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| Report To: | The Inverclyde Council | Date: | 4 May 2021 |
| Report By: | Interim Head of Legal Services | Report No: | |
| Contact Officer: | Jim Kerr | Contact No: | 01475 712617 |
| Subject: | Introductory Report - Proposed residential development of circa 100 units including 25% affordable and associated infrastructure, landscaping and open space on Land at Planetreeyetts, Kilmacolm | | |

1.0 PURPOSE

1.1 The purpose of this report is to introduce the attached report from the Planning Board in relation to the pre-determination hearing for land at Planetreeyetts, Kilmacolm which has been referred from the Planning Board to the full Council. It provides background information in relation to the decision of the Planning Board.

2.0 SUMMARY

2.1 A planning application for a proposed residential development of circa 100 units including 25% affordable and associated infrastructure, landscaping and open space was considered by the Planning Board at its meeting on 28 April 2021.

2.2 The Planning Board unanimously agreed that planning permission should be refused for the following reasons:

1. That due to unacceptable tension with the principles set out in paragraph 29 of Scottish Planning Policy it cannot be concluded that the proposal constitutes sustainable development.
2. The proposal would undermine the plan-led process and result in a cumulative impact with the proposed plan-led and proportionate expansion of Kilmacolm with a resultant inappropriate level of new housing development, contrary to the Vision and Spatial Development Strategy of the 2017 Clydeplan Strategic Development Plan.
3. The proposed development is contrary to the Spatial Development Strategy of the 2017 Clydeplan Strategic Development Plan as it is an unjustified urban development which is outwith the development corridor identified in the Plan and it fails accord with the Green Belt objectives.
4. The proposal is contrary to Policy 14 of the adopted 2019 Inverclyde Local Development Plan and Policy 15 of the 2021 proposed Inverclyde Local Development Plan in that it fails to accord with the objectives of the Green Belt.
5. The proposal is contrary to the aims of Policy 10 of the adopted 2019 Inverclyde Local Development Plan and Policy 11 of the proposed 2021 Inverclyde Local Development Plan in that it will generate significant traffic demand by private car, would not constitute low carbon placemaking and would be inappropriately located.
6. The proposal fails to have regard to the six qualities of successful places as required

by Policy 1 of the 2017 Clydeplan Strategic Development Plan, Policy 1 of the adopted 2019 Inverclyde Local Development Plan and Policy 1 of the proposed 2021 Inverclyde Local Development Plan.

7. The proposed development cannot be held to protect the quality, character, landscape setting and identity of the village which results in it being incompatible with the requirements of Policy 34 of the proposed 2021 Inverclyde Local Development Plan.
8. The loss of trees, which have a significant landscape value, are not justified with reference to each of the criteria set out within Policy 34 of the adopted 2019 Inverclyde Local Development Plan and Policy 35 of the proposed 2021 Inverclyde Local Development Plan.

3.0 BACKGROUND

- 3.1 The Planning etc. (Scotland) Act 2006 introduced the concept of the hierarchy of developments. The 2006 Act defines the three categories in the hierarchy of development to which all applications for planning permission will be allocated. The three categories are national development, major development and local development.
- 3.2 The National Planning Framework describes and designates developments which are national developments. Scottish Ministers have powers to make regulations to describe classes of development other than national development and to assign each class to either major developments or local developments. Scottish Ministers have made regulations and the proposed development on land at Planetreeyetts, Kilmacolm is categorised as a major development.
- 3.3 Before determining an application for planning permission for a development within the classes of national developments and major developments which are significantly contrary to the development plan, the planning authority are to give to the applicant and to persons who submit representations to the planning authority in respect of that application in accordance with Regulations made by Scottish Ministers an opportunity of appearing before and being heard by a committee of the authority (known as a 'pre-determination hearing'). The Interim Service Director, Environment and Economic Recovery is satisfied that the proposed development on land at Planetreeyetts, Kilmacolm is significantly contrary to the development plan; a significant departure is one that would be contrary to the vision or wider spatial strategy of the plan. A pre-determination hearing was therefore held on 28 April 2021.
- 3.4 The purpose of a pre-determination hearing is to make the planning system more inclusive, allowing the views of applicants and those who have made representations to be heard before a planning decision is taken. The planning authority has discretion over how hearings will operate in its area. This Council agreed procedures for pre-determination hearings at the meeting of the Environment and Regeneration Committee held on 17 January 2013.
- 3.5 With reference to section 27 of the Planning (Scotland) Act 2019, the Council has decided that it will continue to determine planning applications which are subject to a pre-determination hearing. It follows that the decision on the proposed development on land at Planetreeyetts, Kilmacolm has to be taken by the Council.
- 3.6 The full Council can accept the recommendation of the Planning Board and so refuse planning permission for the reasons set out above. Alternatively, if the full Council does not accept the recommendation of the Planning Board, the Council can decide that it is disposed to grant planning permission subject to terms and/or conditions for the purposes of restricting and regulating the proposed development.

Report To: The Inverclyde Council

Date: 4 May 2021

Report By: Planning Board

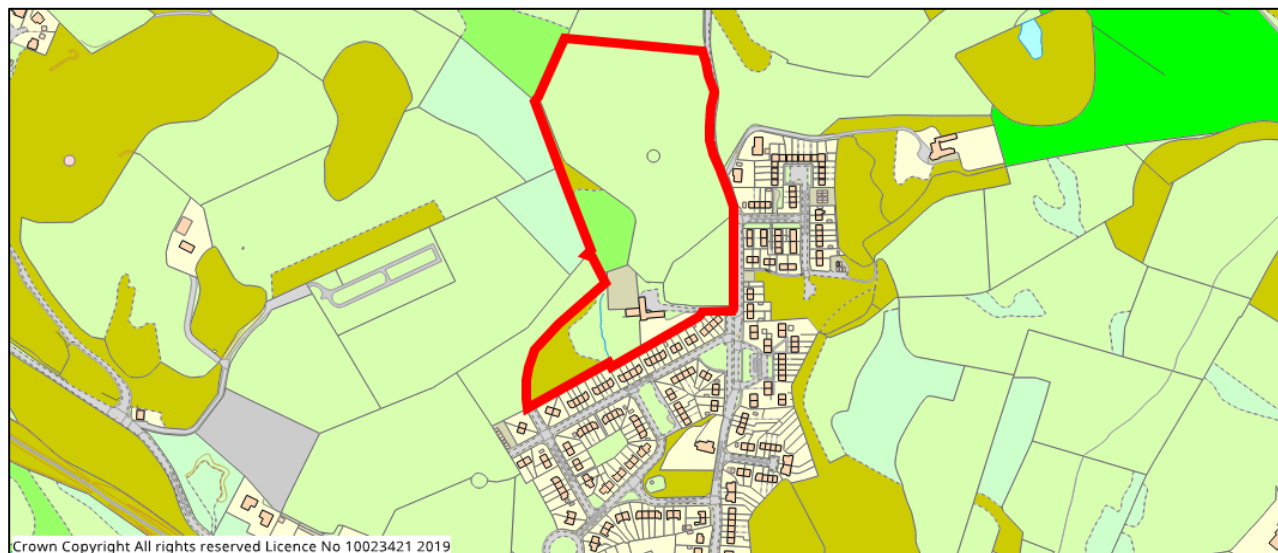
Report No: 18/0322/IC

Major Application
Development

Contact Officer: Jim Kerr

Contact No: 01475 712617

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



SUMMARY

- The proposal is contrary to the Clydeplan Strategic Development Plan and significantly contrary to the Inverclyde Local Development Plan and the Proposed Inverclyde Local Development Plan
- 258 objections have been received raising a wide range of concerns including housing land requirements and impacts on the landscape, services and infrastructure, ecology, recreation, heritage and residential amenity.
- Three letters of support have been submitted favouring the increase in housing and the potential benefits of attracting new business to the village.
- The consultations present no impediment to development.
- The recommendation is to REFUSE PLANNING PERMISSION.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=PNLB12IMKZK00>

SITE DESCRIPTION

Immediately to the north of Kilmacolm and extending to an area of 5.93 hectares, the site fronts the western side of Finlaystone Road. Sloping down in a north-east to south-west direction, it is primarily formed of agricultural grassland which is utilised for occasional grazing. The Planetreeyetts Farm steading which comprises a farmhouse and associated outbuildings is within the application site. To the south, the site is bound by the rear gardens of houses on Quarry Drive and agricultural grassland lies adjacent to the west and north. Toward the southern part of the site and along the western boundary there are a number of trees, most of which are deciduous. A mixed hedgerow and a number of deciduous trees are situated to the eastern boundary extending along Finlaystone Road. A post and wire fence continues this boundary to the north beyond the hedgerow. Other features within the site include the remnants of drystone walling, a rocky outcrop and a small watercourse to the south-western part of the site.

PROPOSAL

Planning permission in principle is sought for a residential development inclusive of access, open space, landscaping and associated works.

To inform the principle of development, supporting documentation sets out a development framework indicating a potential capacity of approximately 100 residential units, 25% of which are to be categorised as affordable. It also shows two accesses to Finlaystone Road for use by vehicles, cyclists and pedestrians, with the opportunity for further pedestrian and cycle paths using the current access to Planetreeyetts and a new path which would connect onto Springwood Drive. A variety of house types are suggested ranging from compact two bedroom to four bedroom at a density of up to 30 dwellings per hectare. Also shown is a SuDS system, open space and play area, and the applicant indicates that part of the site will remain undeveloped due to its ecological value.

A range of supporting documentation and information has been provided including a Planning Statement, the Pre-Application Consultation (PAC) Report, a Design & Access Statement, a Landscape and Visual Assessment, an Ecological Assessment inclusive of Ecological Constraints Plan, a Bat Survey Report, and associated Species Protection Plan, an Arboricultural Report, a Transport Assessment, a Flood Risk Assessment, a Drainage Impact Assessment, a Phase 1 Geo-Environmental and Geotechnical Report, a Utilities Report, an Economic and Social Impact Report and a Housing Market Analysis Paper.

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

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 CO2 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 a listed building will not be permitted unless the building is no longer of special interest; it is clearly incapable of 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.

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.

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:

- a) 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;
- b) 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
- c) 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:

- a) 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;
- b) minimising adverse impacts on, or improving, water quality, flow rate, morphology, riparian habitat and groundwater dependent terrestrial ecosystems;
- c) 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;
- d) 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;
- e) maintaining or improving waterside and water-based habitats; and
- f) providing access to the water and waterside, where appropriate.

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 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 subject to the imposition of a planning condition that there be no land raising or development within the functional floodplain.

Notwithstanding this, it is expected that Inverclyde Council undertakes its responsibilities as the Flood Risk Management Authority. Further general advice is provided in respect of flood risk, district heating, low or zero carbon heat networks, site drainage, air quality construction site licencing, pollution prevention and the impact on the water environment. Regulatory advice is also provided to the applicant.

Head of Service – Roads and Transportation - No objections in principle.

The following issues require to be accounted for in a detailed design:

- Parking must be provided in accordance with the National Guidelines. Visitor parking should be provided at 0.25 spaces per dwelling (unallocated).
- The driveways shall be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road.
- Driveways shall be a minimum of 3.0m by 5.5m for each parking spaces and the gradient shall not exceed 10%.
- The driveways shall not be close to bends to ensure they have adequate visibility. The applicant shall provide evidence that driveways have sufficient visibility (2.0m x 20.0m x 1.05m).
- All roads shall be a minimum of 5.5m wide.

- The footways and footpaths shall be a minimum of 2.0m wide.
- The applicant shall provide evidence that all roads have a gradient of 8% or less.
- Traffic calming shall be provided to allow the promotion of a 20mph speed limit. This is particularly relevant where shared surfaces are proposed.
- The change in speed limit from 30mph to 60mph shall be relocated at least 43 metres from the proposed access to the development site. The applicant has proposed 45 metres.
- The application has explained that a 3.0m footway with cycle links will be provided to the external network over the extent of their ownership.
- A Road Construction Consent will be required for all new roads, footways and footpaths. and electrical design for adoptable areas will be required.
- A system of lighting shall be kept operational at all times within the existing public adopted areas.
- Finlaystone Road shall be widened along the boundary of the development site to 5.5 metres wide with a 2 metre wide footpath.
- Following clarifications in respect of Section 7, the Flood Risk Assessment is acceptable subject to conditions covering the following points:
 - The applicant will build a grill structure over the culvert entrances to prevent blockage and to assist clearing
 - The applicant will submit for approval a maintained regime for the drainage and cleaning of the culverts.
- The Drainage Impact Assessment is acceptable subject to conditions covering the following points:
 - Detailed drainage design required.
 - Detailed Drainage Impact Assessment in accordance with the Council's Policy.

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.

NatureScot (formerly Scottish Natural Heritage) - Matters in respect of protected species and landscape and visual impact are raised as follows:

Protected Species

- Bats

Having reviewed the updated bat survey report and protection plan, it is advised that if the application is approved with the mitigation set out in the species protection plan, a licence from SNH will be required by the applicant before the development can proceed. Based on the information currently available, it is likely that the tests would be met and therefore that a licence would be granted.

- Badgers

As badgers are known to be currently present within the wider application site, the following additional mitigation should be required as a condition of any permission:

- Pre-construction survey work and, if active setts are identified,
- A species protection plan

Landscape

SNH referred to the comments previously provided during the Local Development Plan (for the 2019 Local Development Plan) consultation as follows:

This is a reasonably prominent, open site, which helps define the landscape setting of and characteristic approach to Kilmacolm from the north. Key views to the south are afforded over the site from Finlaystone Road. Development of the whole site would represent a significant northward expansion, which would serve to bring development out of the relatively well-contained

setting which the village currently occupies, leading to adverse impacts on the local landscape character, setting of, and approach to the existing village. There may be some landscape capacity in the southern part of the site, which is lower lying and more clearly relates to the existing settlement. Further more detailed study would be required to identify capacity and necessary siting, design, and mitigation measures.

Strathclyde Partnership for Transport – No objections but the following points are highlighted:

It is noted that the nearest bus stop to the development site is on Wateryetts Drive. This stop is served by the McGill's service 1 which is operated entirely with financial support. Additional services operate on Port Glasgow Road.

The potential to improve the bus stop on Wateryetts Drive should be considered to allow the provision of a raised kerb and shelter to improve the accessibility and attractiveness of this stop. 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.

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 is supported and it is requested that if planning permission is granted, conditions are attached covering the points outlined above.

Scottish Power - No objections. SP Distribution has cables in the area and reserves the right to protect and/or deviate apparatus and cables at the applicant's expense.

Scottish Water - Scottish Water has no objection, however the applicant should be aware that this does not confirm that the proposed development can currently be serviced.

City Design Co-operative Ltd – Detailed advice is provided on the landscape context. Whilst it is possible that the site could be developed without severe detrimental impact, the proposal raises many issues that require resolving and it is recommended that the scheme as presented is reviewed and reworked with sufficient detail to allow a confident decision to be made in respect of the sustainability and quality of the development needed in this location.

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

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 excavated 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.

Ecology Advisor - The desk survey has identified some of the existing data for the site and surrounding area and it is unlikely to have missed much of significance. The site has been surveyed at Phase 1 survey level which is enough to identify features of ecological interest which might deserve fuller investigation. The survey was conducted at an appropriate time by a surveyor with obvious experience in conducting such surveys.

The results are presented in a clear and concise manner with emphasis placed on the more ecologically important elements of the site. There appear to be some differences in interpretation of the habitats between the recent Council commissioned survey and this one, but these make little difference to the conclusions.

It is noted that the development boundary includes the existing property at Planetreeyetts Farm. This may have roosting bat potential and should be surveyed prior to any demolition or alterations.

It is recommended that as per the report, any work involving the trees on site require a bat survey by a licensed bat surveyor immediately prior to work commencing (for tree removal and/or lopping);

Mitigation for the loss of bat roosting potential is recommended.

Further survey works in respect barn owls is recommended.

The open flowing waters noted in the survey should be protected from development works. Comments are provided in respect of the design and layout of the SuDS pond.

The adjacent basin mire habitat to the north-west of the development is of special note and of very high species interest. It supports a diverse fen mire habitat with various significant plants. The site Construction and Environmental Management Plan should include details of measures such as attenuation ponds and silt nests to prevent pollution from construction entering this habitat. This should be monitored by the Ecological Clerk of Works.

A planning condition in respect of vegetation clearing, including tree felling, taking place outside the bird nesting season is recommended.

Education – No objections. It is noted that current projections indicate that catchment schools can accommodate expected pupil numbers for this site.

PUBLICITY

The application was advertised in the Greenock Telegraph on 7th December 2018 and 18th January 2019.

SITE NOTICES

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

PUBLIC PARTICIPATION

Objections have been received from 258 individuals, groups and organisations including both the Kilmacolm Community Council and Kilmacolm Civic Trust.

The points raised can be summarised as follows:

Policy

- The proposal fails to follow the principles of Scottish Planning Policy.
- The proposal is contrary to both the Strategic Development Plan and the Local Development Plan.
- Development should be focused at Bishopton in accordance with the Strategic Development Plan.
- The development is in the Green Belt and all changes to the Green Belt should be promoted via the Local Development Plan.
- The wider position in respect of housing land should be considered as part of the Local Development Plan process.

Housing land

- The Renfrewshire Housing Market Area is already well served by development at Brookfield and Bishopton.
- Sites in Port Glasgow should be favoured for development.
- The population of Inverclyde is declining and there is no need for housing land.

- There are sufficient sites within Inverclyde to meet demand.
- Existing housing sites are not being developed.
- The current static housing market in Kilmacolm does not seem to indicate an unsatisfied demand for any housing, whether new or established.
- Brownfield sites should take precedence over Green Belt sites.
- Green Belt development does not support regeneration.
- Housing land requirements should be accommodated within the existing settlement boundary.
- The former Balrossie School would satisfy the required quota for new housing.

Landscape, design and visual impact

- The proposal would be to the detriment of Finlaystone Road approach to the village.
- The existing well contained village would be extended into the countryside and damage rural character.
- The proposal would result in ribbon development.
- The application site comprises an area of beauty.
- Village boundaries are long established and clearly defined.
- The proposal would lead to there being no robust future settlement boundary.
- The proposal will not reflect the existing development pattern.
- The proposal is not sympathetic with existing architecture and housing stock.
- The proposals are inward looking and will add little value to the wider community.
- Kilmacolm may take the form of an urban conurbation.
- Kilmacolm has suffered extensively from out of character developments in the past.
- The proposal does not meet the six qualities of successful placemaking.
- The design of the development is poor and fails to accord with the principles set out in Designing Streets.

Transport and connectivity

- It is not a sustainable location.
- The development is not within walking distance of the village centre.
- The development site is further from the village than the applicant suggests.
- The bus service is infrequent and unsuitable for commuters.
- Bus service no 1 no longer serves Quarry Drive and Finlaystone Road due to congestion.
- There is no railway station in Kilmacolm.

Roads and traffic

- The road infrastructure is unsuitable for a development of this scale.
- The proposal will increase congestion on the Trunk Road network and roads within Renfrewshire.
- An increase in vehicles would occur and this would be to the detriment of road safety.
- Finlaystone Road is sub-standard and an increase in vehicles using the road may occur.
- There is insufficient parking within the village centre and the proposal will exacerbate the existing problems.
- Only two electric vehicle charging points are provided within the village.
- The proposal will lead to an increase in vehicles outside the primary school and result in parking problems.
- Roads are in an unacceptable state of disrepair.

Service and infrastructure impact

- There is insufficient service infrastructure to accommodate the development.
- The local primary school is at capacity and cannot take any more children.
- There is no public secondary school within Kilmacolm.
- Private schools are oversubscribed.

- The development would impact on existing medical surgeries and the availability of appointments.
- The development would impact on water and sewerage.
- Residents will shop elsewhere as it will be impossible to park in the village centre and this will impact on the viability of local shops.
- Additional strain on emergency services.
- There is no police station within Kilmacolm.
- There is a poor range of facilities within the village centre.
- The watercourse within the site may cause flooding.

Heritage

- The existing buildings at Planetreeyetts have historic value and should be preserved.
- The proposal will impact on heritage resources including listed buildings.

Environment, ecology and recreation

- The proposal will adversely impact on nesting birds.
- A diverse range of wildlife species may be impacted on including Bats, Owls, Newts, Swans, Ducks, Geese, Woodpeckers, Jays, Merlins, Hen Harriers and Roe Deer.
- There will be an adverse impact on flora and fauna and this has not been properly assessed in the applicant's submission.
- The development may impact on European Protected Species (EPS).
- The site forms a part of a nature conservation area.
- A loss of trees will result.
- Additional air pollution would occur.
- The site is used for walking and other outdoor recreational pursuits including dog walking.
- The proposal will impact on tourism.

Residential amenity

- A loss of view from neighbouring property would occur.
- There will be an increase in noise and disturbance.
- Privacy may be compromised.
- There will be disruption from the construction process.
- Neighbouring houses will suffer from overshadowing and loss of daylight.
- Existing residents pay a premium to live in a tranquil location.

Procedure

- Not all neighbours were notified.
- The application was submitted prior to the Christmas period and this impacted on the time and ability to make comments.
- A time deadline for representations to be submitted was imposed by the Council.
- The application submission contained errors.
- The planning process favours the applicant.
- The applicant seeks to bypass local decision making through anticipated appeals to the Scottish Government.
- Objections to previous, similar applications should automatically be considered without having to object again.
- Applications for development within the Green Belt should be automatically refused.
- The applicant does not own the land.
- Processing the application wastes time and public money.

Other issues

- A similar application for land at Knapps and North Denniston was recently refused planning permission on appeal.

- Granting planning permission may lead to further similar developments in the future and also to the possibility of edge of centre supermarkets.
- The developer's prospective profits should be published.
- The Council will financially benefit from the development.
- There have been press reports alleging that houses constructed by the applicant are poor quality.
- The proposal will remove agricultural land.
- Devaluation of property.
- The houses will not be affordable or be for social rent.
- Granting permission would set a precedent for future proposals.
- Houses on Quarry Drive have rear access to gardens and garages which would be lost.
- The proposal will impact on the tranquillity of Kilmacolm Cemetery.
- The Council should use the land to provide an extension to the Cemetery.
- Contractors undertaking survey works for the applicant entered private land, set up roadworks and attached equipment for a CCTV survey to lampposts all without consent.
- A standard product of a volume housebuilder is proposed and there is no demand for this in Kilmacolm.
- Housing should not be built at Knapps Loch.

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

- The development will increase housing stock in the village.
- New business would be brought to the village.
- Residents of the new houses would be able to enjoy the lifestyle and culture of the village.

The above points are considered in the assessment.

PRE-DETERMINATION HEARING

A pre-determination hearing was held on 28 April 2021 in Greenock. Presentations were delivered by:-

Mr. David Wardrop, Director, Wardrop Strategic Planning Limited, for the applicant – issues raised: the shortage of land for housing in Inverclyde; how that shortage should be met; whether the extent of that shortage provides justification for the approval of this planning application; how the best site should be selected if there is only to be one development opportunity in Kilmacolm; the consequences of the quashing of Chapter 7 'Our Homes and Communities' of the Inverclyde Local Development Plan 2019; how this site was treated in the Main Issues Report; perceived flaws in the new Proposed Local Development Plan; the deliverability of the sites at Smithy Brae and Balrossie; whether the Council's repopulation agenda would be undermined by the refusal of this planning application; the uncertainty in the planning application for land to west of Quarry Drive because of the Council's ownership of part of that site; the potential impacts of this site as compared to the land to west of Quarry Drive site; the unexpectedness of reason for refusal number 8; and the absence of objections from any consultees.

Mr. Bill Crookston on behalf Kilmacolm Residents' Association (objector) – issues raised: the terms of the Association's written objection to the planning application; the denial of a shortage of housing land in the Renfrewshire Housing Sub-Market Area; as a consequence, the categorisation of the proposed development as unnecessary; the ongoing planning appeal in relation to a site in Quarriers Village; and options open to the Council – the approval of this planning application, the refusal of this planning application and the deferral of a decision on this planning application pending the outcome of the planning appeal in relation to a site in Quarriers Village.

Mr. Michael Jefferis on behalf of Kilmacolm Community Council (objector) – issues raised: the conflict between the proposed development and the Local Development Plan provisions on greenbelt; the narrowness of the roads network in the vicinity of this site; concern at the increase

in traffic from this proposed development and generally in the village; and the infrequent bus services serving the village.

Mr. R. Nicol Cameron, Chairman of Kilmacolm Civic Trust (objector) – issues raised: the consistency of the Trust’s opposition to greenbelt development around the village; the opposition to this proposed development on the greenbelt on the village edge; the position of the Inverclyde Local Development Plan on residential development in the Greenbelt; the absence of exceptional or mitigating circumstances in respect of this planning application; the approach to strategy for new development in all planning policy, in particular in Clydeplan; the policy preference for brownfield development; the sustainability of the proposed development with particular reference to the use of private motor vehicles and the infrequent bus services; the pressure in the village on parking, doctors and dentists; the distances to the nearest railway stations; the surplus of housing land in the Renfrewshire Sub-Market Housing Area; the policy position of Clydeplan on development in the greenbelt; and developer contributions to the village centre in the event that it is proved that development of this greenbelt site is proved conclusively.

The Interim Service Director Environment and Economic Recovery then presented his report and recommendation to the Board.

Thereafter, Members asked a number of questions which were answered by the Interim Service Director Environment and Economic Recovery, Mr. Wardrop, Mr. Cameron and for the Head of Service – Roads and Transportation.

ASSESSMENT

In the hierarchy of development proposals, this application is a major planning application 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 2019 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.

The SPP introduces a presumption in favour of sustainable development. 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 (as revised in 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. Paragraph 34 of SPP is clear, however, that 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 place.

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.

It is further set out in the SPP 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 years' effective land supply at all times. As noted above, 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. Clydeplan 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.

This strategic vision is 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 are community growth areas (CGAs), 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. Of the thirteen CGAs, Bishopton is closest to the application site, approximately five miles to the east. Like the application site, the CGA at Bishopton lies within the Renfrewshire Housing Sub-Market Area.

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 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 application site lies within the Green Belt and Policy 14 goes on to advise on the designation of the Green Belts in support of the Vision and Spatial Development Strategies. Clydeplan is clear that the Green Belt is an important strategic tool in achieving a range of objectives 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 are also of relevance, as is Diagram 10 which provides a framework for assessing development proposals of a strategic scale. This development is of a strategic scale as defined in Schedule 14.

It requires to be considered whether or not the proposed development supports the Vision and Spatial Development Strategy set out in Clydeplan taking account of the relevant policies, schedules and diagrams appropriate to the type of development. Box 1 of Diagram 10 sets out the basis of this assessment. 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 within the Green Belt, outwith the existing urban area of Kilmacolm, and is therefore not considered to support the Vision and Spatial Development Strategy of Clydeplan of a compact city region.

As the proposed development is considered to be a departure from Clydeplan, it requires to be considered whether it is an acceptable departure having regard to the following criteria and any other 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. 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 be highly car-dependent. For this reason it would not constitute low-carbon place-making. It would not help to promote a pattern of development that encourages active travel or a tangible shift to public transport. The proposed development would therefore not accord with 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 and type of this development 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:

Whilst there would be employment during the construction phase, this will be for the duration of the construction and is no different to any other construction project. The completed housing development is not one designed to generate employment although it is recognised that the final completed development may involve new residents working from home, particularly with a potential shift to homeworking following the Covid-19 pandemic. This in itself is not, however, a significant employment generating development. The completed development would also support additional spending within Kilmacolm associated with the increase in population with associated increase the labour supply for local businesses. This again would not be on a significant scale.

Meets a specific locational need:

The applicant considers that there is a specific locational need in addressing local housing market demand and lack of choice within this part of the Renfrewshire Housing Sub-Market Area. The applicant also considers there is a shortfall in the five-year supply of effective land within the Inverclyde Council area. The applicant further considers the proposed development satisfies the requirements of Clydeplan and Scottish Planning Policy. There are also no infrastructural, technical, landscape or ecological constraints identified by the applicant that in their view would prevent the delivery of what they consider to be much needed new homes including family homes, homes for first time buyers and for those looking to downsize, as well as 25% 'affordable homes'. The applicant further considers that site is best suited within Kilmacolm to deliver a logical, sustainable, and well-designed development. In doing so, the applicant considers this will remove the pressure on other less suitable sites around the village and provide much needed benefits.

The above points are noted, however the overriding policy consideration is that development has to be sustainable in accordance with SPP (revised December 2020), before turning to housing land requirements. The proposed Local Development Plan has determined that there is a shortfall in the housing land supply but that, through a site selection process, the application site is not the most sustainable option for Green Belt release. This is addressed in more detail below. Whilst the applicant's position is noted, it is not considered that there is a specific locational need for this particular development at this site.

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

That the construction of a residential development with an indicative capacity of around 100 units will have a significant visual impact within the landscape is not in doubt. Being within the Green Belt, this 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. Whilst it may be possible to mitigate against this, it remains that this is not a development designed to protect, enhance and promote natural and cultural heritage green infrastructure, landscape and the wider environment.

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:

Whilst there are no specific details in this regard, it is likely that the provision of digital connectivity will be provided as part of the development in association with the providers of these services.

It is acknowledged that some of the criteria above are not fully applicable to the proposed development however it does not fully accord with Clydeplan primarily due to the Green Belt location which does not support the Vision and Spatial Development Strategy of a compact city region.

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.

The application site lies within the Green Belt, the boundary of which has been drawn closely around the urban settlement. Paragraph 6.11 explains that 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.

A range of further policies combine to provide the basis for the wider assessment of development proposals and cover a variety of considerations.

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 2021 proposed Inverclyde Local Development Plan was approved for publication by the Environment and Regeneration Committee of the Council on 13th April 2021. The proposed Plan seeks to address an identified shortfall in housing land provision and as a consequence it has been concluded that a land release is required. The proposed Local Development Plan process considered the requirement and, through a site selection process, concluded that the application site at Planetreeyetts was not required to address this shortfall. It remains that the application site lies within the Green Belt identified within the proposed Plan.

Like the adopted Local Development Plan, a range of further policies combine to provide the basis for the wider assessment of development proposals. These provide the updated position on a variety of considerations.

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 site is identified in the adopted 2019 Inverclyde Local Development Plan as being in the Green Belt. 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, the 2021 proposed Inverclyde 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 at 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

SPP is based on a presumption in favour of sustainable development. It 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 principles set out in paragraph 29. Paragraph 28 seeks the right development in the right place but makes clear that the aim is not to allow development at any cost.

In considering the 13 principles of sustainable development in SPP paragraph 29 to determine whether the proposal would contribute to that contributes to sustainable development, many of the outcomes sought are reflected by the development plan and are assessed and explored in further detail 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.

A carefully conceived development could have a specific focus on placemaking and potentially seek a design layout that 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. It cannot be argued, however, that the development supports regeneration priorities. Additionally, with the potential to impact on the delivery of identified residential development sites within Kilmacolm as set out in the proposed Local Development Plan, the proposal also cannot be argued to make efficient use of existing capacities of land. As discussed in further detail within the housing land supply section of my assessment, the issue of to what extent a shortfall exists of housing land in Inverclyde is confirmed through the proposed Local Development Plan. The proposed Plan also goes on to identify the most appropriate approach to addressing this shortfall. The application site is not required to address a shortfall in housing land. I do not consider that it can thus be reasonably argued that this development, within a Green Belt location which has just been confirmed through the proposed Local Development Plan, would make efficient use of existing capacities of land. It

is, however, accepted that the proposed development site is in a marketable location and would be considered an effective housing site.

There are no wider infrastructure benefits associated with the proposal. Equally, the proposal is not one specifically to support climate change mitigation and no wider climate change benefits will result. Moreover, the development would specifically fail to support climate change mitigation as it cannot be held that site is reasonably accessible without the reliance on the use of the private car nor does it contribute to low carbon placemaking.

The inclusion of zero and low carbon generating technologies would be expected to be part of any detailed design. Matters relating to flood risk are addressed as assessed above. There are not considered to be any significant health and wellbeing improvements offered by this development.

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 land for agricultural grazing, the site 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. The significant northwards projection of the proposed development far beyond the existing settlement boundary on the west side of Finlaystone Road and the resultant significant visual intrusion and adverse impact on the setting of the village is of particular concern. Matters in respect of avoiding overdevelopment are also assessed below. Finally, reducing waste is not considered relevant to this particular proposal.

It is therefore possible that, subject to a subsequent detailed submission, the development of the site could accord with the requirements of Policy 12 of the SDP, Policies 35, 36 and 39 of the adopted LDP and Policies 37 and 39 of the proposed LDP.

Whilst the proposal could reflect some of the relevant sustainable development criteria set out within the 13 principles of paragraph 29 of SPP, the conclusions in respect of the proposal failing to support regeneration priorities, making efficient use of existing capacities of land, failing to support climate change mitigation and the significant adverse impact on the landscape and wider environment related to the scale of the proposal, including the setting of the village, lead me to conclude that, on balance, the specific characteristics of this development mean that it cannot be held that the proposal is for development that contributes to sustainable development, as envisaged by SPP.

Housing Land Supply

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 five-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, an area within Inverclyde that includes Kilmacolm and Quarrier's Village. 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 the Clydeplan Strategic Development Plan 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 Local

Development Plan. 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 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. This being 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.

To address the above, the proposed Local Development Plan 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 concluded that a new housing land allocation for the application site at Planetreeyetts is not required at this time.

Principle of the Green Belt location

In respect of remedying shortfalls in the five-year supply of effective housing land, should they exist, through the granting of planning permissions for housing developments, Policy 8 of Clydeplan 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 Clydeplan advising on the designation of the Green Belts in support of the Vision and Spatial Development Strategy. Clydeplan 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 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. It is clear that the Green Belt is integral to delivering a development pattern vital to achieving the vision set out in Clydeplan.

The proposed development will not result in the reuse of brownfield land nor does it form enabling development for the retention of a listed building for example. As discussed later in my assessment, local businesses in Kilmacolm could benefit from additional customers, as could those within the wider Inverclyde, but this alone does not suggest the proposal would specifically support any regeneration priorities. It cannot therefore be held that the proposal would support any broader regeneration. It therefore fails in this respect of the strategic objectives of the Green Belt as set out in the SDP.

- *Green Belt Boundary*

The LDP identifies the Green Belt boundaries as required by Policy 14 Clydeplan. The settlement of Kilmacolm is surrounded by Green Belt and the application site lies within the Green Belt. The Green Belt at this part of Kilmacolm is both long established and clearly defined. To the south of the site it is identified by the rear gardens of the residential properties situated on Quarry Drive and to the east by Finlaystone Road which separates the countryside from housing and where it is further visually strengthened by the field boundary of trees and hedges. Accordingly, it is reasonable to conclude that the settlement boundary here is appropriate at present. Any adjustment to the Green Belt boundary would require to be carefully conceived. Whether it is appropriate to adjust the Green Belt boundary to include the application site as a residential development allocation within an expanded settlement boundary has been considered in detail

through the proposed Local Development Plan process. It remains that the site lies within the Green Belt as identified within the proposed LDP.

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. Whilst only considered in principle, the applicant's supporting documentation gives a flavour of the overall development concept for the site. The new Green Belt would be defined by rear gardens and new planting rather than established natural or physical markers. Any proposed new planting to the edge of the new development would take some considerable time to mature. However, it is recognised that when long established and clearly defined, physical boundaries which are strengthened by robust landscape features including trees and hedges can establish to form a robust and defensible Green Belt boundary.



Looking north from Finlaystone Road adjacent to the junction with the access road to Planetreeyetts

Development on the northern half of the site would represent a particularly significant extension of the built-up area into open countryside. Concern has to be raised in respect of how robust, defensible and logical any incursion into the Green Belt boundary created by this development would be. The indicative layout submitted does raise concerns in this regard, particularly given the significant northward expansion beyond the current settlement boundary. The proposed buffer area is limited in depth and any proposed new planting to the edge of the new development would take some considerable time to mature. There is thus concern as to whether a new and robust Green Belt boundary based on clearly identifiable visual markers and one which both safeguards the identity of the village and preserves the identity of the settlement could be achieved.

- *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.

The character of the site is of open rural agricultural grazing land, meeting with the well-defined edge of the village. Overall the site is gently undulating and is rural in nature, complemented by large mature trees, maintained hedges and typical country walls marking the northern boundary. Planetreeyetts Farm takes the form of a small farm steading with traditional farmhouse, adding to the rural character of the site. Other features within the site include a wetland area which lies

low on the west side of the site and a prominent knoll surrounded with trees within the central part of the site.

That the construction of a residential development with an indicative capacity of around 100 units to the Finlaystone Road approach to Kilmacolm will have a visual impact is not in doubt. The applicant's Landscape and Visual Appraisal (LVA) is illustrated with a series of annotated photographs taken from ten different viewpoints. These comprise the view from Kilmacolm Cemetery, the view from the site towards the cemetery, five viewpoints on the approach from Finlaystone Road from the north together and views from Finlaystone Road at Quarry Drive. These are useful in illustrating the potential visual impact of residential development although caution must also be exercised as viewing on-site is different to viewing panoramic photographs.

In the consultation response, NatureScot (formerly SNH) reference the comments submitted at the Main Issues Report (MIR) stage of the adopted 2019 Inverclyde Local Development Plan. Here, it was advised that this is a reasonably prominent, open site, which helps define the landscape setting of, and characteristic approach to, Kilmacolm from the north. The development would represent a significant northward expansion, which would serve to bring development out of the relatively well-contained setting which the village currently occupies, leading to adverse impacts on the local landscape character, setting of, and approach to the existing village. It was noted that there may be some landscape capacity in the southern part of the site, which is lower lying and more clearly relates to the village. This position was reiterated in NatureScot's response to the "Call for Sites" part of the proposed LDP process.

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 indicative layout shown in the supporting documents indicates a development which includes a hierarchy of streets, interconnectivity, open space, and landscaping. The layout, however, indicates an inward looking development which turns it back on Finlaystone Road, a key approach to the village. The application also refers to the proposal as being low density but the Council's advisor notes that the indicative layout shows that the houses are densely packed into the developable area of the site. The development would consequently be amongst the most dense in the village with gardens that are small. The application site forms an important part of the landscape setting of the village and there can be no doubt that any development of this nature would have a significant visual impact. Such an impact would be compounded by the northward expansion, far beyond the existing settlement boundary to the rear of Quarry Drive and well beyond the established village boundary to the opposite site of Finlaystone Road.

The detailed assessment of any proposed site layout would be undertaken when an application is submitted for detailed permission, should this application for planning permission in principle be granted. The indicative layout shows open space centred on an area of ecological value and the SuDS within the site, which could be a focus for the development with connectivity to Springwood Drive/Quarry Drive. There are, however, 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 layout appears based on standard house types on standard plots and this results in houses being set back similar distances from the roads leading to a regimented pattern of development. The layout also does not enclose or frame areas to create visual interest, focal points or aid wayfinding. Simply using a variety of house types does not alone address these matters.

As noted above, the layout indicates an inward looking development which turns it back on Finlaystone Road. This is a key approach to the village and this certainly cannot be considered welcoming. As further noted by the Council's landscape advisor that while in principle only, details submitted indicate a substantial number of trees would be felled as part of the proposal. Whilst some of these trees are in poor health and removal may be the correct course of action, the Council's advisor notes that should there not be a proposal for the site, the need for felling or removal would be minimal. It is particularly highlighted that the applicant proposes the removal of the trees on the knoll to the centre of the site, which is one of the few areas which add distinctiveness to the location. This is an area which could be retained and enhanced to provide a visual focal point within the development. Such a wholesale approach to tree removal is clearly

of concern. If planning permission in principle is granted, the subsequent detailed applications 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. The development extends north, far beyond the existing settlement boundary to the rear of Quarry Drive, and crucially, well beyond the established village boundary to the opposite site of Finlaystone Road. There is no doubt that the application site forms an important part of the landscape setting of the village and the Board notes the representations received in respect of this matter. 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. However, given the significant northwards projection of the site far beyond the existing settlement boundary, the initial effect of the development within the landscape would be significant and it is difficult to see how even maturing planting years later would effectively mitigate against this intrusion to an acceptable level.

Overall, the proposed development cannot be held to protect the quality, character, landscape setting and identity of the village and this does not ensure the Green Belt objectives are achieved in accordance with Policy 14 of Clydeplan. The failure to reflect local character, and to maintain and enhance landscape character or support the objectives of the Green Belt also renders it incompatible with the placemaking criteria with reference to Policy 1 of Clydeplan, Policy 1 of the LDP and Policy 1 of the proposed LDP as the new development would fail to integrate into the existing settlement. The loss of trees which have a significant landscape value is also not supported by Policy 34 of the LDP and Policy 35 of the proposed LDP. Additionally, the concerns regarding landscape setting and identity of the village noted above also results in the proposal being incompatible with the requirements of Policy 34 of the proposed LDP.

- *Impact on the recreational use of the area*

It is highlighted in the public representations that the site, being an area of attractive countryside within close proximity to the village, is used for outdoor recreation including dog walking. The site however, comprises primarily agricultural grazing land. 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. There is also nothing to suggest that the development would impact on tourism within Inverclyde. Consequently, it is 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 objective of the Green Belt as supported by Policy 14 of Clydeplan. There are also no implications in respect of Policy 35 of the LDP and Policy 36 of the proposed LDP in this regard.

- *Ecology, biodiversity and the natural environment*

Ecological issues are considered by the applicant in an Ecological Assessment. These must also be considered with reference to the Green Belt objectives of maintaining the role of the environment in terms of biodiversity. The applicant notes that no part of the site is identified as internationally or nationally important for nature conservation reasons. It is noted, however, that an area of marshy grassland lies within a wider Local Nature Conservation Site (LNCS).

The applicant's Assessment notes that the site consists predominantly of semi-improved grassland of low ecological value with a small area of marshy grassland of higher value. This was noted in a survey undertaken for Inverclyde Council of a potential LNCS in the area. It is recommended that the marshy grassland area is retained as open space within the site masterplan. The other habitats on-site are generally widespread in the local area and of lower ecological interest.

NatureScot has considered the ecological appraisal in depth offering specific advice in respect of badgers and bats. It identifies sightings of badgers in the general area but no badger setts were noted on-site with ground conditions unsuitable due to being too wet and featuring bedrock. NatureScot advise that as badgers are known to be currently present within the area, a planning

condition should require further pre-construction survey work and, if active setts are identified, a species protection plan. In respect of bats, the ecological assessment noted that bats were recorded on-site and trees with suitable crevices for bat roosts are present. NatureScot advised on the need for additional bat survey works which the applicant subsequently carried out. Having reviewed the completed bat survey report and associated species protection plan, it is advised that if the application is approved with the mitigation set out in the species protection plan, a licence from NatureScot will be required by the applicant before the development can proceed. Based on the information currently available, it is likely that the tests would be met and therefore that a licence would be granted. Given this advice, the Board is satisfied that the development could proceed without adversely affecting European Protected Species.

The Council's Ecology advisor has also considered the applicant's Ecological Assessment, raising no concerns over the methodology and presentation of the results. Like NatureScot, the requirement for additional bat survey works was identified and the Board is satisfied that this matter is addressed as noted above. The requirement to follow the recommendations in the submitted survey reports and species protection plan can be addressed by condition if required as can the requirement for a Barn Owl survey prior to the commencement of any works.

The Council's advisor offers further advice in respect of protecting open flowing waters and the adjacent basin mire habitat to the northwest, incorporating ready-made or bespoke spaces for bats in new construction and on enhancing the SuDS pond for biodiversity. Finally, it is recommended that vegetation clearance is undertaken outwith the bird nesting season. The Board is satisfied such matters can be addressed by condition and in the detailed design of any development if required.

Whilst the Board notes concerns from objectors in respect of species not discussed above, it is guided by both NatureScot and the Council's Ecology advisor on the range of species which may be affected. The consultees do not raise any concern in respect of potential pollution to waterbodies or watercourses and it would therefore be inappropriate to refuse permission on this basis. Overall, there are no ecology issues which would provide a basis of the refusal of planning permission and the proposal is considered compliant with Policy 33 of both the LDP and proposed LDP in minimising adverse impacts on wildlife and habitats.

It is also considered that the development would not compromise valuable soils such as prime agricultural land or carbon rich soils and there is no conflict with Policy 15 of the LDP and Policy 16 of the proposed LDP. The Board is further satisfied that 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

As noted in the Flood Risk Assessment (FRA), two unnamed watercourses flow in the southern area of the site before entering in two separate culverts located at the south boundary of the site. The FRA advises that modelling work demonstrates that the lower southern part of the site is at risk of flooding from these watercourses largely due to undersized culverts. It was also estimated that surface water runoff originating from the higher ground to the east and north could enter the site. There is also potential for groundwater flooding within the low-lying parts of the site. Mitigation measures to address flood risk are identified within the FRA and the applicant has also provided a Drainage Assessment Report.

The Board is satisfied that there would be no impediment to development of the site which incorporates the mitigation measures set out within the FRA. SEPA offers no objection in respect of flooding, subject to a condition requiring that there should be no land raising or development within the functional floodplain. The Head of Service – Transportation and Roads advises that the FRA and Drainage Assessment are acceptable in principle.

Notwithstanding the Drainage Assessment being acceptable for this application for planning permission in principle, it is noted that a detailed Drainage Impact Assessment together with detailed drainage design and will be required in the context of the final design and layout of any development. A grille structure over the culvert entrances will be required to prevent blockages

and to assist clearing and that the applicant will require to submit the maintenance regime drainage and cleaning of the culverts. These matters can be addressed by condition.

The Board is therefore satisfied that 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 Clydeplan and Policies 8 and 9 of the LDP and Policies 9 and 10 of the proposed LDP. The Board is further satisfied that there is no impact on the role of the natural environment in terms of floodplain capacity in line with the Green Belt objectives of Clydeplan.

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 Clydeplan, it is considered that the site could be developed without 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. There would also be no adverse 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 Board is also satisfied that the farming economy will not be adversely impacted upon.

It remains that there are concerns regarding how the development would impact upon and seek to protect the quality, character, landscape setting and identity of the village together with how robust, defensible and logical any incursion into the Green Belt boundary would be. Whilst it may be possible that a carefully conceived development could have a real focus on how such concerns could be mitigated against, the significant northwards projection of the site far beyond the existing settlement boundary remains of real concern. It is considered that the initial effect of the development within the landscape would be significant and even maturing planting in years later would not effectively mitigate against this intrusion to an acceptable level. The proposal fails to protect and enhance the quality, character and landscape setting and the identity of the existing settlement.

Additionally, it cannot be held that the proposal would support regeneration.

Accordingly the proposal fails with regard to the Green Belt objectives as set out by Clydeplan, conflicting with the aims of Policy 14.

Being within the Green Belt outwith the settlement boundary, the application site is also not supported by any of the criteria for development within Green Belt locations set out in Policy 14 of the LDP and Policy 15 of the proposed LDP and the proposal is therefore contrary to these policies.

It however rests to consider other planning issues not specific to this being a Green Belt site; will the site impact on built and cultural heritage; will it be accessible and well connected; can the site be developed for the purpose proposed without detriment to road safety; what economic benefit would occur from the development; what will be the impact on adjacent and nearby residential properties; will this impact be acceptable and is there capacity in respect of schools and local facilities for this development, and will the proposal would contribute to sustainable development?

Transport and Connectivity

The applicant's Transport Assessment is based on a development of 100 dwellings. 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 southernmost part of the application site is situated approximately 800 metres from the village centre, and the northernmost point approximately 1,200 metres; 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.

It is acknowledged that most residents would likely have to travel elsewhere for employment opportunities. Based on the applicant's supporting documentation, the housing mix within the proposed development is likely to include family homes. Whilst primary education is available in the village, secondary education provision requires transport outwith the village unless attending the local private school. There are bus stops for local services situated on Wateryetts Drive which is within close proximity of the southern part of the site. Bus stops on Port Glasgow Road lie within approximately 800 metres of the northernmost point of the site with a reasonably frequent service to the village centre, local destinations and to Braehead and Glasgow beyond.

The applicant considers that the application site is suitably located to provide a sustainable development within the Kilmacolm area. It is advised that there is a good level of provision of existing facilities and amenities already in place in Kilmacolm to promote localised trips, and suitable provision of infrastructure to allow for sustainable transport to further afield destinations such as Glasgow City Centre and Port Glasgow.

In further assessing aspects of transportation accessibility and connectivity of the proposal, the Board notes 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 resident's 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, the similarities between the two appeal sites at Bridge of Weir Road and this application site are clear and the Reporter's conclusions in both cases are noted. It remains that each planning application has to be considered on their individual merit with reference to the relevant development plan policies and any material planning considerations at the time a decision is made. 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 requirements and in this case there is a shortfall which requires to be addressed. As a consequence it has been concluded, through the proposed Local Development Plan 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.



Looking south-west across the site from adjacent to Finlaystone Road

As part of plan-led approach, the proposed LDP process considered the requirement and, through a site selection process, concluded that the application site was not required to address this shortfall. The Board considers that it remains that additional investment in new housing should be centred on locations that have greater potential to result in modal shift or improved transport outcomes that better reflect the principles of sustainable development. This would include the Bishopton community growth area identified within Clydeplan which is also situated within the Renfrewshire Housing Sub-Market Area. Given the limitations in the accessibility of the application site without the reliance on the use of the private car, the Board considers that the proposal to develop a site which is not part of a land release and planned expansion of the settlement of Kilmacolm identified through a plan-led system would not constitute low carbon placemaking at this time. Accordingly, the development would be inappropriately located and, as such, contrary the Vision and Spatial Development Strategy within Clydeplan, Policy 10 of the LDP and Policy 11 of the proposed LDP.

In considering the further comments of objectors, the reinstatement of the former railway line is not a matter for this application. SPT took the decision to remove service 1/1A from Quarry Drive, Finlaystone Road and Woodrow Avenue in autumn 2018; SPT advises that the vast majority of passengers utilised the stop on Wateryetts Drive, which will remain served utilising the roundabout to turn vehicles. SPT's advice on the potential to improve the bus stop on Wateryetts Drive is noted. Should planning permission be granted, the Board would support SPT's advice that multi-modal Travel Packs be made available for new residents.

Traffic and Road Safety

The Board is principally guided by the advice from the Head of Service – Roads and Transportation. The Board notes that there is no objection in principle when assessing the impact on the local road network and road safety. There are also no objections to the access arrangements of the site

The Board is in agreement with the advice on the widening of Finlaystone Road, on the provision of a footway along the boundary of the development, and on the extension of the 30mph limit. Such matters would be addressed as part of the detail of any development if appropriate, as would the road layout within the site, together with the parking requirements for individual dwellings. Matters relating to the road works and street lighting, together with any matters relating to the adoption of roads, footpaths and car parks are addressed via separate legislation.

A range of traffic and road safety concerns have been raised in the public objections, however the Head of Service – Roads and Transportation raises no concerns regarding any knock-on effect in respect of parking within the village centre or at the local primary school. Whilst construction traffic will inevitably travel to the site via the local road network, this does not warrant the refusal of the application, as is also the case with concerns over existing road surface conditions and the wider road network within West Central Scotland.



Looking south-west towards Planetreeyetts Farm.

The Board is satisfied that there are no traffic or road safety implications arising from the proposal. As such the proposal is acceptable when assessed against Policy 11 of the LDP and Policy 12 of the proposed LDP.

Built and Cultural Heritage

Two listed buildings lie within approximately 145 metres of the application site. The Category B Wateryetts lies on Finlaystone Road to the south of the application site. The James Reid Headstone within Kilmacolm Cemetery lies to the west, and is also Category B. A number of intervening dwellinghouses lie between the application site and Wateryetts, which leads me to conclude there will be no impact on the listed building or its setting. Whilst there will be clear views of the development from the Cemetery, the James Reid Headstone is viewed in the context of the Cemetery and the Board therefore does not consider that the development would have any impact on its setting.

Concern is expressed in the objections over the demolition of the existing buildings at Planetreeyetts Farm, noting that the buildings have historic value and should be preserved. Whilst buildings at Planetreeyetts Farm are shown on Ordnance Survey plans published in 1863, the farm buildings are neither listed nor lie within a conservation area. The demolition of these buildings cannot therefore provide any basis for the refusal of the planning application.

Turning to archaeology, the applicant's Planning Statement considers that there are no cultural heritage issues affecting the site. The Council's archaeology advisor notes that the farmstead of Planetreeyetts is depicted in historic mapping with a further farmstead (Roughbush) located to the north of Planetreeyetts and to the west of Oldhall and likely within the boundary of the site, although there is now no surface trace of it. There is the potential that both Planetreeyetts and Roughbush may have their origin in the late medieval or medieval periods. The Council's advisor further notes that to the south, late medieval pottery was recovered from Kilmacolm play park in the early 1970s.

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.

The Board is therefore satisfied that there is no impediment to any development in respect of built heritage and archaeological matters and, as such the proposal is acceptable when assessed against Policies 29 and 31 of the adopted and proposed LDPs.

Residential Amenity

Residential amenity can be affected in a number of ways. Concerns have been expressed over noise, disruption and dust from construction, privacy implications, loss of view from neighbouring property, the impact on the daylight of existing properties and the potential for noise disturbance from new neighbours.

Any development project will produce noise and an element of disruption during the construction phase and this cannot be a determining factor in consider whether to grant planning permission: this is a matter controlled by legislation operated by the Head of Public Protection and Covid Recovery. It is acknowledged that the existing adjacent residents have an established level of amenity and privacy. The application is in principle only and the design concept submitted purely indicative. The indicative layout does indicate how the development could be designed to ensure that suitable 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 within a residential area. It is also not considered the completed development would have any air quality implications for either existing residents or those occupying any new dwellings. On this basis the Board concludes that the proposal could accord with the requirements of Policy 12 of the adopted LDP and Policy 13 of the proposed LDP.

The Board is satisfied that the relationship of the proposed development to existing residences would not lead to unacceptable disruption to residential amenity in a manner that could justify the refusal of 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 considerable local socio-economic benefits. These must, however, be weighed against the development plan strategy and the need to safeguard local character and amenity.

Economic benefit would result primarily through construction employment and investment, both directly and indirectly. Furthermore, it is contended that the development would also support additional spending within Kilmacolm associated with the increase in population and also increase the labour supply for local businesses. It would remain that, as recognised in the recent appeal decision for North Denniston (PPA-280-2029), local businesses would still need to compete with online, national and independent retailers elsewhere for products and any new residents would not be compelled to use local facilities and businesses. It is true 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 outweigh the negative impact 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, and also provide for the increase in affordable housing provision. Furthermore, it is contended that the proposal would lead to greater vibrancy in the village, an increase in volunteering and improved efficiencies in public services, such as transport and schools, as a result of population increase.

Whilst noting the applicant's position, the Board concludes that the proposal would not generate socio-economic benefits which would alone justify this development, contrary to the spatial development strategy of the development plan.

The Board further notes the two previous appeal decisions for similar sites in the Kilmacolm Green Belt. The appeal decision at Knapps and North Denniston concluded that socio-economic benefits do not justify the approval of the proposed development as an exception to the Development Plan, whilst the appeal decision at North Denniston considered that despite having potential to be well designed and to bring some socio-economic benefits, the location and operational harm prevented the proposal contributing to sustainable development.

Capacity of Schools and Local Facilities

Concerns are raised in the representations on school capacity. The Head of Education confirms that the catchment primary and secondary schools affected will be able to accommodate additional pupils resulting from the development. Further concerns are raised in respect of the capacity of local private schools, however this cannot be a determining factor in the assessment of a planning application. Turning to local healthcare facilities, again concerns are raised on capacity. The applicant considers capacity exists and has advised that the GP practices within Kilmacolm have been contacted with no adverse comments. The applicant further advises that one of the practices also confirmed the NHS list is open and that the additional population could be accommodated. The Board has no basis to conclude differently and the potential impact on local healthcare facilities is not a material planning consideration as it is the responsibility of others to provide these services.

The lack of a police station within Kilmacolm would not warrant the refusal of planning permission and whilst the Board notes the concerns raised regarding a lack of facilities within Kilmacolm village centre, conversely, a wide variety of facilities within are available the village centre including the community centre, library and a range of retail shops.

As a result, there are no implications arising in respect of the capacity of schools and local facilities which would warrant refusal of the planning application.

Heat networks, low carbon infrastructure and climate change adaption

Policy 5 of the adopted LDP and proposed LDP 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. The Board is satisfied that there are no existing heat networks or sources to which the development could connect. The requirement for an energy statement which considers how the development's heat demand can be met via other low-carbon measures can be considered at the detailed phase of the development and addressed by condition if required, as can the implementation of any recommendation.

As an element of design, Policy 6 of the adopted LDP also seeks to ensure that all new buildings are energy efficient through the installation of low and zero carbon generating technologies and 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. Policy 6 of the proposed LDP reflects the updated position with a 20% requirement. This requirement can also be addressed by condition if required.

Policy 8 of the proposed LDP notes that where required by planning guidance, Major Developments are to be accompanied by a Climate Risk and Vulnerability Assessment. Considering the submission date of this proposal no such assessment is applicable.

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 condition or advisory note if necessary. Issues in respect of sound insulation complying with the building regulations would be for the building warrant process. The Board is 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. The Board is therefore satisfied that the requirements of Policy 16 of the adopted LDP and Policy 17 of the proposed LDP in respect of ground contamination could be addressed.

Scottish Power Energy Networks and Scotland Gas Network's consultation responses present no impediment to development. Whilst noting the public representations in respect of water and sewerage capacity, the Board is guided in this respect by Scottish Water consultation response which offers no objections.

Other issues

A wide range of other issues have been raised in the representations.

Procedurally, the submission meets the requirement of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. All neighbours within 20 metres of the application site were notified and, additionally, a press advertisement was placed in accordance with the requirement of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. While there is concern over the timing of the submission prior to the Christmas period, there are no restrictions in the submission of planning applications prior to this period and the Council sought to ensure that neighbours and those who wished to make representation were not disadvantaged by extending the publicity period.

Given the differences between application sites and each individual planning application, and the associated wide range of variables that may occur, there is no provision within the planning system for objections submitted for a planning application proposal on one application site to automatically count as an objection to a different planning application proposal on a different site.

An applicant does not require to own the land to submit a planning application. The Board is satisfied that correct procedure has been followed by the applicant in notifying the owners of the application site. An application fee required to be paid to the Council in respect of processing the application. The Council has no financial interest in the application submitted and press reports in respect of the quality of the applicant's product can have no bearing on the assessment of this application.

Concerns over the provision of affordable housing are raised. Policy 18 of the proposed LDP sets out a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages to be for affordable housing. This responds to SDP Policy 9. 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 indicates that 25% of the proposed residential units will comprise affordable housing. If the proposal is supported, an affordable housing contribution would be required as part of the proposal. Policy 21 of the proposed LDP sets out a requirement for the provision of 5% wheelchair accessible housing on new build development sites of 20 or more units. This is a matter to be addressed by condition in the event that planning permission in principle is granted.

In respect of the concerns on the detailed form of the development, this application is considered in principle only. Whilst providing a useful guide on how the site may be developed, the details provided by the applicant are only indicative at this stage. The number of electric vehicle charging points within the village centre can have no bearing on the assessment of this application.

Any potential reduction in property value is not a material planning consideration and residents taking access from the private road to the rear of Quarry Drive is a civil matter. The possible extension of Kilmacolm Cemetery is not a matter to be considered in the assessment of this

application. The installation of temporary traffic lights to undertake survey works and the fixing of cameras to lamp posts to collect survey data are also not matters which are material to the assessment of the planning application. Should works/installations be undertaken on the public road, this is a matter to be addressed via separate legislation. Contractors entering private gardens to undertake survey work is a civil matter between the parties involved and is again not material to the assessment of the planning application.

Noting the concern that the granting of planning permission may create a precedent for future proposals, all planning applications are considered on their own merit and this would be the case for similar sites if permission was granted for this proposal. The right of appeal applies across the planning system and again can have no bearing on the assessment of the application. There is also nothing to prevent the submission of planning applications for Green Belt locations.

Summary and Conclusion

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 identified 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 adjudged. 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.

As assessed above, it is accepted that the application site is in a marketable location and could be considered an effective housing site which could address any shortfall. Notwithstanding this however, the proposal, with respect to sustainable development, creates an unacceptable level of tension with many of the principles in respect of paragraph 29 of SPP. It would fail to protect the quality, character, landscape setting and identity of the village. It therefore cannot be held that the development would be in keeping with the character of the settlement and local area. The proposal also fails to ensure that the Green Belt objectives are met as it does not direct planned growth to the most appropriate location, support regeneration, create and safeguard identity and protect and enhance the quality, character landscape setting and identity of Kilmacolm. No additional infrastructure requirements have been identified beyond the infrastructure which will be required within the application site to support the development.

There is thus conflict with three of the criteria; the development will not contribute to sustainable development; the development will not be in keeping with the character of the settlement of local area; and the development undermines Green Belt objectives. It is therefore considered that regardless of housing land requirements, the proposal fails when tested against Policy 8 of the Clydeplan.

Furthermore, as the site is situated within the Green Belt and is not a form of development supported by Policy 14 of the LDP, it is contrary to this policy. Policy 15 of the proposed LDP additionally supports proposals in Green Belt locations in exceptional or mitigating circumstances. With no such circumstances identified in support of this proposal, it is also contrary to Policy 15 of the proposed LDP.

Assessing the proposal with direct reference to the impacts on landscape character and visual impact, the built and cultural heritage, ecology, flooding and the recreational use of the area, it has been concluded that the landscape character and setting of Kilmacolm, with specific concerns in respect of the significant extension of the built up area into the open countryside when entering the village from Finlaystone Road, will be detrimentally impacted upon. This is contrary to Policies 1 and 14 of the LDP, and Policies 1 and 34 of the proposed LDP. Additionally, the proposal is not supported by Policies 1 and 14 of Clydeplan.

The proposal is considered to be an unjustified, car dependant development within the Green Belt; it 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 proposal fails to comply with the requirements of Policy 10 of the LDP and Policy 11 if the proposed LDP.

For developments of a strategic scale, Box 1 of Diagram 10 sets out the basis of the assessment in respect of Clydeplan. As the proposal fails in respect of Policies 8 and 14 of Clydeplan, it is a departure. Box 2 of Diagram 10 provides the criteria for establishing whether a development proposal is an acceptable departure from Clydeplan. As assessed above, the proposal does not merit any specific support in respect of any of the criteria listed nor are there any other material considerations which would justify a departure from Clydeplan. Accordingly, the proposal is an unacceptable departure from Clydeplan and is therefore contrary to the 2017 Clydeplan Strategic Development Plan.

Paragraph 34 of the SPP further addresses circumstances where a plan is under review and notes that it may be appropriate to consider whether granting planning permission would prejudice the emerging plan. It is noted that such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Addressing housing land requirements are fundamental to the proposed Local Development Plan as is ensuring a plan-led and proportionate expansion of Kilmacolm which will address the shortfall in housing land, but not be of a scale that will compromise the Vision and Spatial Development Strategy of Clydeplan. The Local Development Plan process considered the requirement and, through a site selection process, concluded that the application site at Planetreeyetts was not required to address this shortfall. It remains that the application site lies within the Green Belt identified within the proposed Local Development Plan. To grant planning permission for the proposal would undermine the plan-led process and result in a cumulative impact with the proposed plan-led and proportionate expansion of Kilmacolm with a resultant inappropriate level of new housing development contrary to the Vision and Spatial Development Strategy of Clydeplan.

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, the proposal fails to accord with the Development Plan strategy and the unacceptable level of tension with sustainable development principles leads me to conclude that the proposal is contrary to the Development Plan. In reviewing the application and the applicant's position set out in the supporting documentation, it is concluded that there are no material considerations to indicate that the application should be considered favourably.

RECOMMENDATION

That the application be refused for the following reasons:

1. That due to unacceptable tension with the principles set out in paragraph 29 of Scottish Planning Policy it cannot be concluded that the proposal constitutes sustainable development.
2. The proposal would undermine the plan-led process and result in a cumulative impact with the proposed plan-led and proportionate expansion of Kilmacolm with a resultant

inappropriate level of new housing development, contrary to the Vision and Spatial Development Strategy of the 2017 Clydeplan Strategic Development Plan.

3. The proposed development is contrary to the Spatial Development Strategy of the 2017 Clydeplan Strategic Development Plan as it is an unjustified urban development which is outwith the development corridor identified in the Plan and it fails accord with the Green Belt objectives.
4. The proposal is contrary to Policy 14 of the adopted 2019 Inverclyde Local Development Plan and Policy 15 of the 2021 proposed Inverclyde Local Development Plan in that it fails to accord with the objectives of the Green Belt.
5. The proposal is contrary to the aims of Policy 10 of the adopted 2019 Inverclyde Local Development Plan and Policy 11 of the proposed 2021 Inverclyde Local Development Plan in that it will generate significant traffic demand by private car, would not constitute low carbon placemaking and would be inappropriately located.
6. The proposal fails to have regard to the six qualities of successful places as required by Policy 1 of the 2017 Clydeplan Strategic Development Plan, Policy 1 of the adopted 2019 Inverclyde Local Development Plan and Policy 1 of the proposed 2021 Inverclyde Local Development Plan.
7. The proposed development cannot be held to protect the quality, character, landscape setting and identity of the village which results in it being incompatible with the requirements of Policy 34 of the proposed 2021 Inverclyde Local Development Plan.
8. The loss of trees, which have a significant landscape value, are not justified with reference to each of the criteria set out within Policy 34 of the adopted 2019 Inverclyde Local Development Plan and Policy 35 of the proposed 2021 Inverclyde Local Development Plan.

David Wilson
Chair, Planning Board