

(Mrs) ELSPETH STIRLING

02 FEB 2010

4996  
09/04/09/10  
CP



160 Auchenbothle Road  
PORT GLASGOW  
PA14 6JE  
29<sup>th</sup> January 2010

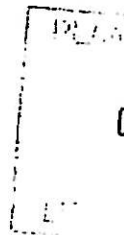
Planning, Housing & Building Centre  
Cathcart House  
6 Cathcart Street  
GREENOCK

Dear Sirs

In response to the advertisement for building Three houses at The Old Quarry, Port Glasgow Road, Kilmacorn, I feel that planning permission should be granted.

Yours faithfully,

JAMES STIRLING



02 FEB 2010

4997

09/0409/10  
G

186  
Planning Housing Building Standards  
Cathcart House,  
6 Cathcart Square  
Greenock  
PA15 1LS

Your own address details

Dear Sir or Madam

I am writing to advise you that I am in favor of the three houses being built on the Old Quarry at Port Glasgow road Kilmacolm

Dear Sir or Madam

In my opinion approval should be given to the planning application for the erection of three houses in the Quarry at Port Glasgow Road Kilmacolm

Dear Sir or Madam

I think that planning approval should be granted for the houses to be built in the quarry in Port Glasgow road Kilmacolm

Please Sign all letters

CAIRNBARNA  
HIGH ST  
KILMACOLM PA15 4BP

05 FEB 2010 U✓  
5046  
69/0409/10  
GP

10 Myreton Avenue  
KILMACOLM  
PA13 4LJ

29<sup>th</sup> January 2010

Planning Housing Development Control  
Inverclyde House  
Cathcart House  
6 Cathcart Square  
GREENOCK  
PA15 1LS

Ex-Quarry Site, Port Glasgow Rd, Kilmacolm

Dear Sirs,

Having been a resident in Kilmacolm for 23 years, I believe that the ex-quarry site on Port Glasgow Road should be developed by building several good quality houses.

The site is within the village housing area, safe access off/on road from the Cemetery road, Clear sight lines, design in keeping with local houses, potential investment in community and refurbishing a vacant piece of land.

I trust my comments will receive your Committee's full attention.

Yours sincerely,

Robert Winning.

11/1/10 10:00

5116.  
09/0409/10  
GP

10 Myreton Ave  
Kilmacolm  
PA13 4LJ

Planning Housing Development Control  
Cathcart House  
6 Cathcart Sq.  
Greenock  
PA15 1LS

29<sup>th</sup> January 2010

Dear Sirs,

Old Quarry Site at Port Glasgow Rd, Kilmacolm.

With reference to the above property in Kilmacolm, I would support an Application to build a few houses to tidy up the approach to the village and show a much needed commitment of local investment.

Yours sincerely,

Patricia C Winning.

17 JAN 2010

UV

5117

09/02/10  
GP

PLANNING HOUSING BUILDING STANDARDS  
CATHCART HOUSE  
6 CATHCART SQUARE  
GREENOCK  
PA15 1LS

HAZEL WOODROW  
WESTFIELD  
WEST GLEN ROAD  
KILMACOLM  
PA13 4PH

09.02.10

Dear Sir or Madam

In my opinion approval should be given to Mr. Madden for outline planning for three houses in the old Quarry Port Glasgow Road Kilmacolm

Yours Sincerely

Hazel Woodrow

11 FEB 2010

UV

5152

09/04/10

PLANNING HOUSING BUILDING STANDARDS  
CATHCART HOUSE  
6 CATHCART SQUARE  
GREENOCK  
PA15 1LS

PETER WOODROW  
CAIRNBANN  
HIGH STREET  
KILMACOLM  
PA13 4BP

09.02.10

Dear Sir or Madam

I have viewed the request from Mr. Madden for outline planning permission for three houses with garages at the old quarry Port Glasgow Kilmacolm.

I firmly believe that planning permission should be granted with respect to this site.

I am also rather pleased that only three houses are served to be built as opposed to a larger scale housing development.

I believe that the development of this site will serve to enhance the area and entrance to Kilmacolm.

Yours Sincerely

Peter Woodrow

U✓  
11 FEB 2010

5153

09/04/09/10

PLANNING HOUSING BUILDING STANDARDS  
CATHCART HOUSE  
6 CATHCART SQUARE  
GREENOCK  
PA15 1LS

LORRAINE WOODROW  
CAIRNBANN  
HIGH STREET  
KILMACOLM  
PA13 4BP

09.02.10

Dear Sir or Madam

I have viewed the request from Mr. Madden for outline planning permission for three houses with garages at the old quarry Port Glasgow Kilmacolm.

I firmly believe that planning permission should be granted with respect to this brown field site.

I believe that the development of this site will serve to enhance the area and entrance to Kilmacolm.

Yours Sincerely

Lorraine Woodrow

11 FEB 2010

U✓

5154

09/0409/10

# Application Comments for 09/0409/IC

## Application Summary

Application Number: 09/0409/IC

Address: Disused Quarry Port Glasgow Road Kilmacolm

Proposal: Erection of 3 No. dwelling houses with 3-car internal garages

Case Officer: Guy Phillips

## Customer Details

Name: Mr. Ian McCallum

Address: Ashdown, Hazelmere Road, Kilmacolm PA13 4JW

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the application on the grounds that this will infringe the green belt at the entrance to the village and is likely to lead to further development in the immediate surroundings.

This proposal is not in accord with the approved Local Plan and should be refused on this basis alone.

Although this application is for permission in principle only the following information should be provided so that proper judgement can be made. Without this the application, as it stands, should be refused.

1. Proper details of the proposed new access since it is very close to virtually blind corners on the Port Glasgow road.
2. The position, height, elevation and size of the houses is not indicated in any way other than a total floor area which is meaningless.
3. The volume of rock which will have to be removed to provide building plots should be declared. This is particularly important because of the associated noise, nuisance and heavy traffic which will be caused. The duration of the rock removal phase should be specified.

Yours sincerely,

Ian McCallum



# DECISION NOTICE

## *Refusal of Planning Permission* Issued under Delegated Powers

Inverclyde  
council

Planning and Housing  
6 Cathcart Square  
Greenock PA15 1LS

09/0409/IC

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)**  
**(SCOTLAND) REGULATIONS 2008**

Mr James Madden  
9B Beatrice Gardens  
Houston  
PA6 7ES

With reference to your application dated 23rd December 2009 for planning permission under the above mentioned Act and Regulation for the following development:-

**Erection of 3 No. dwelling houses with 3-car internal garages at**

**Disused Quarry, Port Glasgow Road, Kilmacolm**

**Category of Application Local Application Development**

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

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.

The reason why the Council made this decision is explained in the attached Report of Handling.

**Dated this 9th day of March 2010**

**Head of Planning and Housing**

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months from the date of this notice. The request for review shall be addressed to **The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.**
- 2 If permission to develop land is refused or granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

**Refused Plans:**

**Drawing No:**

**Version:**

**Dated:**

JM/SP100

14.12.2009

90M

01.02.2010

2004/DN

INVERCLYDE COUNCIL  
HEAD OF LEGAL AND ADMINISTRATION  
MUNICIPAL BUILDINGS  
GREENOCK  
PA15 1LY  
FOR THE ATTENTION OF RONA MCGHEE



01 June 2010

Dear Sirs,

**APPEAL TO INVERCLYDE COUNCIL LOCAL REVIEW BOARD ON THE REFUSAL OF PLANNING PERMISSION FOR THE PROPOSED ERECTION OF THREE HOUSES WITH GARAGES (IN OUTLINE) AT FORMER QUARRY, PORT GLASGOW ROAD, KILMACOLM.**

Further to our telephone conversation yesterday, please find attached the new completed Notice of Review Form, as requested.

We trust that this is in order.

Yours faithfully,

**D. NICHOLSON B.Arch (Hons.) M.Arch. RIBA. ARIAS.**

\\theserve\projects\2000-2049\2004 - jim madden - planning appeal for quarry site, kilmacolm\letters\letter with new notice of review form.doc



INVESTOR IN PEOPLE

e-mail: [info@canseg.co.uk](mailto:info@canseg.co.uk)

web: [www.canseg.co.uk](http://www.canseg.co.uk)

INTERIOR DESIGNERS • PROJECT MANAGERS • CDM CO-ORDINATORS

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# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be through this representative:

Yes  No

\* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

WE BELIEVE THAT THERE ARE ISSUES WHICH ARE MATERIAL BUT WHICH WERE NOT ADDRESSED IN THE REPORT OF HANDLING. THESE ISSUES ARE DESCRIBED IN OUR SUBMISSION.

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

REFER TO LETTER DATED 10 MAY 2010.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes  No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

THERE WAS NO OPPORTUNITY TO RAISE OR DISCUSS THESE ITEMS PRIOR TO THE DECISION TO REFUSE BEING TAKEN.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

LETTER / SUPPORTING DOCUMENT DATED 10 MAY 2010  
 SITE PHOTOGRAPHS & SAMPLE PHOTOGRAPHS P1 - P7  
 SITE LOCATION PLAN.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

FOR CANATA & JEGGIE

Date

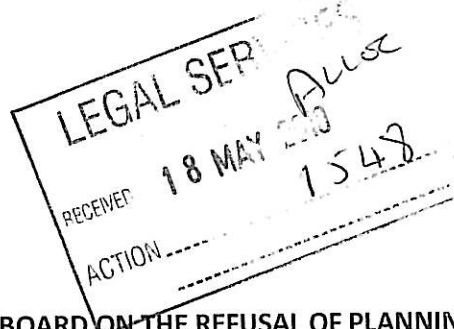
10 MAY 2010

2004/VC

INVERCLYDE COUNCIL  
HEAD OF LEGAL AND ADMINISTRATION  
MUNICIPAL BUILDINGS  
GREENOCK  
PA15 1LY

10<sup>th</sup> May 2010

Dear Sir,



**APPEAL TO INVERCLYDE COUNCIL LOCAL REVIEW BOARD ON THE REFUSAL OF PLANNING PERMISSION  
FOR THE  
PROPOSED ERECTION OF THREE HOUSES WITH GARAGES (IN OUTLINE) AT FORMER QUARRY, PORT  
GLASGOW ROAD, KILMACOLM.**

Planning Consent for the above proposal was refused under delegated powers by the Planning and Housing Department on the 9<sup>th</sup> March 2010.

The Department's views are fully explained and argued in their Report of Handling dated the 8<sup>th</sup> March 2010.

**The reasons for refusal are:**

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 the landscape setting of Kilmacolm and create a ribbon development along Port Glasgow Road, all to the detriment of the quality of the landscape setting currently enjoyed.

**Grounds for Appeal:**

1. Policies DS10, H4 and DS8

The site, although partly lying within the Green Belt, is effectively a Brown Field site. This has been confirmed by the Scottish Office Reporter in his summation in the former appeal documents.

The site is a former quarry and as such is of no agricultural use as it has a rock bed that will not support useful plant growth.

The site is sandwiched between and adjacent to the residential property 'Marchbank' at the edge of the Kilmacolm settlement boundary to the south east and 'Auchenbothie Lodge' to the north. It is bounded to the south west by Port Glasgow Road (A761) and to the rear, north west, by the road to Kilmacolm cemetery. It is in effect a self contained infill/gap site. The Scottish Office Reporter, in the former appeal, concluded that the site was appropriate as an extension to the built up area.



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Scottish Natural Heritage do not consider that the development of the site would have any adverse impact on natural heritage or landscape interests. In fact SNH concluded that the Green Belt boundary would be made more robust if it were taken around the quarry site. Scottish Water have no objections.

The redevelopment of the site can be fully justified in terms of the policies of the Glasgow and Clyde Valley Joint Structure Plan, and in the interest of the proper planning of the area. It is the Government's and Inverclyde Council's policy as stated in the local plan that preference should be given to the reuse of brown field sites. The aim of Strategic Policy 9 is to 'promote urban regeneration by giving preference to the use of brown field urban land rather than green field or open space'.

The site is therefore an appropriate extension to the settlement. The development of three houses is insignificant in terms of land area and housing numbers. In addition its position contained within two public roads, would support its development as an extension to the built up area. Its accessibility to the village centre, bus routes and its sheltered south west facing aspect all offer advantages in terms of sustainability.

**There are therefore clear mitigating circumstances supporting the principle of development on this site and the proposal should therefore not be viewed against the criteria in Green Belt Policies DS10 and H4 and therefore not taken as contrary to Policy DS8 of the Inverclyde Local Plan.**

## 2. Landscape Setting and Ribbon Development

The site is a disused Quarry, which cannot support worthwhile/attractive plant growth. Exposed 7 metre high quarry faces are plainly visible from the approach road to Kilmacolm. The general impression is one of an unsightly derelict area that detracts from the rural landscape at a prominent entrance to the village (see photographs P3 –P4 – P5).

This view is supported by the fact that Scottish Natural Heritage have no objection to the proposal and that eighteen letters in support of the Application were received by the Planning and Housing Department as opposed to only two letters of objection. Kilmacolm Community Council did not object to the proposal.

Planning Authorities should be responsive to local needs and promote change in the wider community interest. The large number of people supporting the proposal indicates a high level of interest in removing this area of dereliction and enhancing the gateway to Kilmacolm. Normally it is objectors who take the time to voice their concerns, it is significant in this case that the large majority of the public who took the time to make their views known were in fact in favour of the development.

It is clearly demonstrated by photographs P1 and P2 that the gateway to Kilmacolm is at Auchenbothie Lodge on the A716. The attractive landscaping, the Kilmacolm signpost and Auchenbothie Lodge itself signals the entrance to Kilmacolm.

What immediately follows is the unsightly derelict quarry (see photographs P3, P4 and P5) instead of, as one would expect, an area of high amenity.

In architectural and townscape terms, the development of the quarry would be totally in accord with good planning policy and provide an enhanced gateway to the village.

In reinforcement of the above view a footpath with street lighting has now been formed along the complete south west boundary of the quarry linking the residential village edge with Auchenbothie Lodge.

Trunk roads therefore view the village as extending to Auchenbothie Lodge.

**The settlement boundary of Kilmacolm should therefore logically be at the Kilmacolm signpost. The fact that this is not the case in the local plan is an anomaly that should be rectified. The fact that the quarry is not being accepted as a brown field site is also incorrect and should be addressed.**

A similar Quarry site at Houston Road, Kilmacolm was recently developed as a house plot and has greatly improved the visual amenity of the area, as well as, no doubt, the value of the adjoining properties (see attached photographs P6 and P7).

The nearest settlement to the north of Kilmacolm is Port Glasgow approximately 2.5 kms from the site. The development of three houses in the quarry which has an area of 0.6 ha would not result in Kilmacolm coalescing with Port Glasgow.

**Auchenbothie Lodge represents a definitive stop to the edge of Kilmacolm. The argument of ribbon development is therefore not valid.**

#### Conclusion

In conclusion we are of the firm opinion that the advantages to be gained by removing this eyesore and replacing it with a worthwhile and visually attractive development of three houses will make the support of this appeal a justifiable decision, both in planning and architectural terms.

Finally this development will also provide much needed employment in the local building industry at a time when every job saved or provided is vital to the local economy. We estimate that the project value will be in the region of £1.2million.

We trust that this statement will be of assistance to you in determining the Review Application.

Yours faithfully

**V. A. CANATA. DIP ARCH. ARIAS. RIBA.**

On behalf of Mr James Madden

Attached documents:

Photographs P1-P7

Location plan



P1



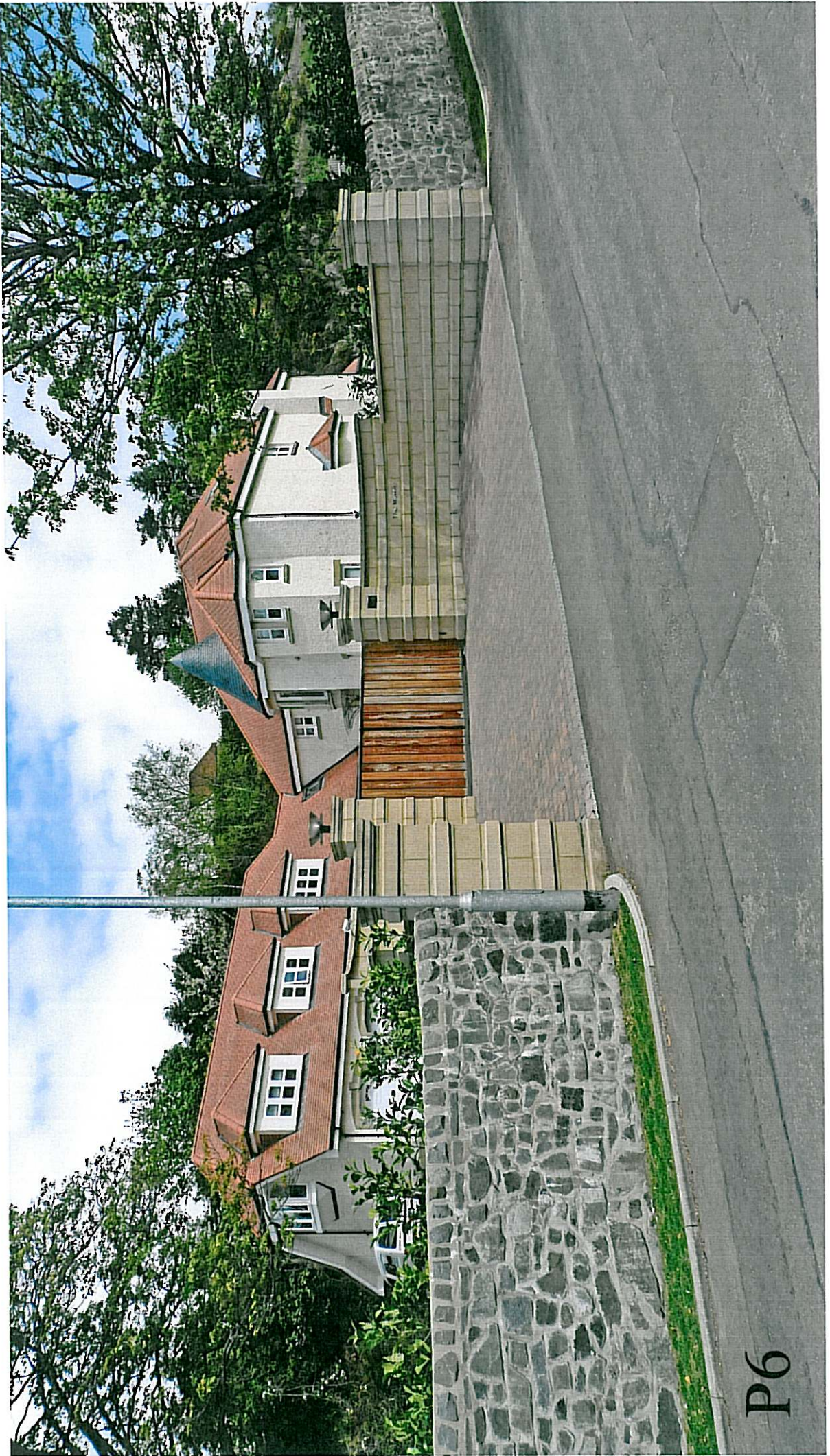


P3





P5



P6





P7

**Planning application 09/0409/IC**

**Should planning permission in principle be granted the following conditions should be attached:**

1. In compliance with Section 59 of the Town and Country Planning (Scotland) Act 1997 the development granted may not commence until matters required to be approved by conditions imposed have been so by the Planning Authority or, as the case may be, the Scottish Ministers.

The application for the approval of those matters referred to in conditions must be made before whichever is the latest of the following-

- (i) the expiration of 3 years from the date of the grant of the permission,
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, and
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed and may be made for
  - (a) different matters, and
  - (b) different parts of the development, at different times.

But, in relation to any matter, only one application may be made by virtue of (ii) and (iii) after the expiration of the 3 year period mentioned in (i) above.

Planning Permission in Principle lapses on the expiration of 2 years from the requisite approval being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.

2. This permission is granted under the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on an application for planning permission in principle and further approval of the Council or of the Scottish Ministers on appeal shall be required with respect to the under mentioned matters hereby reserved before any development is commenced:

- a. the siting, design and external appearance of any building(s) to which the planning permission or the application relates;
- b. details of the access arrangements;
- c. details of landscaping of the site, including fences and walls.

3. 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 treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the planning authority prior to development starting on site.

4. That the development shall not commence until a risk assessment, including any necessary remediation strategy with timescale for implementation, of all pollutant linkages, has been submitted to and approved in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options.
5. That on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the Planning Authority, confirming that the works have been carried out in accordance with the remediation strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but is not limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site.
6. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
7. That no material shall be imported onto the site until written details of the source of the imported material has been submitted for approval, in writing by the Planning Authority. The details, which shall be submitted no later than four weeks prior to the material being imported onto the site, shall include; the source of the imported material, any potential source(s) of contamination within 50 metres of the source of the material to be imported and verification analysis information. The material must not be imported on to the site until written approval has first been received from the Planning Authority. The material from the source agreed only shall be imported in strict accordance with these agreed details.

8. That notwithstanding the terms of condition 2 above, samples of all facing materials shall be submitted to and approved in writing by the Planning Authority prior to their use.
9. That notwithstanding the terms of condition 2 above, all surface water shall be intercepted within the application site. Details of measures for doing so shall be submitted to and approved in writing by the Planning Authority prior to the dwellings hereby permitted being occupied.
10. That notwithstanding the terms of condition 2 above, the vehicular accesses shall be finished in a hard sealed surface prior to the dwellinghouses being occupied.

#### Reasons

1. To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
3. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
4. To satisfactorily address potential contamination issues in the interests of environmental safety.
5. To provide verification that remediation has been carried out to the Authority's satisfaction.
6. To ensure that all contamination issues are recorded and dealt with appropriately.
7. To protect receptors from the harmful effects of imported contamination.
8. In the interests of visual amenity.
9. To ensure the safe condition of the adjacent footway especially in the winter months.
10. To prevent deleterious materials being carried onto the highway, in the interests of public safety.