

Report To: The Planning Board

Date: 28 April 2021

Report By: Interim Service Director  
Environment & Economic Recovery

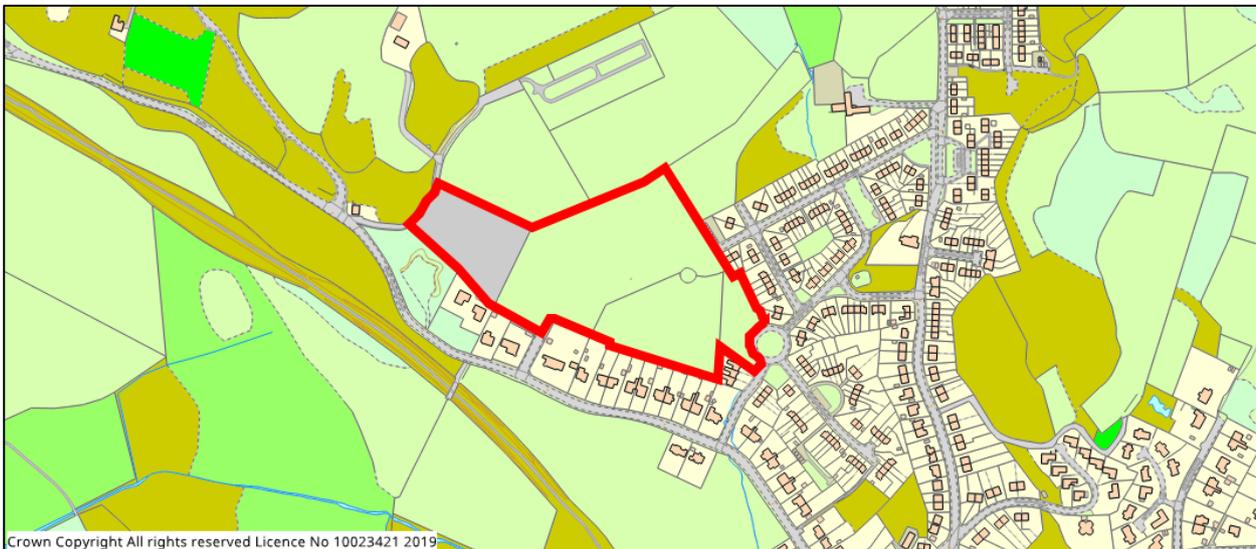
Report No: 20/0245/IC

Major Application  
Development

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Subject: Residential development to include access, roads, open space, landscaping, drainage and other associated works (planning permission in principle) (major) at  
Land west of Quarry Drive, Kilmacolm



## SUMMARY

- The proposal is contrary to the Clydeplan Strategic Development Plan and significantly contrary to the adopted 2019 Inverclyde Local Development Plan
- 487 objections have been received raising a wide range of concerns including housing land requirements, impacts on the landscape, services and infrastructure, ecology, recreation, heritage and residential amenity
- 4 letters of support have been received welcoming affordable housing, family sized accommodation and the opportunity to downsize
- The consultations present no impediment to development
- The recommendation is to GRANT SUBJECT TO CONDITIONS

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QIFWZ01MIE400>

## **SITE DESCRIPTION**

The site is irregular in shape and is comprised of open space and fields towards the north-west side of Kilmacolm and extends to approximately 5.07 hectares.

The site is bound on its south-west side by the houses that front onto Port Glasgow Road; on its east side by the roundabout on Wateryetts Drive; and on its north-east side by houses and lock-up garages at Quarry Drive and houses at Springwood Drive. The north-west part of the site extends to the access road to Kilmacolm Cemetery although it does not extend as far as the cemetery. There are fields between the cemetery and this boundary of the site.

The area of open space adjacent to the roundabout on Wateryetts Drive up to a post and wire fence is identified as Open Space in the adopted Inverclyde Local Development Plan and the remainder of the site is identified as being Green Belt. There are trees in the open space adjacent to the roundabout. There is a knoll of trees in the site generally opposite Quarry Drive.

There is a general rise in ground levels across the site from east to west with the ground undulating within the site and there is a drop in ground levels from the knoll of trees towards Quarry Drive. There is another group of trees located in the field to the north of the knoll. A low stone wall divides fields within the site.

The part of the site identified as Open Space in the adopted Inverclyde Local Development Plan is owned by the Council. The west part of the site at the rear of Arrandale, Marchfield and Torbank up to the access road to the cemetery is owned by Scottish Water. The remainder of the site is owned by the applicant.

## **PROPOSAL**

Planning permission in principle is sought for a residential development including access, roads, open space, landscaping, drainage and associated works.

The applicant has submitted an indicative illustrative site development plan and they have described the site having a capacity for approximately 78 houses. The applicant has indicated that 25% of all houses will be affordable housing, resulting in the site having approximate capacity for 58 private and 20 affordable homes. The applicant has indicated that the delivery of affordable housing could be through social renting, subsidised or unsubsidised low cost housing for sale, mid-market/intermediate rented, discounted private sale or even developer contributions towards off-site provision.

The illustrative site development plan shows the majority of the houses located along the boundaries of the site with a group of houses positioned towards the centre. Open space and a Sustainable Drainage System (SuDS) area is to be located towards the east part of the site adjacent to the roundabout on Wateryetts Drive. The SuDS area is indicated as being a detention basin. There are other areas of open space indicated elsewhere on the site. The illustrative site development plan also indicates the existing trees towards the centre of the site are to be retained and the provision of a landscape buffer zone along the north boundary as well as the boundary with Quarry Drive, the latter being at the rear of the gardens of the plots that back onto these boundaries.

Vehicular access will be formed from the roundabout at Wateryetts Drive and from Quarry Drive. A pedestrian access path is indicated at the north-west part of the site and connecting through to the access road to the cemetery.

A range of supporting documentation and information has been provided including: a Planning Statement and a Planning Statement Addendum; Pre-Application Consultation (PAC) Report; Design and Access Statement; Drainage Strategy Report; Economic Benefit Statement; Flood Risk Assessment; Indicative Spatial Masterplan; Landscape and Visual Impact Assessment; Ecological Appraisal; Sustainable Development Strategy; Transport Statement; Tree Survey; and Affordable Housing Note.

## **DEVELOPMENT PLAN POLICIES**

### **2017 Clydeplan Strategic Development Plan**

The Strategic Development Plan (SDP) indicates that housing plays a fundamental role in the overall economic, social and environmental success of the city region. Housebuilding makes an important contribution to the city region's economy and as well as creating new homes, it delivers wider societal benefits through the generation of employment, and by sustaining and enhancing local community facilities such as schools, shops, recreation facilities and open spaces. The SDP is committed to supporting growth by creating high quality places which deliver the right type of homes in the right locations.

The Vision and Spatial Development Strategy of the SDP supports the provision of high quality and affordable housing in the right location which is central to the creation of a successful, sustainable and growing city region. This will be realised through the prioritisation of regeneration activities, the recycling of previously used land, and higher density development in support of the delivery of the Plan's compact city model. The strategy also includes a range of large scale planned greenfield sites including the Community Growth Areas, released through earlier plans which are either still under development or still to commence, as well as a range and choice of other greenfield and brownfield sites. The SDP seeks to fully support the housing and development industry to provide homes of the right tenure, quality and in locations which accord with the Vision and Spatial Development Strategy. A key element is to ensure the provision of a generous and effective supply of land for housing.

#### **Policy 1 – Placemaking**

New development should contribute towards the creation of high quality places across the city region. In support of the Vision and Spatial Development Strategy new development proposals should take account of the Placemaking Principle set out in Table 1.

#### **Policy 8 - Housing Land Requirement**

In order to provide a generous supply of land for housing and assist in the delivery of the Housing Supply Targets in support of the Vision and Spatial Development Strategy, Local Authorities should:

- make provisions in Local Development Plans for the all tenure Housing Land Requirement by Local Authority set out in Schedule 8, for the Private Housing Land Requirement by Housing Sub-Market Area set out in Schedule 9 and for the Private Housing Land Requirement by Local Authority set out in Schedule 10;
- allocate a range of sites which are effective or expected to become effective in the plan periods to meet the Housing Land Requirement, for each Housing Sub-Market Area and for each Local Authority, of the SDP up to year 10 from the expected year of adoption;
- provide for a minimum of 5 years effective land supply at all times for each Housing Sub-Market Area and for each Local Authority; and,
- undertake annual monitoring of completions and land supply through Housing Land Audits.

Local Authorities should take steps to remedy any shortfalls in the five-year supply of effective housing land through the granting of planning permission for housing developments, on greenfield or brownfield sites, subject to satisfying each of the following criteria:

- the development will help to remedy the shortfall which has been identified;
- the development will contribute to sustainable development;
- the development will be in keeping with the character of the settlement and the local area;

- the development will not undermine Green Belt objectives; and,
- any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

### **Policy 9 - Housing - Affordable and Specialist Provision**

In order to support the delivery of affordable housing, including social and specialist provision housing, and meet housing need, in support of the Vision and Spatial Development Strategy, local authorities should through appropriate mechanisms including Local Development Plans, Single Outcome Agreements, Local Housing Strategies, Supplementary Planning Guidance, and masterplans:

- develop appropriate policy responses where required, including affordable housing, specialist housing and development contributions policies, to deliver housing products taking account of the Housing Need and Demand Assessment (May 2015) as well as local evidence and circumstances; and
- ensure that any affordable housing, specialist housing and development contributions policies, are applied in a manner that enables the delivery of housing developments.

### **Policy 12 - Green Network and Green Infrastructure**

In support of the Vision and Spatial Development Strategy and the delivery of the Glasgow and the Clyde Valley Green Network, Local Authorities should:

- identify, protect, promote and enhance the Green Network, including cross-boundary links with adjoining Local Authorities;
- ensure that development proposals, including the Community Growth Areas, integrate the Green Network and prioritise green infrastructure from the outset, based upon an analysis of the context within which the development will be located; and
- prioritise the delivery of the Green Network within the Strategic Delivery Areas (Diagram 7, Schedule 11).

### **Policy 14 - Green Belt**

In support of the Vision and Spatial Development Strategy, Local Authorities should:

- designate within Local Development Plans, the inner and outer boundaries of the Green Belt to ensure the objectives set out in paragraph 8.15 are achieved; and
- collaborate to ensure consistency across Local Development Plan areas when defining or altering Green Belt boundaries.

### **Policy 16 - Improving the Water Quality Environment and Managing Flood Risk and Drainage**

To support the Vision and Spatial Development Strategy and to achieve the objectives set out in paragraph 8.28 Local Development Plans and development proposals should protect and enhance the water environment by:

- adopting a precautionary approach to the reduction of flood risk
- supporting the delivery of the Metropolitan Glasgow Strategic Drainage Plan;
- supporting the delivery of the Glasgow and the Clyde Valley Green Network; and,

- safeguarding the storage capacity of the functional floodplain and higher lying areas for attenuation.

### **Adopted 2019 Inverclyde Local Development Plan**

The following Local Development Plan (LDP) policies are relevant to the consideration of this application.

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

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

#### **Policy 5 - Heat Networks**

Major Development applications will be required to include an energy statement which considers the feasibility of meeting the development's heat demand through a district heating network or other low-carbon alternatives. All proposed developments located adjacent to significant heat sources or proposed/existing heat networks should be designed in such a way as to be capable of connecting to a heat network from that source and any land required for heat network infrastructure should be protected.

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

Support will be given to all new buildings designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 20% by the end of 2022.

Other solutions will be considered where:

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

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

#### **Policy 8 - Managing Flood Risk**

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

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

The Council will support, in principle, the flood protection schemes set out in the Clyde and Loch Lomond Local Flood Risk Management Plan 2016, subject to assessment of the impacts on the amenity and operations of existing and adjacent uses, the green network, historic buildings and places, and the transport network.

#### **Policy 9 - Surface and Waste Water Drainage**

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage

System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 3rd edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place.

### **Policy 10 - Promoting Sustainable and Active Travel**

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

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

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

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

### **Policy 11 - Managing Impact of Development on the Transport Network**

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

### **Policy 12 - Air Quality**

Development that could have a detrimental impact on air quality, or would introduce a sensitive receptor to an area with poor air quality, will be required to be accompanied by an Air Quality Assessment, which identifies the likely impacts and sets out how these will be mitigated to an acceptable level.

### **Policy 14 - Green Belt and Countryside**

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) of an existing use, which is within the curtilage of the associated use and is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location.

### **Policy 15 - Soils**

Development on prime agricultural land or affecting carbon rich soils will only be supported if:

- a) it is on land allocated for development in this Local Development Plan or meets a need identified in the Strategic Development Plan;
- b) there is a specific locational need for the development;
- c) it is for small scale development directly linked to a rural business; or
- d) it is for renewable energy generation or mineral extraction, and the proposals include provision for the site to be returned to its former status.

For carbon rich soils, it will also need to be demonstrated that adverse impacts on the soil resource during the construction and operational phases of a development will be minimised and the development will not result in a net increase in CO<sub>2</sub> emissions over its lifetime.

### **Policy 16 - Contaminated Land**

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that ensure that the site can be made suitable for the proposed use.

### **Policy 29 - Listed Buildings**

Proposals for development affecting a listed building, including its setting, are required to protect its special architectural or historical interest. In assessing proposals, due consideration will be given to how the proposals will enable the building to remain in active use.

Demolition of listed buildings will not be supported.

### **Policy 33 - Biodiversity and Geodiversity**

Natura 2000 sites

Development proposals that are likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site or if:

- a there are no alternative solutions; and
- b there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

In such cases, the Scottish Ministers must be notified.

### Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

### Protected Species

When proposing any development which may affect a protect species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

### Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, compensatory measures will be required.

### Local Landscape Area

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special features as set out in the Statement of Importance. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be informed by a landscape and visual impact assessment.

### Non-designated sites

The siting and design of development should take account of local landscape character. All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

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

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

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

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

## **Policy 35 - Open Spaces and Outdoor Sports Facilities**

Proposals for new or enhanced open spaces, which are appropriate in terms of location, design and accessibility, will be supported.

Development proposals that will result in the loss of open space which is, or has the potential to be, of quality and value, will not be permitted, unless provision of an open space of equal or enhanced quality and value is provided within the development or its vicinity.

Outdoor sports facilities will be safeguarded from development except where:

- the proposed development is ancillary to the principal use of the site as an outdoor sports facility, or involves only a minor part of the facility and would not affect its use for sport and training;
- the facility to be lost is to be replaced by a new or upgraded facility of comparable or better quality, which is convenient for the users of the original facility and maintains or improves overall playing capacity in the area; or
- a relevant strategy demonstrates a clear excess of provision to meet current and anticipated demand, and the development would not result in a reduction in the overall quality of provision.

### **Policy 36 – Delivering Green Infrastructure Through New Development**

The Council supports the integration of green infrastructure into new development and will require green infrastructure to be provided in association with new development in accordance with the relevant Supplementary Guidance.

### **Policy 39 - Water Environment**

Development proposals affecting the water environment will be required to safeguard and improve water quality and the enjoyment of the water environment by:

- supporting the objectives and actions of the River Basin Management Plan for Scotland and the Clyde Area Management Plan, where applicable;
- minimising adverse impacts on, or improving, water quality, flow rate, morphology, riparian habitat and groundwater dependent terrestrial ecosystems;
- the removal of existing culverts. This will be a requirement on development sites, unless it can be clearly demonstrated as not practical or resulting in the development not being viable;
- avoiding the hard engineering and culverting of waterways and the building over of existing culverts in new developments unless clearly demonstrated to be essential. Where culverts are required, they should be designed to maintain existing flow conditions and aquatic life, with long term maintenance arrangements;
- maintaining or improving waterside and water-based habitats; and
- providing access to the water and waterside, where appropriate.

**Planning Application Advice Notes (PAAN) 2 and 3** on “Single Plot Residential Development” and “Private and Public Open Space Provision in New Residential Development” apply.

### **Proposed 2021 Inverclyde Local Development Plan**

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

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

#### **Policy 5 – Heat Networks**

Major Developments will be required to meet heat demand through a district heating network or other low-carbon alternative, unless the application is accompanied by an energy statement clearly demonstrating that this is not feasible. All proposed developments located adjacent to significant heat sources or proposed/existing heat networks should be designed in such a way as to be capable of connecting to a heat network from that source and any land required for heat network infrastructure should be protected.

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

Support will be given to all new buildings designed to ensure that at least 20% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 25% by the end of 2025.

Other solutions will be considered where:

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

## **Policy 8 – Climate Change Adaptation**

Where required by planning guidance, Major Developments are to be accompanied by a Climate Risk and Vulnerability Assessment.

## **Policy 9 – Managing Flood Risk**

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

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

The Council will support, in principle, the flood risk management schemes set out in the Clyde and Loch Lomond Local Flood Risk Management Plan 2016, subject to assessment of the impacts on the amenity and operations of existing and adjacent uses, the resources protected by the Plans historic buildings and places and natural and open spaces chapters, and the transport network. Where practical and effective, nature-based solutions to flood management will be preferred.

## **Policy 10 – Surface and Waste Water Drainage**

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 4th edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place, which identifies who will be responsible for maintenance and how this will be funded in the long term.

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

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

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

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

The Council will support the implementation of transport and active travel schemes as set out in national, regional and Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters.

### **Policy 12 – Managing Impact of Development on the Transport Network**

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards, including cycle parking standards. Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

### **Policy 13 - Air Quality**

Development that could have a detrimental impact on air quality, or would introduce a sensitive receptor to an area with poor air quality, will be required to be accompanied by an Air Quality Assessment, which identifies the likely impacts and sets out how these will be mitigated to an acceptable level.

### **Policy 15 – Green Belt and Countryside**

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) within the curtilage of an existing use, which is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location. Proposals in the green belt must not undermine the objectives of the green belt as set out in Scottish Planning Policy and the Clydeplan Strategic Development Plan. Non-conforming uses will only be considered favourably in exceptional or mitigating circumstances.

## **Policy 16 - Soils**

Development on prime agricultural land will only be supported if:

- a) it is on land allocated for development in this Local Development Plan or meets a need identified in the Strategic Development Plan;
- b) there is a specific locational need for the development;
- c) it is for small scale development directly linked to a rural business; or
- d) it is for renewable energy generation or mineral extraction, and the proposals include provision for the site to be returned to its former status.

Development should avoid the unnecessary disturbance of peat and carbon-rich soils. Best practice must be adopted in the movement, storage, management and reinstatement of peat and carbon-rich soils.

Where peat and carbon rich soils are present on an application site, a depth survey must be undertaken which demonstrates that areas of deep peat have been avoided as far as is possible. A peat management plan must also be produced, detailing mitigation measures which demonstrate that the unnecessary disturbance, degradation or erosion of peat will be avoided., It will also need to be demonstrated that adverse impacts on the soil resource during the construction and operational phases of a development will be minimised and the development will not result in a net increase in CO2 emissions over its lifetime.

## **Policy 17 – Brownfield Development**

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

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

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

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that are acceptable to the Council and ensure that the site can be made suitable for the proposed use.

## **Policy 18 – Land for Housing**

To enable delivery of the Clydeplan Strategic Development Plan housing supply target for Inverclyde, new housing development will be supported on the sites identified in Schedule 3, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against relevant Supplementary Guidance including Design Guidance for Residential Development, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development.

The Council will undertake an annual audit of housing land in order to ensure that it maintains a 5 year effective housing land supply. If additional land is required for housing development, the Council will consider proposals with regard to the policies applicable to the site and the following criteria:

- a strong preference for appropriate brownfield sites within the identified settlement boundaries;
- there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan;
- that the proposal is for sustainable development; and

- evidence that the proposed site(s) will deliver housing in time to address the identified shortfall within the relevant Housing Market Area.

There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages to be for affordable housing. Supplementary Guidance will be prepared in respect of this requirement.

### **Policy 21 – Wheelchair Accessible Housing**

The Council will seek the provision of 5% wheelchair accessible housing on new build development sites of 20 or more units. Developers will be required to demonstrate that they have considered the demand for and provision of wheelchair accessible housing if they are seeking an exemption from this requirement.

### **Policy 29 – Listed Buildings**

Proposals for development affecting a listed building, including its setting, are required to protect its special architectural or historical interest. In assessing proposals, due consideration will be given to how the proposals will enable the building to remain in active use.

Demolition of a listed building will not be permitted unless the building is no longer of special interest; it is clearly incapable of meaningful repair; or there are overriding environmental or economic reasons in support of its demolition. Applicants should also demonstrate that every reasonable effort has been made to secure the future of the building as set out in national guidance.

### **Policy 31 – Scheduled Monuments and Archaeological Sites**

Development that would potentially have an adverse effect on a Scheduled Monument or the integrity of its setting will only be permitted in exceptional circumstances.

Development affecting archaeological sites should seek to preserve the archaeological resource in situ. Where this is not possible, the developer will be required to fully record the archaeological resource for archiving, prior to development commencing.

### **Policy 33 – Biodiversity and Geodiversity**

#### **European sites**

Development proposals that are likely to have a significant effect on a European site which are not directly connected with or necessary to their conservation management must be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site either during construction or operation of the development, or if:

- there are no alternative solutions; and
- there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the network is protected.

In such cases, the Scottish Ministers must be notified.

#### **Sites of Special Scientific Interest**

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

### **Protected Species**

When proposing any development which may affect a protected species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

### **Local Nature Conservation Sites**

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, adequate compensatory measures will be required.

### **Non-designated sites**

All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

### **Policy 34 – Landscape**

The siting and design of development should take account of local landscape character and setting in order to conserve, enhance and /or restore landscape character and distinctiveness. Development should aim to conserve those features that contribute to local distinctiveness including:

- the setting of buildings and settlements within the landscape
- the pattern of woodlands, fields, hedgerows and trees; especially where they define/ create a positive settlement/ urban edge
- the character and distinct qualities of river corridors
- historic landscapes
- topographic features, including important/ prominent views, vistas and panoramas

When assessing development proposals likely to have a significant impact on the landscape, the guidance contained in the Glasgow and Clyde Valley Landscape Character Assessment will be taken into account.

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special landscape qualities as set out in the Statement of Importance. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be amended to avoid or mitigate these impacts through being informed by a landscape and visual impact assessment.

### **Policy 35 – Trees, Woodland and Forestry**

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

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

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

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

### **Policy 36 – Safeguarding Green Infrastructure**

Proposals for new or enhanced open spaces, which are appropriate in terms of location, design and accessibility, will be supported.

Development proposals that will result in the loss of open space which is, or has the potential to be, of quality and value, will not be permitted, unless provision of an open space of equal or enhanced quality and value is provided within the development or its vicinity.

Outdoor sports facilities will be safeguarded from development except where:

- the proposed development is ancillary to the principal use of the site as an outdoor sports facility, or involves only a minor part of the facility and would not affect its use for sport and training;
- the facility to be lost is to be replaced by a new or upgraded facility of comparable or better quality, which is convenient for the users of the original facility and maintains or improves overall playing capacity in the area; or
- a relevant strategy demonstrates a clear excess of provision to meet current and anticipated demand, and the development would not result in a reduction in the overall quality of provision.

Development that would result in the loss of a core path, right of way or other important outdoor access route will not be permitted unless acceptable alternative provision can be made.

### **Policy 37 – Delivering Green Infrastructure Through New Development**

Green infrastructure provision should be informed by an appraisal of the existing natural features and eco systems services on and in close proximity to the proposed development site and fully incorporated into the wider design process at an early stage, in line with the approach to be set out in the Supplementary Guidance on Green Infrastructure.

Development proposals are required to provide open space in line with the standards to be set out in Supplementary Guidance on Green Infrastructure. The Supplementary Guidance will also set out circumstances under which off-site provision or a developer contribution towards green infrastructure will be provided.

Where opportunities exist, development proposals will be required to provide new paths linking to the active travel network. The provision of routes along water will be an essential requirement on development sites with access to a waterfront, unless not appropriate for operational or health and safety reasons.

Development proposals are required to demonstrate how naturalised features will be incorporated into SuDS provision, in order to provide additional benefits such as habitat creation and open space. Where a Suds proposal forms part of open space provision, it should be made safe and accessible.

The Supplementary Guidance on Green Infrastructure will set out how biodiversity enhancement can be incorporated into new developments, and the circumstances in which provision will be expected.

Green infrastructure proposals should be supported by information on how long term management will be achieved, including maintenance requirements, who will be responsible for meeting these requirements, and how they will be funded.

### **Policy 39 – Water Environment**

Development proposals affecting the water environment will be required to safeguard and improve water quality and the enjoyment of the water environment by:

- supporting the strategies and actions of the national and regional marine plans, and supporting the objectives and actions of the River Basin Management Plan for Scotland and the Clyde Area Management Plan, where applicable;
- minimising adverse impacts on, or improving, water quality, flow rate, morphology, riparian habitat and groundwater dependent terrestrial ecosystems;
- the removal of existing culverts. This will be a requirement on development sites, unless it can be clearly demonstrated as not practical or resulting in the development not being viable;
- avoiding the hard engineering and culverting of waterways and the building over of existing culverts in new developments unless clearly demonstrated to be essential. Where culverts are required, they should be designed to maintain existing flow conditions and aquatic life, with long term maintenance arrangements;
- maintaining or improving waterside and water-based habitats; and providing appropriately sized buffer strips between development and watercourses, in line with SEPA guidance, and providing access to the water and waterside, where appropriate.

## **CONSULTATIONS**

**Scottish Environment Protection Agency** – No objection on the grounds of flood risk.

The discharge of surface water to the water environment must accord with the principles of the SuDS Manual (C753) and comply with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). The design of the drainage system must be site specific and dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to the normal design considerations. No formal authorisation is needed or provided by SEPA. The applicant/agent should satisfy themselves the SuDS are adequate and comply with the legislation/guidance as above.

It is understood that foul drainage from the site will be discharged to the public sewerage system. The applicant should deal directly with Scottish Water to ensure that the additional flow arising from this development can be accommodated in the sewer network without causing or contributing to the premature operation of consented storm overflows.

No objection is expressed in relation to site habitats and it is accepted that the two wet flush areas are in fact surface water fed. This is indicated by the topography. The vegetation types present are of low conservation value so no avoidance or mitigation of these areas is required.

**Head of Service – Roads and Transportation** - No objections in principle and has advised on the following:

- Parking should be provided in accordance with the National Guidelines and visitor parking should be 0.25 spaces per dwelling.
- The minimum dimensions of the driveways should be 3m wide by 5.5m long per bay.
- For a garage to be counted as a parking space, it must be a minimum of 3.0m by 7.0m.
- Any visitor parking spaces shall be a minimum of 2.5m by 5.0m.
- Driveways to be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road.
- The driveway gradients should not exceed 10%. The applicant should demonstrate that this can be achieved.
- All roads within the site shall be a minimum of 5.5m wide.
- Visibility splays of 2.4m x 43.0m x 1.05m (25.0m if appropriate traffic calming is provided to achieve 20mph speed limit) at junctions and 2.0m x 20.0m x 1.05m should be provided from each driveway. This should be demonstrated within the detailed application.
- The forward visibility splays demonstrated on drawing 125856/8105 shall be maintained by the developer in perpetuity.
- All footways within the site shall be a minimum of 2.0m wide.

- All roads should have a gradient of 8% or less.
- A Road Construction Consent and Road Bond will be required for all new roads and footways.
- Traffic calming features should be introduced to reduce speeds to less than 20mph.
- Any turning heads shall be in accordance with the National Roads Development Guide.
- The surface water flow from the site should be limited to that of greenfield flow off and field drains installed around the perimeter of the site to prevent surface water run-off to adjacent properties.
- Confirmation of Scottish Water approval to the drainage should be submitted.

**Head of Public Protection and Covid Recovery** - No objections. Conditions in respect of ground contamination and Japanese Knotweed, external lighting, hours of works and sound insulation complying with the building regulations are recommended.

**Strathclyde Partnership for Transport** – No objections and the following comments are made:

Access to the Core Path Network/ National Cycle Network is somewhat remote from the site. Consideration should be given to reducing the speed limit to the west of the site to increase the attractiveness of cycle connections to the National Cycle Network via Netherwood Road.

It is noted from the Transport Statement that the site benefits from proximity to exiting bus services operating in Kilmacolm, albeit these services are currently altered. However, at this time the long-term impact of the pandemic on bus operations is unknown. It cannot be assumed that the services will be sustained in the medium to long term at the levels outlined in the report.

The nearest bus stop to the development site is on Wateryetts Drive (stop number IN418). This stop is served by the McGill's service 1, operated in its entirety with financial support from SPT. It is noted that the entrance to the site will remove this stop. A suitable alternative location for this stop must be agreed with SPT and Inverclyde Council prior to the commencement of works.

The relocation of the stop on Wateryetts Drive provides the opportunity for the infrastructure at the stop to be up-graded with the provision of a raised kerb and shelter to improve its accessibility and attractiveness. This is likely to require the provision of a layby and additional hardstanding to ensure vehicles can align at the stop and the stop is accessible. SPT can provide advice in this regard.

In addition, there are stops on Port Glasgow Road in close proximity to the access road between Merlindale and Glenthorne. Consideration should be given to the provision of a pedestrian link into the site at this location that would provide a direct route to existing bus stops and in turn encourage sustainable travel.

SPT supports the proposal for multi-modal Travel Packs being made available for new residents to the development to emphasise the importance of making informed transport decisions.

If consent is granted it recommends conditions are attached covering the points outlined above. This is to encourage sustainable travel and reduce reliance on private car use.

**Archaeology Advisor** - Given the scale of the development and the potential for the survival of buried archaeological remains an intrusive archaeological evaluation is recommended to be undertaken of the whole development area. These works may demonstrate that there are no archaeological remains present and then there would be no requirement for any further archaeological works. However, if archaeological remains are discovered during the course of the evaluation there would be a requirement for further stages of archaeological works in order to excavate and record them before development may proceed. Additional archaeological works could include excavation and post-excavation analyses and final publication of the results if warranted.

A condition in respect of a programme of archaeological works in accordance with a written scheme of investigation is recommended.

**Scotland Gas Networks** – A consultation has been undertaken via the Before You Dig self-serve portal and no objections were highlighted.

**Ecology Advisor** - No concerns raised over the methodology or the recommendations made in the submitted Ecological Appraisal. The recommendations should be followed. Further advice is offered in respect of translocating orchids, retaining deadwood for bat roosts and that vegetation clearance is undertaken outwith the bird nesting season.

**Head of Education** - Projected pupil numbers for this development on its own could potentially raise Kilmacolm Primary School occupancy above 80%. If other developments in the local development plan proceed as forecast then this site could also contribute towards a cumulative increase in this school's pupil roll, leading to occupancy above 100%.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 13 November 2020 as development being a departure from the development plan.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

Objections have been received from 487 individuals, groups and organisations including from the Kilmacolm Community Council and Kilmacolm Civic Trust.

The points raised can be summarised as follows:

### Policy

- Contrary to policy
- Contrary to green belt policies
- Contrary to Clydeplan
- Contrary to Inverclyde Council's interim policy statement and Government guidelines on development in the green belt
- Site not allocated for housing
- Lack of housing policy in LDP being taken advantage of
- Green belt land should be protected

### Housing land

- No need for additional housing
- Alternative housing sites approved in LDP
- No housing shortage in area
- No shortage of available housing land
- There are existing and sufficient amount of brownfield sites available to build on
- The Renfrewshire housing sub-market has a significant supply of housing land
- Properties in Kilmacolm have been for sale for many months
- Too much unaffordable housing being built already
- Result in merging of villages
- Will turn village into a town

### Landscape, design and visual impact

- Adverse impact on character of area

- Adverse impact on character of the village
- Adverse impact on landscape character
- The quality of the houses to be built are questioned
- The houses will be of cheap construction
- The proposed houses are limited in size
- Limited open space in proposed layout
- Proposed houses will be out of character with the existing houses on Port Glasgow Road

#### Transport and connectivity

- There is limited public transport
- Public transport links are poor
- The site is not well connected

#### Roads and traffic

- Road safety concerns at proposed access to site off the roundabout
- Increase in traffic and roads not able to cope
- General roads safety concerns
- Accident black spot at junction with main road
- Yetts Avenue to Port Glasgow Road is not wide enough and poor visibility at this junction
- Lack of parking in village and increase in congestion
- Pollution from vehicles
- Not a sustainable development as a result of increased car usage
- Affordable housing needs to be built close to employment and transport links which are not available in Kilmacolm

#### Service and infrastructure impact

- Insufficient infrastructure/water/sewerage
- Impact on doctors' surgeries, schools and chemists
- Risk of flooding from loss of natural water drainage
- Increase in flooding
- Impact on existing water and sewerage infrastructure

#### Heritage

- Impact on category B-listed Auchenbothie Lodge

#### Environment, ecology and recreation

- Site used for recreational purposes/walking and loss would impact on wellbeing
- Loss of open space
- Impact on wildlife and protected species
- Loss of habitat
- Loss of grazing land
- Contrary to Pollinator Strategy for Scotland 2017/2027

#### Residential amenity

- Loss of outlook and impact on views
- Disturbance and impact during construction over considerable period
- Noise pollution

#### Procedure

- Community consultation inadequate and was over 3 years ago
- Lack of public consultation/notification of the application

## Other issues

- Proximity to the cemetery and reduces the distance where mourners can mourn in peace
- The cemetery needs to be enlarged because of increase in population
- The cemetery will be unable to expand
- Concerns over financial gain by the applicant
- Insufficient affordable homes
- Impact on property values
- Will set a precedent for other development
- Inaccuracies in applicant's supporting statements
- Bedrock makes foundations difficult and expensive to lay
- There will be no boost to the economy
- The Council owned land in the site is "common good" land
- Existing business in Kilmacolm are well-supported by existing residents and visitors
- Developer refused permission already
- The cost of the houses will be too high and not affordable
- Pollution of stream during construction
- SuDS will end up a stagnant pool

A further four representations in support of the proposal have been received. The points of support can be summarised as:

- Kilmacolm requires more family sized affordable housing
- The development will be an advantage to village
- Lack of eco-friendly family homes and quality affordable houses in village
- Will allow villagers who want to downsize to remain in village

## **ASSESSMENT**

This application is a Major Development as defined by The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. National Planning Policy requires to be considered including the National Planning Framework (NPF) 3 and the Scottish Planning Policy (SPP). The Development Plan consists of the 2017 Clydeplan Strategic Development Plan (SDP) and the adopted Inverclyde Local Development Plan (LDP).

In assessing this proposal, it is first appropriate to set out the national, strategic and local policy context.

### **The Policy Context**

#### National Policy

The National Planning Framework (NPF) 3 and Scottish Planning Policy (SPP) are the two key national planning documents that set the framework for development across Scotland. It is noted that NPF4 is in the very early stages of preparation but is considered to be at so early a stage as not to carry any significant weight in considerations on the proposal. NPF3 notes the Scottish Government's desire for a significant increase in house building to ensure housing requirements are met. Additionally it is stated that there will be a need to ensure a generous supply of housing land in sustainable places where people want to live, providing enough homes and supporting economic growth.

It is a requirement that development plans be both up-to-date and consistent with the policies set out in SPP including the presumption in favour of sustainable development. SPP (revised December 2020) sets out that planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. SPP requires the decision maker firstly to decide whether the proposed

development is sustainable by reference to the principles set out in paragraph 29 before considering whether planning permission ought to be granted. Where a proposal for housing development is for sustainable development and the decision-maker establishes that there is a shortfall in the housing land supply in accordance with Planning Advice Note 1/2020, the shortfall is a material consideration in favour of the proposal. Whilst the weight to be afforded to it is a matter for decision-makers to determine, the contribution of the proposal to addressing the shortfall within a five year period should be taken into account to inform this judgement. Where a plan is under review, it may be appropriate to consider whether granting planning permission would prejudice the emerging plan.

With regard to Placemaking, the SPP sets out the following policy principles: planning should take every opportunity to create high quality places by taking a design-led approach; planning should direct the right development to the right place; and planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful places.

The SPP states that where the planning authority considers it appropriate, the development plan may designate a Green Belt around a settlement to support the spatial strategy by directing development to the most appropriate locations and supporting regeneration, protecting and enhancing the character, landscape setting and identity of the settlement and protecting and providing access to open space.

The SPP states that the planning system should identify a generous supply of land for each housing market area to support the achievement of the housing land requirement across all tenures, maintaining at least a five-year supply of effective housing land at all times. The planning system should also enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places. Local Development Plans should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the Strategic Development Plan. They should provide for a minimum of five year's effective land supply at all times. Where a proposal for housing development is for sustainable development and the decision-maker establishes that there is a shortfall in the housing land supply, the shortfall is a material consideration in favour of the proposal.

Both Strategic and Local Development Plan policies are required to follow national policy.

### Strategic Policy

The 2017 Clydeplan Strategic Development Plan (SDP) sets out a strategic vision to be implemented through a spatial development strategy and sets targets for the provision of new housing within the component parts of the Plan area. This provides that most development is to be focused on existing settlements, with much of the intervening land being designated as Green Belt. The SDP is clear in supporting housing growth that creates high quality places which delivers not only the right type of homes but in the right locations.

The SDP sets out a strategic vision for the area based on a compact city region model, focused on centres, regeneration, economy, low carbon infrastructure and placemaking. The vision is supported by a spatial development strategy and supporting policies. The main focus of the spatial development strategy is a development corridor running east-west through the city-region paralleling the River Clyde and M8 corridor. A key component of the spatial development strategy is Community Growth Areas, of which there are 13, with a combined capacity to deliver approximately 19,000 new houses. They provide an opportunity to create low carbon sustainable communities through a master planned and design led approach by incorporating a range of housing types, tenures and density; integrated green infrastructure active travel links; renewable energy options; mixed uses including community infrastructure, and local scale employment. The closest one to Inverclyde is Bishopton which is in the same Renfrewshire housing sub-market area as the application site.

Clydeplan Policy 8 on Housing Land Requirement is the most relevant policy in the context of this proposal. It requires that a generous supply of land for housing be provided and assist in the delivery of the Housing Supply Targets in support of the Vision and Spatial Development Strategy.

This should be achieved by making provision in Local Development Plans for the all tenure Housing Land Requirement, the Private Housing Land Requirement by Housing Sub-Market Area and for the Private Housing Land Requirement by Local Authority. The policy also makes it clear that Local Authorities should seek to allocate a range of sites which are effective or expected to become effective in the plan periods to meet the Housing Land Requirement, for each Housing Sub-Market Area and for each Local Authority, of the SDP up to year 10 from the expected year of adoption. It is also required that a minimum 5 years of effective land supply at all times be provided for each Housing Sub-Market Area and for each Local Authority.

In addition to identified housing sites, it requires shortfalls in the five-year supply of effective housing land to be remedied through the granting of planning permissions for housing developments subject to satisfying five criteria. These criteria are that the development will help remedy a shortfall, it will contribute to sustainable development, it will be in keeping with the settlement and the local area, it will not undermine Green Belt objectives and any required infrastructure is either committed or will be funded by the developer.

The majority of the application site is in the Green Belt and Policy 14 establishes that local development plans should designate green belts to support the strategic objectives set out by the Plan, which include directing planned growth to the most appropriate locations, supporting regeneration, creating and safeguarding identity through place-setting and protecting separation between settlements, protecting the quality, character and landscape setting and identity of settlements, protecting open space and opportunities for countryside recreation, maintaining the natural role of the environment, supporting the farming economy, and meeting the requirements for the sustainable location of rural industries.

Policies 1, 12 and 16 covering Placemaking, Managing Flood Risk and Drainage, and the Green Network and Green Infrastructure respectively are also of relevance. This development is of a strategic scale as defined in Schedule 14 as it involves Greenfield Housing of 10 or more units outwith the Community Growth Areas as well as being a site outwith those identified in the LDP.



Site as viewed from road to Kilmacolm Cemetery, looking south-east

It has to be considered whether the proposed development supports the Vision and Spatial Development Strategy taking account of the relevant policies, schedules and diagrams appropriate to the type of development. The proposed development therefore has to be assessed against Box 1 of Diagram 10. Box 1 considers whether the proposed development supports the Vision and Spatial Development Strategy and the Placemaking Policy. Any development that fails to meet the relevant criteria in Box 1 will be regarded as a departure from the Strategic Development Plan.

The proposed development is located outwith the existing urban area of Kilmacolm and in the first instance may be considered in general terms not to support the Vision and Spatial Development Strategy of the SDP.

As the proposed development is considered to be a departure from the SDP it has to be considered whether it is an acceptable departure having regard to the following criteria and any material considerations.

*Makes a significant contribution to sustainable development particularly through enabling shift to sustainable travel modes and the contribution to carbon reduction:*

The site is located to the edge of the settlement and it is likely that most new residents will have to travel elsewhere for employment opportunities. Whilst primary school provision is available within the village, secondary education provision requires transport elsewhere unless attending the local private school. Residents would be able to access services in Kilmacolm but would likely have to travel further afield to access a range of other services and wider retail opportunities. It is recognised that there are bus stops for local services situated on Wateryetts Drive and on Port Glasgow Road with a reasonably frequent service to the village centre, local destinations and to Braehead and Glasgow which therefore offer more sustainable travel opportunities. It is unlikely, however, that existing public transport serving Kilmacolm would be so attractive to residents in the proposed development as to significantly reduce their use of private cars for making journeys. Rather than enabling a shift to sustainable travel modes, the development would most likely be highly car-dependent. For this reason it is unlikely to constitute low-carbon place-making. It would create some tension with promoting a pattern of development that encourages active travel or a tangible shift to public transport. The proposed development would therefore create an element of tension with the development plan strategy.

*Provides significant net economic benefit including the need to accommodate inward investment that would otherwise be lost to the city region or Scotland:*

Although there may be employment creation during the construction phase of the development and new residents would contribute to the local economy, the scale of this development and the type of development proposed, whilst welcome, would not be considered to involve significant net economic benefit at the strategic level or result in inward investment that would otherwise be lost to the city region or at the national level.

*Responds to economic issues, challenges and opportunities, including the protection of jobs or the creation of a significant number of net additional permanent jobs to the city region:*

The final completed development may involve new residents working from home, however this in itself is not a significant employment generating development. There may be some associated employment creation during the construction phase however this will be for the duration of the construction and is no different to any other construction project. When the development is completed there may be associated economic impacts to the local economy primarily because of additional residents. Any employment generated is not a significant material consideration in the determination of this application.

*Meets a specific locational need:*

In the supporting statement the applicant has referred to the demographics of Kilmacolm having an older population and with a lower than average percentage in the 16 to 29 and 30 to 44 age groups. The applicant's opinion is that this points to Kilmacolm being a settlement where younger people are migrating out of the settlement and where there is a low level of in-migration, which the applicant considers is ostensibly due to a lack of provision of housing choice and availability. The applicant considers this is a material consideration and the proposed development can address de-population. On this basis the applicant identifies a specific locational need.

It has to be considered, however, if there is a specific locational need for the proposal at this site and at this time. Such a justification will essentially relate to considerations of housing land supply

and this will require a fuller analysis below under consideration of the implications of the proposed LDP.

*Protects, enhances and promotes natural and cultural heritage, including green infrastructure, landscape and the wider environment:*

As the majority of the development is in the Green Belt it will have a direct impact and in its broadest sense the development cannot protect or enhance the landscape because of the resultant physical change in the site. The indicative site layout plan nevertheless shows proposed landscaping/open space that may soften the impact. In addition, the context of the site, existing topography, intervening buildings and planting in the surrounding area means that it is not a highly visible site at the strategic level. The proposed development would also in effect “fill in” this wedge between existing housing areas and would be seen in the context of the existing housing.

*Improves health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation:*

Whilst any development will be required to provide areas of open space amenity space, this is a normal requirement and incidental part of any such development.

*Supports the provision of digital connectivity in new developments and rural areas:*

No details of this have been given in the application although it is likely that digital connections will be made by providers of these services.



Entrance to site from roundabout at Wateryetts Drive, looking north-west

It is therefore acknowledged that some of the criteria above are not fully applicable to the proposed development, however it does not fully accord with the SDP, primarily because of the majority of the site being in the Green Belt which leads to a consideration that it may create tension with the Vision and Spatial Development Strategy of the SDP. This applies equally to any other proposed edge of settlement development with a Green Belt designation. Notwithstanding this there is the matter of the proposed LDP and the associated housing land requirement, both of which are material consideration in determining this application.

The proposed development therefore requires to be assessed against local policy.

## Local Policy

Notwithstanding the recent quashing of Chapter 7 'Our Homes and Communities' of the 2019 Inverclyde Local Development Plan (LDP) by the Court of Session, there are a number of provisions which remain relevant to the assessment of this application.

The majority of the application site is in the Green Belt, the boundary of which has been drawn closely around Kilmacolm. Inverclyde's planning strategy over the years has sought to contain development within the built-up area and minimise development in the Green Belt and countryside. This has had the benefit of providing a focus on directing growth to the most appropriate locations, supporting regeneration of urban and brownfield sites, protecting the character and setting of towns and villages and giving access to open space around settlements. However the Green Belt designation does not prohibit development: rather, appropriate development is directed to the right locations. There may be circumstances when development can occur in the Green Belt and when material planning considerations outweigh the relevant policies.

In response to the quashing of Chapter 7 of the 2019 LDP by the Court of Session, the Council has also acted quickly to commence an early review of the Plan. In December 2020, a Main Issues Report was published and this considered the housing land position. The proposed Local Development Plan was approved for publication by the Environment and Regeneration Committee on 13 April 2021 and, following identification of a housing land supply shortfall and as a result of a site selection process, includes this site as allocated for housing development, thus signaling the intention to remove it from the Green Belt. Proceeding to publicise the Proposed LDP does not change the designation of the site at this stage and it remains Green Belt in the adopted LDP. Nevertheless, the proposed LDP has become a significant material planning consideration to which appropriate weight needs to be attached. It is through the examination and adoption of the LDP that the designation of the site may potentially change.

### **The Determining issues**

Section 25 of The Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The majority of site is identified in the 2019 Inverclyde Local Development Plan as being in the Green Belt with a small eastern part being Open Space. The proposal is therefore considered to be a significant departure from the development plan. A full assessment of all material planning considerations must be undertaken to determine whether there is any justification in respect of departing from the Development Plan. Also material to this assessment are Scottish Planning Policy, Designing Streets, and the 2021 proposed Local Development Plan, the consultation replies, representations and the applicant's supporting information. The appeal decisions to refuse planning permission for residential development on other Green Belt sites at Knapps and North Denniston on Bridge of Weir Road in January 2019 and North Denniston in May 2020 are also material to the assessment of this application.

The key determining issues in this respect are:

- Is the proposed development sustainable development?
- Is there an appropriate supply of land housing, maintaining at least a five-year supply of effective housing land at all times?
- Is this Green Belt location appropriate for this development taking into consideration:
  - What will be the impact on the existing Green Belt boundary and can this be mitigated?
  - Will there be an adverse impact on landscape character and can this be mitigated?
  - Will there be an impact on the recreational use of the area and will this impact be acceptable?
  - What will be the impact on ecology, biodiversity and the natural environment?
  - Will there be flooding implications and, if so can these be addressed?

- Other planning issues that should be taken into account, including:
  - Will the site be accessible and well connected?
  - Can the site be developed for the purpose proposed without detriment to road safety?
  - Will there be an impact on built and cultural heritage?
  - What socio-economic benefit would occur from the development?
  - What will be the impact on adjacent and nearby residential properties and will this impact be acceptable?
  - Is there capacity in respect of schools and local facilities for this development?
  - How will zero and low carbon generating technologies be incorporated into the development?

### Contribution to Sustainable Development

Scottish Planning Policy introduces a presumption in favour of sustainable development and reiterates that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Where a proposal is for sustainable development, the presumption in favour of sustainable development is a material consideration in favour of the proposal. Whether a proposed development is sustainable development should be assessed according to the 13 principles set out in paragraph 29. Paragraph 28 of SPP seeks the right development in the right place but makes clear that the aim is not to allow development at any cost.

A number of the 13 principles in paragraph 29 of SPP are relevant, are reflected in the LDP and are assessed in below.

It is accepted that a development of this nature would create employment opportunities in the short term during the construction period and in the longer term in respect of the new residents contributing to the local economy. However the economic benefits would not be significant to the point where it could be argued that they alone would justify the granting of planning permission. There are also no specific local economic strategies relevant to this proposal.

Notwithstanding this, a carefully conceived development which has a specific focus on placemaking could ensure that the design, layout and landscape mitigation reflects the principles of good design and the six qualities of successful places or could be made to do so through the imposition of conditions if required, reflecting a key requirement of the SPP's principles for creating sustainable development. The indicative site plan shows some elements of placemaking such as open space provision and connectivity both through and outwith the site although there are aspects of the indicative layout that need to be addressed. Should planning permission in principle be approved the design and layout of the development would be considered in greater detail in any subsequent detailed application. Accessible housing would be provided primarily through 25% of the units being affordable housing. The details of the affordable housing would be considered in greater detail in any subsequent detailed planning application.

There are no wider infrastructure benefits associated with the proposal. The inclusion of zero and low carbon generating technologies would be expected and be part of any detailed design, as would sustainable urban drainage which would contribute in general terms to supporting climate change mitigation and adaptation.

There are considered to be some limited health and wellbeing improvements offered by this development through the provision of open space that can allow for social interaction and activity although formal sport provision is not part of the proposal. The site would also be well connected to the established built-up area widening these opportunities.

In respect of the proposed development having regard to the principles for sustainable land use set out in the Land Use Strategy, the relevant principles relate to the suitability of the land for a primary use and managing landscape change. With regard to the primary use of the site, it is not prime quality agricultural land. Landscape impact is assessed in detail below, as is the requirement to protect, enhance, and promote access to natural heritage, including green infrastructure, landscape and the wider environment. Matters in respect of avoiding

overdevelopment are also assessed. Finally reducing waste is not considered relevant to this particular proposal.

The proposed development would therefore reflect a number of the criteria set out within the 13 principles of paragraph 29 of SPP although it could be viewed that there is a tension with some others. This is not unusual for an application for planning permission in principle or for an application that involves a green field or Green Belt site. It is also the case that a firm conclusion could only be reached on, for example, supporting good design and the six qualities of successful places, supporting the delivery of accessible housing, promoting access to green infrastructure, avoiding over-development and protecting the amenity of new and existing development when a more detailed application is subsequently submitted. It is appropriate to consider these matters in detail when the final form and layout of the development is applied for. Accordingly I consider that the requirements of Policy 12 of the SDP, Policies 34, 35 and 36 of the adopted LDP and Policies 21, 34, 35 and 37 of the proposed LDP could be successfully addressed through a subsequent detailed submission.

### Housing Land Supply

The applicant considers that as a result of the quashing of Chapter 7 of the adopted LDP that there are currently no housing policies or land allocations within the LDP and so the policies in these respects are out-of-date. The applicant also considers there is a shortfall in the 5 year supply of effective land for all tenure and private sector housing development in the Inverclyde Council area, and for private sector housing in the Inverclyde part of the Renfrewshire Sub-Market Housing Area (i.e. Kilmacolm and Quarriers Village).



View across site towards Kilmacolm Cemetery from area adjacent to Quarry Drive, looking north-west

It is the applicant's opinion that a shortfall in housing across the Inverclyde Council area can be addressed through residential development being delivered on sites anywhere in the Council area, and so whilst there are specific shortfalls that must be addressed in the Inverclyde part of the Renfrewshire Housing Sub-Market Area that does not necessarily preclude Kilmacolm and/or Quarriers Village from also contributing to meeting the shortfall across the Inverclyde Council area. The applicant notes that none of the currently allocated and/or consented sites within the Inverclyde part of the Renfrewshire Housing Sub-Market Area will deliver any affordable homes, and so in order to meet not only the private requirement/shortfall, but also to ensure that some affordable homes are delivered in this area there is a need for additional new sites, such as Quarry Drive, to be allowed to come forward for development to meet this need and ensure that new affordable homes are delivered in association with new private homes. If new sites are not allowed to come forward, there will be no delivery of affordable housing.

Scottish Planning Policy requires local authorities to identify a generous supply of land for each housing market area to support the achievement of the housing land requirement across all tenures, maintaining a 5-year supply of effective housing land at all times. The housing market area framework for the Inverclyde area was established as part of the Clydeplan Strategic Development Plan process, and for private housing the application site falls within the Inverclyde part of the Renfrewshire Sub-Housing Market Area. It is also a requirement to consider housing land at an authority-wide level, for both affordable and private housing.

The Housing Land Technical Report 2021, which has been prepared to inform the proposed Inverclyde Local Development Plan, sets out the detailed and up-to-date housing land position in Inverclyde, a summary of which is set out below.

The Housing Land Requirement for Inverclyde is set by Clydeplan for the periods 2012-2024 and 2024-2029. For the purposes of the proposed Local Development Plan, this is adjusted for completions in the period to 2019 to calculate a balance of the Housing Land Requirement for the 2019-2024 period. The Housing Land Requirement for the 2024-2029 period is not affected by completions. A Housing Land Requirement is also set for the 2029-2032 period in order to meet Scottish Planning Policy requirements for the LDP. This is outwith the period that Clydeplan sets a Housing Land Requirement for and the Council has adopted a position that there is no additional land required for that period, owing to the high level of Housing Land Requirement set for the period to 2029.

The Housing Land Requirement for the different periods, tenures and geographies in Inverclyde is set out in the table below.

|   |   | Inverclyde Local Authority Area (social) | Inverclyde Local Authority Area (private) | Inverclyde Local Authority Area (all tenure) | Inverclyde Housing Market Area (private) | Renfrewshire Housing Sub Market Area (private) | Inverclyde part of Renfrewshire Housing Sub Market Area (private) |
|---|---|--|---|--|--|--|---|
| A | Clydeplan Housing Land Requirement 2012-2024        | 1,270                                    | 2,360                                     | 3,630  | 2,220                                    | 8,160  | 140   |
| B | Completions 2012-2019                               | 441                                      | 604                                       | 1045   | 601                                      | 3,872  | 3   |
| C | Balance of Housing Land Requirement 2019-2024 (A-B) | 829                                      | 1756                                      | 2585   | 1619                                     | 4,288  | 137   |
| D | Housing Land Requirement 2024-2029                  | 460                                      | 980                                       | 1,440  | 920                                      | 2,030  | 60  |
| E | Housing Land Requirement 2029-2032                  | 0  | 0   | 0  | 0  | 0  | 0   |
| F | Housing Land Requirement 2024-2029/32 (D+E)         | 460                                      | 980                                       | 1,440  | 920                                      | 2,030  | 60  |

|   |   |       |       |       |       |       |     |
|---|---|-------|-------|-------|-------|-------|-----|
| G | Housing Land Requirement 2019-2029/32 (C+F) | 1,289 | 2,736 | 4,025 | 2,539 | 6,318 | 197 |
|---|---|-------|-------|-------|-------|-------|-----|

The Council is also required to maintain a 5-year effective supply of housing land at all times, with this requirement also based on the Clydeplan Housing Land Requirement. For the 2021-2026 period, the following 5-year requirement has been calculated for the different tenures and geographies in Inverclyde.

|   | Inverclyde Local Authority Area (social) | Inverclyde Local Authority Area (private) | Inverclyde Local Authority Area (all tenure) | Inverclyde Housing Market Area (private) | Renfrewshire Housing Sub Market Area (private) | Inverclyde part of Renfrewshire Housing Sub Market Area (private) |
|---|--|---|--|--|--|---|
| 5-year supply of effective Housing Land Requirement | 509                                      | 982                                       | 1,491  | 924                                      | 2,997  | 59  |

To establish whether there is sufficient housing land to meet these requirements, a comparison is made with the existing land allocated/permitted and programmed for housing development in Inverclyde and this is undertaken in the Housing Land Technical Report 2021. When this is done the following conclusions are reached:

- There is an indicative shortfall of approximately 100 units in the Inverclyde part of the Renfrewshire Housing Sub-Market Area, when either the total capacity of effective land and the programmed supply of land is compared to the Housing Land Requirement to 2024. It is noted that a surplus of land does exist in the wider Renfrewshire Housing Sub-Market Area, but that a release of land for approximately 100 units for development commencement in the period to 2024 would address any identified shortfall in the Inverclyde part of the Renfrewshire Housing Sub-Market Area, whilst increasing the total supply of effective land within the Inverclyde authority area, and assisting the population priority. It would also address the small indicative shortfall (10 units) in the 5-year effective housing land requirement for 2021-26.

In order to address the above, the proposed LDP approved for publication by the Environment and Regeneration Committee on 13 April 2021 includes the following new housing land allocations in Kilmacolm and Quarrier's Village.

- West of Quarry Drive, Kilmacolm for 78 units
- Craigbet Road, Quarrier's Village for 9 units
- Kaimes Grove, Quarrier's Village for 6 units

It is therefore concluded that a new housing land allocation for the application site is justified.

#### Principle of the Green Belt location

In respect of remedying shortfalls in the five-year supply of effective housing land through the granting of planning permissions for housing developments, Policy 8 of the SDP sets out the criteria which must be satisfied. This includes the requirement that the development will not undermine Green Belt objectives.

The Green Belt is an important strategic tool with Policy 14 of the SDP advising on the designation of the Green Belts in support of the Vision and Spatial Development Strategy. SDP paragraph 8.15 explains the importance of the Green Belt in terms of the sustainability and low carbon focus of the vision and its role in delivering the spatial development strategy. Eight bullet points set out the strategic objectives of the Green Belt. These include including directing planned growth to the most appropriate locations; supporting regeneration; safe-guarding identity through place setting and protecting the separation between communities; and protecting the character, landscape setting and identity of settlements. The Green Belt is therefore integral to delivering a development pattern vital to achieving the vision set out in the SDP.

The proposed development will not result in the reuse of brownfield land nor does it form enabling development associated with the retention of a listed building for example. Local businesses in Kilmacolm could benefit from additional customers, as could those within the wider Inverclyde, but this aspect alone does not suggest the proposal would specifically support any regeneration priorities. It cannot therefore be considered that the proposal would support any broader regeneration.

It is the case, however, that the above conclusion on the housing land supply and the inclusion of the application site within the Proposed LDP as a site designed to help meet the identified shortfall means that the Green Belt boundary will be revised within the proposed LDP. This clearly creates a tension with the adopted LDP and until such times as the adopted LDP is superseded by the proposed LDP, the proposal has to be regarded as a development contrary to the adopted LDP. Whilst the development would self-evidently be contrary to the aims of the Green Belt as set out through the adopted LDP, it is the case that weight has to be given to the proposed LDP approved for public consultation by the Environment and Regeneration Committee on 13<sup>th</sup> April 2021.

- *Green Belt Boundary*

The adopted LDP identifies the Green Belt boundaries as required by Policy 14 of the SDP. The settlement of Kilmacolm is surrounded by Green Belt and the Green Belt at this part of Kilmacolm is long established. To the south of the site, the Green Belt boundary is identified by the rear gardens of the residential properties along Port Glasgow Road and to the east by Quarry Drive, houses at Springwood Drive and the boundary with the area of Open Space, which is a post and wire fence. Although there are physical features that form the Green Belt boundary at this location they would not be considered to be particularly strong features particularly where the post and wire fence meets the area of open space at the east part of the site. Any adjustment to the Green Belt boundary would require to be carefully conceived if this application is to be approved.

SPP advises on the spatial form of the Green Belt and sets out that clearly identifiable visual boundary markers based on landscape features should be established. The illustrative masterplan indicates the new Green Belt boundary would be defined by rear gardens and landscape buffer planting. Any proposed new planting to the edge of the new development would take time to mature. However it is recognised that when established and clearly defined, physical boundaries which are strengthened by robust landscape features including trees and hedges can establish to form a robust and defendable Green Belt boundary. It is considered that that a new and robust Green Belt boundary based on clearly identifiable visual markers could be achieved by a carefully conceived development which has a specific focus on place setting, safeguarding the identity of the village and preserving the identity of the settlement. The landscape buffer would need to be wider as well as varying in width at points to allow structural planting to be carried out and be of sufficient variety in order to add visual interest.

- *Landscape Character, Visual Impact and Design*

Landscape character is the distinct and recognisable pattern of elements that occurs in a landscape leading to the way that it is perceived. Landscape sensitivity is concerned with the inherent character of the landscape and the likelihood that this character would be changed by the introduction of development. Landscape capacity refers to the degree to which a particular landscape type or area is able to accommodate change without significant effects on its character, or overall change of landscape character type.

This site lies between the houses that form a ribbon extending the village out along the Port Glasgow Road to the west, and the houses on Springwood Drive and the houses and garages at the end of Quarry Drive to the east. The site adjoins an area to the north-east which is designated as a local nature conservation site. This rising site has a rural character and the proposed development will change the character of the site primarily as a result of the change to housing from fields and open space. There will be a visual impact as a result of this, albeit that this will be localised with limited wider visibility from the western approach to the village. If the application is approved, a robust new edge to the settlement could be achieved in conjunction with its development and therefore it could be regarded as consolidating or rounding off the boundary of Kilmacolm at this location. The proposed development could also be viewed as an area of transition between the houses along Port Glasgow Road and those at Springwood Drive and Quarry Drive and in this regard the resultant visual impact would not be out of context.

The applicant's Landscape and Visual Impact Assessment (LVIA) is illustrated with a series of photomontages taken from 5 different viewpoints. These are from Wateryetts Drive, Port Glasgow Road, Finlaystone Road, Birkmyre Park and Blacksholm Road. These viewpoints and photomontages are useful in illustrating the potential visual impact of the proposed residential development. As with a development of this type, the greatest visual impact is in close proximity to the site. This is illustrated in the photomontage taken from Wateryetts Drive. From further afield existing dwellinghouses, topography and woodland would screen views of the development and it would be seen in the context of existing dwellinghouses. These factors would lessen the general visual impact of the proposed development on the approaches to the site and from further afield. From the south-west the roofs of the development would be seen in the context of and behind the roofs of existing houses. The proposed development would therefore not be considered to be visually prominent or visually dominant, being viewed in the context of the existing houses.

Design and Placemaking are key principles with SPP setting out that planning requires to create better places through a design-led approach. Designing Streets seeks to promote a clear hierarchy of streets with the creation of a sense of place. The illustrative site development plan indicates a development which includes a hierarchy of streets, interconnectivity, open space, and landscaping.

The detailed assessment of any proposed site layout will be undertaken when an application is submitted for the detailed layout of the development, should this application for planning permission in principle be granted. Although the illustrative development site plan shows open space that can be a focus for the development, connectivity and retention of trees, there are aspects of the layout that cause concern. There are sections of road that are very straight without changes in horizontal alignment that are unlikely to reduce vehicle speeds. In addition the position of houses within the plots is regimented and they are set back similar distances from the roads giving a very regular pattern to the proposed layout. In addition the position of the houses does very little in the way of enclosing or framing the intervening space to create visual interest, focal points or to aid wayfinding. Having different houses types does not in itself address these matters. The houses adjacent to the access road to the cemetery are shown with their side elevations to the proposed access path and whether this could be considered as welcoming is questionable. If planning permission in principle is granted, the subsequent detailed application would be expected to incorporate place making principles and accord with the Scottish Government's Designing Streets advice. The detailed layout would therefore have to address the issues that have been highlighted above.

Retention of the character of the village is always a key consideration when assessing development proposals in Kilmacolm. There are concerns regarding how the development would impact upon and seek to protect the quality, character, landscape setting and identity of the village although it is acknowledged that it may be possible that a carefully conceived development could have a real focus on how such concerns could be mitigated to ensure that the Green Belt objectives in this regard are achieved through successful placemaking with reference to Policy 1 of the SDP, the adopted LDP and the proposed LDP.

- *Impact on the recreational use of the area*

The east part of the site is identified in the adopted LDP as Open Space whereas the majority of the site is in the Green Belt that does not have a specific designation for recreational use. The part of the site in the Green Belt comprises fields.

Whilst I am mindful of the comments received on this point, for the majority of the site the development will not result in the loss of open space that has been laid out with the purpose of providing amenity, an area of public access or an area for countryside recreation. The indicative site layout plan indicates areas of open space that can still be accessed for use. It is however not considered that the proposal will adversely impact on open space or countryside recreation or the sustainable access to such opportunities with reference to the strategic objectives of the Green Belt as supported by Policies 12 and 14 of the SDP.

- *Ecology, biodiversity and the natural environment*

Ecological issues are considered by the applicant in the submitted Ecological Appraisal. These must also be considered with reference to the Green Belt objectives of maintaining the role of the environment in terms of biodiversity. This notes the site comprises semi-improved grassland, scrub, two small areas of wet flush, improved grassland previously grazed by horses, stone walls, mature/parkland trees and hedgerows. The habitats and plant species recorded within the site boundaries are indicated as widespread and common throughout the central belt with no further habitat assessment currently advised. In addition it notes part of the Local Nature Conservation Site (LNCS) lies to the immediate north-east of the site boundary and this is unlikely to be affected by the development within the site boundary.



View across site towards rear of houses on Springwood Drive and Quarry Drive from open space adjacent to the roundabout on Wateryetts Drive

Recommendations are made for further inspections to check for potential bat roosts before removing any trees or heavy engineering works in the vicinity of the trees. Checks are also recommended for nesting birds prior to any vegetation clearance and checks for reptiles during works on site.

The Council's Ecology advisor has considered the applicant's Ecological Appraisal and raises no concerns over the methodology or the recommendations made. The requirement to follow the recommendations in the submitted Ecological Appraisal can be addressed by a condition prior to the commencement of any works. The Council's advisor offers further advice in respect of translocating orchids, retaining deadwood for bat roosts and that vegetation clearance is

undertaken outwith the bird nesting season. These matters can also be addressed by conditions if this application is granted.

Overall, notwithstanding the representations received on this matter, it has been demonstrated that there are no significant ecology issues which would provide a basis of the refusal of planning permission and the proposal is considered to comply with Policy 33 of the adopted and proposed LDPs in terms of minimising adverse impacts on wildlife and habitats. Furthermore, diverse planting offers the opportunity to attract more species and better support biodiversity than standard grassland.

It is also considered that the development would not compromise valuable soils such as on prime agricultural land or carbon rich soils and there is no conflict with Policy 15 of the adopted LDP and Policy 16 of the proposed LDP. Although better quality grassland has the potential to sequester carbon, the site is in an unmanaged condition and so is not considered to offer much in terms of sequestration potential. The planting of new trees and landscaping has the potential to sequester more carbon than poor quality grassland. It is considered there will be no adverse impact on the natural environment in terms of its role in respect of carbon sequestration. Furthermore, the farming economy would not suffer adverse impacts.

- Flooding and Drainage

There are no watercourses that run through the site although towards the east part of the site the area is identified on SEPA's flood map at being at potential risk from surface water flooding. There is an unnamed watercourse running north to south within the fields to the north-east and this is then culverted over a length of approximately 300m through the existing residential area to the east of the site and discharges to an open channel to the south of Port Glasgow Road. The area at potential risk from surface water flooding correlates with the culvert.

Both SEPA and the Head of Service – Roads and Transportation have been consulted on the submitted Flood Risk Assessment and Drainage Impact Assessment and have no objections. The provision of Sustainable Drainage Systems (SuDS) for residential development is a legal requirement and is particularly important for where hard surfaces are to be introduced in the form of access roads, driveways and roofs. The SuDS manages the rate of run-off from the site at a controlled rate and the Head of Service – Roads and Transportation has indicated that this should not exceed the current green field (i.e. pre-development) run-off rate and field drains should be installed around the perimeter of the site to prevent surface water run-off to adjacent properties. The applicant has indicated the drainage strategy for the site is for surface water run-off to be directed to a SuDS Detention Basin before discharging from the site.

If planning permission in principle is granted the specific details of the proposed SuDS will require to be applied for with any detailed application(s) and this can be addressed by a planning condition. In addition the Head of Service – Roads and Transportation has not raised any issues with the downstream pipe and culvert being able to cope with the additional flow from the site.

There is nothing to suggest that matters relating to flooding and drainage cannot be appropriately addressed as part of any development in accordance with Policy 16 of the SDP, Policies 8, 9 and 39 of the adopted LDP and Policies 9, 10 and 39 of the proposed LDP. There is also no impact on the role of the natural environment in terms of floodplain capacity in line with the Green Belt objectives of the SDP.

#### Summary of Green Belt considerations

Drawing together all the Green Belt considerations with reference to the strategic objectives of the Green Belt set out within the SDP, it is considered that the site could be developed without the significant loss of open space that has been laid out with the purpose of providing amenity, an area of public access or an area for countryside recreation. There would be acceptable impact on the role of the natural environment in respect of ecology and biodiversity, floodplain capacity and carbon sequestration. As the site does not comprise prime agricultural land the farming economy will not be adversely impacted upon and the proposal therefore complies with Policy 15 of the adopted LDP and Policy 16 of the proposed LDP.

There are concerns regarding how the development would seek to protect the quality, character, landscape setting and identity of the village together with how robust and defensible a new Green Belt boundary would be based on the illustrative site plan. It may be possible for a carefully conceived development which has a specific focus on place setting, safeguarding the identity of the village and preserving the identity of the settlement to mitigate against these concerns. This would have to be assessed in greater detail in any subsequent detailed application. It is the case, however, that the proposal has to be regarded as contrary to the adopted Green Belt policy and thus Policy 14 of the SDP and the adopted LDP.

### Transport and Connectivity

Scottish Planning Policy (SPP) makes it clear that planning permission should not be granted for significant travel generating uses at locations which would increase the reliance on the car, where direct links to local facilities by walking or cycling are not available or cannot be made available, and where access to local facilities via public transport networks would involve walking more than 400 metres. A range of facilities are available within the Kilmacolm Village Centre including local shops and services, public library and community centre together with medical practices and a public house. The south-eastern part of the application site is situated approximately 500 metres from the village centre and the north-western part approximately 800 metres away. This is within the maximum threshold for accessibility to local facilities by walking set out within the Scottish Government's Planning Application Advice Note 75.

The proposed development is likely to be for family homes, including affordable housing, and as such, primary education is available in the village, but secondary education provision requires transport unless attending the local private school. Notwithstanding the location of the site relative to the centre of Kilmacolm and local facilities, the rural location of the village will mean that most residents of this development would likely have to travel elsewhere for employment opportunities, significant retailing and other services. There is a bus stop for local services situated on Wateryetts Drive adjacent to the site and bus stops on Port Glasgow Road are reasonably close to the site. Existing public transport servicing Kilmacolm could be used although it is acknowledged that it is unlikely that it would be so attractive as to significantly reduce the use of private cars by new residents.

In further assessing aspects of transportation accessibility and connectivity of the proposal, I note appeal decision PPA-280-2026 for Knapps and North Denniston on the Bridge of Weir Road approach to the village where the Reporter noted that such a development would be largely car dependant. Whilst existing public transport could be used by, for example, commuters, the appeal decision considered that it is unlikely that existing public transport servicing Kilmacolm would be so attractive as to significantly reduce residents' use of private cars. Accordingly it was held that there is a lack of sustainable public transport in the Kilmacolm area. In further considering the matter, it was noted that the development would not constitute low-carbon placemaking and it would not help promote a pattern of development that encourages active travel and travel by public transport. The Reporter therefore considered that the proposed development would not accord with the Development Plan strategy.

This appeal decision went on to recognise that the proposed development is outwith the development corridor identified in Clydeplan. Within the corridor, major housing and economic investment is to take place at Bishopton. It noted the proximity of Bishopton, which is the only community development area within the Clyde Waterfront development corridor, to Kilmacolm. Whilst the economic downturn has had an impact on delivery of the community growth areas, it considered that these remain an important component of the planned sustainable growth of the city region. The Reporter found that Bishopton is a more sustainable location for development than Kilmacolm. Accordingly, the proposal was considered to conflict with that aspect of Development Plan strategy whereby investment in new housing and other new facilities should be encouraged at Bishopton.

This position was also reflected in appeal decision PPA-280-2029 for North Denniston where the Reporter also concluded the development would unlikely to support low-carbon living. He noted no suggestion that the proposal would result in modal shift or improved transport outcomes that

better reflect the principles of sustainable development. He also noted that the appeal site does not appear to be comparable to the Bishopton community growth area in transport sustainability terms.

In considering transport and connectivity, it is considered that there are some similarities between the two appeal sites at Bridge of Weir Road and this application site and the Reporter's conclusions in both cases are noted in this regard. It remains the case, however, that each planning application has to be considered on merit with reference to the relevant Development Plan policies and any material planning considerations at the time a decision is made. Notwithstanding the allocation of the application site in the proposed LDP, the development corridor identified in Clydeplan remains key in guiding major housing and economic investment. The community growth areas are an important component of the planned sustainable growth of the city region. This must be balanced, however, with meeting local housing land supply requirements and in this case there is a shortfall which needs to be addressed. As a consequence it has been concluded, through the proposed LDP process, that a land release is required as part of a planned expansion of the settlement of Kilmacolm. It is considered that the level of greenfield land release at Kilmacolm, as set out in the proposed LDP, will result in a proportionate expansion of the settlement which will address the shortfall in housing land but is not of a scale that will compromise the Vision and Spatial Development Strategy of Clydeplan, which is based on a compact city region.

I consider that the reasonable walking distance to the centre of the village and the availability of public transport in the form of buses does offer an alternative to private car use, whilst also acknowledging that a substantial proportion of journeys are still likely to be made by private car. Securing the provision of electric vehicle charging points for each property by condition will assist in the delivery of Government policy which aims to secure a shift to electric vehicles with the phasing out of petrol, diesel and hybrid vehicles from the early 2030s, thus contributing to low carbon place making. The proposal therefore creates an element of tension with the requirements of Policy 10 of the adopted LDP and Policy 11 of the proposed LDP and it is accepted that any proposal may not fully satisfy the requirements of all policies within a development plan. This concern in respect of travel implications of the proposal have to be weighed against the need to address the housing land supply shortfall and a balanced planning judgement made.

#### Traffic and Road Safety

The Head of Service – Roads and Transportation has no objection to the proposal in terms of the impact on the local road network and road safety. There are also no objections to the proposed accesses from Wateryetts Road roundabout and from Quarry Drive. If approved, various roads related matters will have to be addressed by conditions. However the proposal is acceptable in general terms when assessed against Policy 11 of the adopted LDP and Policy 12 of the proposed LDP.

#### Built and Cultural Heritage

Auchenbothie House Lodge, which is a category B listed building, is approximately 50 metres from the application site. Given the separation distance, the intervening topography and woodland behind this building it is not considered that the setting of this listed building will be adversely affected. The James Reid Headstone within Kilmacolm Cemetery lies to the north, and is also a category B listed building. There will be clear views of the development from the Cemetery however the James Reid Headstone is viewed in the context of the Cemetery and it is not considered that the development would have any impact on its setting.

Turning to archaeology, the Council's archaeology advisor notes that there are no previously recorded sites of archaeological or historical interest within the proposed development area. The area is shown to be under cultivation on Roy's Military Map of 1752-55 and therefore it is unlikely that there will be any significant post-medieval features on the site. An old field boundary is visible on satellite images and this boundary is depicted on the 1st Edition Ordnance Survey Map from 1863.

Given the scale of the development and the potential for the survival of buried archaeological

remains it is advised that an intrusive archaeological evaluation is undertaken. These works may demonstrate that there are no archaeological remains present but if artefacts are discovered during the course of the evaluation there would be a requirement for further stages of archaeological works. This would require excavation and recording before development may proceed. Additional archaeological works could include post-excavation analyses and final publication of the results if warranted.

It is therefore considered that the proposed development has no adverse impacts on built heritage or possible archaeological matters and as such the proposal is acceptable when assessed against Policies 29 and 31 of the adopted and proposed LDPs. Should planning permission in principle be granted a condition can be attached to require an intrusive archaeological evaluation is undertaken before development commences.

### Residential Amenity

Concerns have been raised over noise, disruption, pollution and dust from construction; privacy implications; loss of views from neighbouring properties; the impact on the daylight of existing properties; and the potential for noise disturbance from new neighbours.

During construction of any development there is potential for noise and disturbance however this cannot be a determining factor in considering whether to grant planning permission. Should there be any noise/disturbance during construction this can be investigated separately by the Head of Public Protection and Covid Recovery under his remit in order to determine whether there is a statutory noise nuisance. On this basis I conclude that the proposal could accord with the requirements of Policy 12 of the adopted LDP and Policy 13 of the proposed LDP.

It is acknowledged that the existing adjacent residents have an established level of amenity and privacy. This application is in principle only and the submitted illustrative site development plan indicates how the site could potentially be developed. The indicative position of the proposed houses shows how the development could be designed to ensure that separation between new and existing properties can be achieved to protect privacy and to ensure that any impacts on daylight and sunlight are acceptable. Furthermore there is also nothing to suggest the occupation of the new dwellings would cause any noise or activity beyond that typically found in a residential development.

The relationship of the proposed development to existing residences would therefore not lead to unacceptable disruption to residential amenity in a manner that could justify refusing planning permission.

### Socio-Economic Impacts

The applicant's supporting documentation considers that the development of new homes at the scale that is proposed will generate positive local socio-economic benefits. These must, however, be weighed against Development Plan strategy. Economic benefit would result primarily through construction employment and investment, both directly and indirectly. It is also contended by the applicant that the development would also support additional spending within Kilmacolm associated with the increase in population.

Residents of the new development would spend locally and contribute to the local economy however this would not occur exclusively in the local area. It is acknowledged that approval of the proposed development would create employment opportunities in the short term during the construction period and in the longer term in respect of the new residents contributing to the local economy, however the economic benefits would not be significant to the point where it could be argued that they would alone provide justification for support of the development.

Turning to social and wider benefits, the applicant considers that the proposal would meet local housing market need by increasing the housing supply and options, provide for the increase in affordable housing provision and public open space. The provision of affordable housing would be considered as a positive outcome associated with this development. I concur with these latter points.

### Capacity of Schools and Local Facilities

Concerns have been raised in the representations regarding the impact on school capacity and other facilities such as doctor's surgeries and chemists. The Head of Education has indicated that this development alone would raise the occupancy of the primary school above 80%. On this basis the primary school would be able to accommodate the projected number of pupils from this development in its own right. There may however be a cumulative impact if other developments proceed. It is also the case that secondary schools affected will also be able to accommodate additional pupils from the proposed development, although if not attending the local private school, will involve wider travelling, which is an established characteristic of the village.

The potential impact on local healthcare facilities is not a material planning consideration as it is the responsibility of others to provide these services.

It is the responsibility of a developer to apply for any connections to water, electricity and gas supplies as well as connecting to sewerage infrastructure. The approval for these connections lies solely with the infrastructure providers and is separate from the planning application process.

### Heat Networks and Low Carbon Infrastructure

Policy 5 of the adopted and proposed LDPs require an energy statement which considers the feasibility of meeting the development's heat demand through a district heating network or other low-carbon alternatives. Where developments are located adjacent to significant heat sources or proposed and existing heat networks, they should be designed to be capable to connecting to a heat network from that source and any land required for infrastructure protected. There are no existing heat networks or sources to which the development could connect and the applicant considers that as a result of this and due to the relatively low density of the development and the associated cost of the infrastructure, it is not deemed cost effective to establish a district heat network on the site. The applicant has indicated that given the site location, lack of local existing or proposed heat networks, it is proposed that air source heat pump (ASHP) technology is employed to serve the heating and hot water demands.

The specific details of how the heat demand for the development can be met by low-carbon measures can be considered at the detailed phase of the development and addressed by a condition, as can the implementation of any recommendation.

Policy 6 of the adopted and proposed LDPs also seek to ensure that all new buildings are energy efficient through the installation of low and zero carbon generating technologies and that at least 15% and 20% respectively of the carbon dioxide emissions standard (rising to at least 20% by the end of 2022 and 25% by the end of 2025 respectively) reduction set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. The applicant has referred to the use of photovoltaic panels on the houses. The specific details of the proposed low and zero carbon generating technologies requirement can also be addressed by a condition if this applicant is granted.

### Other matters raised in consultation responses

The Head of Public Protection and Covid Recovery offers no objections. Matters relating to ground contamination and Japanese Knotweed, external lighting and hours of works can be addressed by conditions or advisory notes if necessary. Issues in respect of sound insulation complying with the building regulations would be for the building warrant process. I am happy to be guided by the advice of the Head of Public Protection and Covid Recovery who raises no requirement for a noise or air quality assessment to inform this proposal. This addresses the requirements of Policy 16 of the adopted LDP and Policy 17 of the proposed LDP.

Scotland Gas Network's consultation response presents no impediment to development.

## Other issues

With regard to the requirement of Policy 8 of the proposed LDP that major developments are to be accompanied by a climate risk and vulnerability assessment, this policy only became approved on 13<sup>th</sup> April 2021 and therefore it would not be appropriate to apply it to this proposal.

A wide range of other issues have been raised in the representations and in terms of those not considered in the assessment above the following comments are made.

In terms of procedural matters associated with the statutory consultation with the community, before the submission of the planning application a Proposal of Application Notice was submitted outlining the intended consultation activity. There is however no time limit between the end of the minimum 12 week period for carrying out consultation with the community and submitting a planning application, provided at least one public event has occurred.

All neighbours within 20 metres of the application site were notified and a press advertisement was also placed in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

It is not the role of the planning application to critique what is contained in the applicant's supporting statements or what may be perceived as inaccuracies. The planning application has to be assessed against the relevant policies of the development plan and any material planning considerations in order to determine whether the application is acceptable or not.

The Pollinator Strategy for Scotland 2017/2027 is an advice document with the aim to address the causes of decline in populations, diversity and range of our pollinator species, and to help them thrive into the future. The proposed development is indicated as including areas of open space and planting although the specific details of these is not required for an application for planning permission in principle. The proposed development has the potential to create new habitats and improve bio-diversity that would accord with the general terms of the strategy.

The boundary of the application site at the rear of the property known as Orcadia was not drawn correctly when the application was originally submitted and included land owned by this property. This was highlighted to the applicant and after they checked their land registry documents the boundary at this part of the application site was re-drawn to address this error.

The comments made regarding the proposal being solely a commercial venture by the developer and the potential impact on property values are not material planning considerations. It is acknowledged that the site is relatively close to the cemetery, however it does not bound onto it and the proposed development would not be considered to impact directly on the functioning of the cemetery. There is also land available to allow the cemetery to expand.

It is the responsibility of the developer/applicants for the details of the houses to carry out any necessary site investigation to ensure the development is capable of being constructed and what would be involved in this. Any structural aspects associated with the development will be considered in separate building warrant applications.

The east part of the site in Council ownership is identified in the adopted LDP as Open Space under Policy 35 however the Head of Legal & Property Services has confirmed this is not Common Good land.

Construction in proximity of a watercourse is controlled under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) by SEPA. A construction site licence from SEPA under CAR may be required for the management of surface water run-off from the construction site. If any pollution was caused as a result of construction activities it would be the responsibility of SEPA to investigate and enforce as necessary.

In terms of there not being enough affordable houses and the cost of houses not being affordable, affordable housing can be defined as housing of a reasonable quality that is affordable to people on modest incomes, whether to rent or to buy, or through other intermediate tenures such as

shared ownership, shared equity or mid-market rent. The applicant has indicated that 25% of the proposed residential units will comprise affordable housing. If this application is approved, an affordable housing contribution would be required and this can be addressed by a planning condition. This will address SDP Policy 9 and the proposed LDP Policy 18.

It is not considered that, should planning permission be granted for this proposal, that it would set a precedent for future proposals of a similar nature. Any similar applications will be assessed against the relevant development plan policies and any material planning considerations at that time to determine whether they are acceptable or not. The site was not included as a proposed housing site through the examination and adoption of the 2019 Local Development Plan. Although planning permission was refused on 7<sup>th</sup> September 2004 for 49 dwellinghouses (IC/04/071) at this location for the land owned by the applicant, that application was assessed against the relevant development plan policies and material planning considerations at that time. That refusal of planning permission does not set a precedent for the determination of this application.

Finally, the availability of alternative housing sites, the sale of properties elsewhere in Kilmacolm, impacts on property values, the question of setting a precedent and parking issues elsewhere in the village are not material considerations.

The comments made by those in support of the application are noted however it is not considered that further comments are required to be made on these representations.

### **Summary and Conclusion**

The proposed development does not accord with Clydeplan Strategic Development Plan and the adopted Inverclyde Local Development Plan when considered in relation to Green Belt location. However, at a national level, Scottish Planning Policy reinforces the aims of the Scottish Government's National Planning Framework 3 to facilitate new housing development, requiring each housing market area to support the achievement of the housing land requirement across all tenures over a range of sites, maintaining at least a five-year supply of effective housing land at all times. Through the proposed LDP process, an indicative shortfall of approximately 100 units in the Inverclyde part of the Renfrewshire Housing Sub-Market Area when either the total capacity of effective land and the programmed supply of land is compared to the Housing Land Requirement to 2024 is identified. Whilst a surplus of housing land does exist in the wider Renfrewshire Housing Sub-Market Area, a release of land for approximately 100 units for development commencement in the period to 2024 would address the identified shortfall in the Inverclyde part of the Renfrewshire Housing Sub-Market Area whilst increasing the total supply and distribution of programmed effective land within the Inverclyde authority area, and assist the population priority.

Notwithstanding the Council's plan-led approach via the proposed LDP, Policy 8 of Clydeplan is clear that Local Authorities should take steps to remedy any shortfalls in the five-year supply of effective housing land through the granting of planning permission for housing developments, on greenfield or brownfield sites, subject to satisfying each of five criteria. As it is established that there is a shortfall, these criteria are invoked.

In this connection and with regard to Paragraph 125 of SPP, although the proposal does not accord with the development plan, particularly in respect of the current Green Belt designation of the site, it is considered that the proposal could contribute to meeting part of the shortfall in the housing land supply. Through the proposed Local Development Plan preparation process, the level of contribution of the Inverclyde part of the Renfrewshire Housing Sub-Market Area to the shortfall in the housing land supply, when the total capacity of effective land and the programmed supply of land is compared to the Housing Land Requirement to 2024, has been established at 100 units. In light of the Council not having an adopted up to date housing policy as a result of the Court of Session decision which quashed the "housing" chapter of the 2019 Inverclyde Local Development Plan, it is considered that significant weight requires to be given to this.

A range of sites over a variety of geographies across the whole Council area have been identified to address this shortfall and, with specific regard to Kilmacolm, the application site has been determined to be the most sustainable of the potential land release options. The contribution of

the proposal to addressing the shortfall within a five year period is considered to be significant. It is considered that it strikes the right balance in terms of helping to address the localised issues of the housing land supply shortfall in Inverclyde with what is considered to be an effective site, whilst not compromising the overall development strategies of Clydeplan and the Inverclyde Local Development Plan and is therefore an appropriate proportionate response. The proposal thus accords with national policy with regard to ensuring a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach.

The proposed Local Development Plan process has determined that consultation now be initiated on the proposal to release the application site from the Green Belt, which would mean that the Green Belt boundary will be re-drawn to incorporate the site within the village envelope. In the interim the existing Green Belt designation will remain, meaning that the proposal remains contrary to the development plan as matters stand. This is the only criteria of Clydeplan Policy 8 with which there remains some tension. Otherwise, I conclude that a combination of the assessment of the proposed development in this application and its relationship to Kilmacolm, the existing residential properties, and the landscape at this location relative to other sites on approaches to the village all leads to the conclusion that this is the right location for this level of development. The rounding off of the edge of the settlement at this location is considered to be acceptable from both a policy and a visual perspective and will not adversely impact on one of the key characteristics of Kilmacolm as being a village with a well-contained landscape setting.

The timing of consideration of this application relative to the initiation of public consultation on the proposed Local Development Plan puts the Council in an invidious position, since the time period for consideration of the application expires on 5th May 2021, after which the applicant could appeal to Scottish Ministers on the grounds of non-determination (deemed refusal) of the application. Legal advice was sought on this matter with the advice being that it was in order for the Council to potentially approve the application, notwithstanding the extremely early stages of public consultation on the proposed Local Development Plan.

As planning permission would be in principle there will require to be one or more subsequent detailed applications providing all information related to buildings, landscaping, boundary treatments, surface water drainage proposals and connections to the existing settlement.

In conclusion, I consider that the proposal either accords with or through a subsequent detailed application could be made to accord with Policies 1, 8, 9, 12 and 16 of Clydeplan, Policies 1, 6, 8, 9, 10, 11, 12, 15, 16, 29, 33, 34, 35, 36 and 39 of the adopted Local Development Plan as well Policies 1, 6, 9, 10, 11, 12, 13, 16, 17, 18, 21, 29, 33, 34, 35, 36, 37, 39 of the proposed Local Development Plan. It is the case, however, that it cannot be held to accord with Policy 14 of Clydeplan and Policy 14 of the adopted Local Development Plan.

Section 25 of The Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. As set out above, it is considered that, in this instance, the shortfall in the housing land supply and the need for that to be addressed in part by the release of the application site through the proposed Local Development Plan are material considerations which suggest that planning permission in principle should be granted, subject to a range of appropriate conditions.

It is the case, however, that as the Council has an ownership interest in a small part of the site at its eastern boundary it follows that should Members be minded to grant planning permission in principle referral would be required to the Scottish Ministers under The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

## **RECOMMENDATION**

That referral of the application be made under The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 to the Scottish Ministers, indicating the Council's intention to grant planning permission in principle, subject to the following conditions:

1. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed site layout. The proposed layout shall be shown on a plan at a scale of 1:500 showing the position of all buildings, roads, means of access, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), and vehicular turning areas.

Thereafter the matters that are approved shall be implemented in their approved form.

2. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed floor plans and elevations of all buildings and shall show dimensions as well as the type and colour of all external materials.

Thereafter the matters that are approved shall be implemented in their approved form.

3. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the type and colour of all hard surfacing materials.

Thereafter the matters that are approved shall be implemented in their approved form.

4. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the phasing of the development.

Thereafter the matters that are approved shall be implemented in their approved form.

5. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed ground levels throughout the site and proposed finished floor levels, in relation to a fixed datum point. The application shall include existing ground levels taken from the same fixed datum point.

Thereafter the matters that are approved shall be implemented in their approved form.

6. Development shall not commence until an application for approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the details of surface water management and Sustainable Drainage Systems proposals. Field drains shall be installed around the perimeter of the site to prevent surface water run-off to adjacent properties. For the avoidance of doubt the discharge rate shall be at pre-development greenfield run-off rates.

Thereafter the matters that are approved shall be implemented in their approved form.

7. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to all walls (including any retaining walls) and fences to be erected on site.

Thereafter the matters that are approved shall be implemented in their approved form.

8. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the visibility splays to be provided in both directions at the junction of the new access with Wateryetts Drive.

Thereafter the matters that are approved shall be implemented in their approved form and maintained free from obstruction.

9. Development shall not commence until an application for approval of the following matters has been submitted to and approved in writing by the Planning Authority relating to the proposed landscaping/planting at the site. Details of the scheme shall include:
- i) Details of any earth mounding, hard landscaping, grass seeding and turfing;
  - ii) A scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted as well as identifying trees that are to be retained or removed;
  - iii) Details of the translocation of Greater Butterfly-Orchid, Common-spotted and Northern-marsh Orchids;
  - iv) Details of planting for a defensible Green Belt boundary;
  - iv) Details of the phasing of these works;
  - v) Proposed levels for the landscaping.

Thereafter the matters that are approved shall be implemented in their approved form.

10. Development shall not commence until an application for approval of the following matters has been submitted to and approved in writing by the Planning Authority relating to the provision of equipped play area(s) has been submitted to and approved in writing by the Planning Authority and shall include:
- a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
  - b) details of the surface treatment of the play area, including the location and type of safety surfaces to be installed;
  - c) details of fences to be erected around the play area(s);
  - d) details of the phasing of these works; and
  - e) details of the future maintenance of the play area(s).

Thereafter the play area(s) shall be implemented as approved and maintained in accordance with the approved scheme.

11. For the avoidance of doubt the applications submitted in relation to conditions 1 and 2 above shall allow for the following:
- i) Parking should be provided in accordance with the National Guidelines:
    - 1 parking space for a 1 bedroom house;
    - 2 parking spaces for a 2 or 3 bedroom house;
    - 3 parking spaces for a 4 bedroom house.

*Note - for a garage to be counted as a parking space, it must be a minimum of 3.0m by 7.0m.*
  - ii) Visitor parking shall be 0.25 spaces per dwelling.
  - iii) The minimum dimensions of driveways shall be 3m wide by 5.5m long per bay and the driveway gradients shall not exceed 10%.
  - iv) Any visitor parking spaces shall be a minimum of 2.5m by 5.0m.
  - v) All roads within the site shall be a minimum of 5.5m wide.
  - vi) Visibility splays of 2.4m x 43.0m x 1.05m (25.0m if appropriate traffic calming is provided to achieve 20mph speed limit) at junctions and 2.0m x 20.0m x 1.05m should be provided from each driveway.
  - vii) All footways within the site shall be a minimum of 2.0m wide.
  - viii) All roads shall have a gradient of 8% or less.

- ix) Any turning heads shall be in accordance with the National Roads Development Guide.
  - x) Traffic calming features should be introduced to reduce speeds to less than 20mph.
12. For the avoidance of doubt the dwellinghouses shall be designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies (rising to at least 20% by the end of 2022). Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed low and zero carbon generating technologies to be installed in each dwellinghouse. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of any dwellinghouse on the site.
13. Prior to development commencing on site, full details of the arrangements for the provision of affordable housing as part of the development, shall be submitted to and approved in writing by the Planning Authority. These details shall include:
- i. the identification of which dwellings shall be constructed as affordable units;
  - ii. the type and nature of the affordable housing provision to be made as part of the development;
  - iii. the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing;
  - iv. the occupancy criteria to be adopted for determining the identity of prospective and successive occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Works shall then proceed as approved with the agreed details being followed at all times thereafter unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt, the provision of affordable housing shall be not less than 25% of the total number of housing units to be constructed.

14. Following approval of the matters referred to in Conditions 1 to 10 above, development shall not commence until the trees to be retained that have been approved under Condition 9 ii) have been protected by suitable fencing. Fencing shall be erected on at least the fullest extent of the canopy on broadleaf trees and half the height of conifer trees as set out in BS5837/2012. Development shall not commence until details of the location and type of fencing have been submitted to and approved in writing by the Planning Authority.
15. For the avoidance of doubt any site clearance work shall be undertaken outwith the bird breeding season March to August inclusive unless otherwise agreed in advance in writing by the Planning Authority. Any request to carry out site clearance works during the bird breeding season shall be accompanied with a pre-construction bird breeding survey.
16. For the avoidance of doubt each dwellinghouse shall have an Electric Vehicle Charging Point. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed Electric Vehicle Charging Point. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of each dwellinghouse.
17. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully

implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the agreed programme.

18. Development shall not commence until details of the relocation of the bus stop on Wateryetts Drive (stop number IN418) has been submitted to and approved in writing by the Planning Authority in conjunction with Strathclyde Partnership for Transport. The details to be submitted shall be on scaled drawings and include the provision of a layby and additional hardstanding to ensure vehicles can align at the stop and for the stop to be accessible. The submitted details shall also include when the relocated bus stop is to be constructed.
19. Development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme 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 current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation.
20. Before the development hereby permitted is occupied the applicant/developer shall submit a report for approval in writing by the Planning Authority confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. 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 all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material source, volume, intended use and chemical quality with plans delineating placement and thickness.
21. In the event of suspected contamination that becomes evident during site works, consequential works shall not be implemented until a remediation methodology statement has been submitted to and approved in writing by the Planning Authority.
22. Development shall not commence until details of a survey for the presence of Japanese Knotweed has been submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.
23. For the avoidance of doubt 5% of the residential units on site shall be wheelchair accessible housing. The details of the proposed wheelchair accessible housing shall be submitted for approval in writing by the Planning Authority as the same time as the application to be applied for under conditions 1 and 2 above.
24. Development shall not commence until details have been submitted to and approved in writing by the Planning Authority in relation to low-carbon measures to address heat demand that are to be incorporated into the development. Following approval the measures shall be fully implemented on site.

Reasons:

1. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
2. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.

3. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
4. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
5. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location and rear gardens are useable.
6. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
7. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
8. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
9. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
10. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
11. To ensure that the required level of parking is provided in the site and the roads and footways are acceptable.
12. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
13. To secure the provision of affordable housing and to ensure a satisfactory standard of control over the occupation of the affordable housing.
14. To ensure the trees are protected during construction operations.
15. To ensure the protection of breeding birds within the application site and accord with the recommendations of the Extended Phase 1 Habitat Survey July 2020 prepared by Acorna Ecology Ltd.
16. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.
17. In order to identify and protect any archaeological remains and to allow the Planning Authority to consider this matter in detail.
18. To ensure the bus stop is relocated to an acceptable location and thereafter provided in an appropriate timescale.
19. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
20. To ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety.
21. To ensure all contamination issues are recorded and dealt with appropriately.
22. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.

23. To ensure the development incorporates wheelchair assessable housing and the Planning Authority has the necessary information to ensure these are acceptable at this location.
24. To allow assessment of the nature of heating provision for the development.

Stuart Jamieson  
Interim Service Director  
Environment & Economic Recovery

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