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Mr Christopher Kennedy  
Directorate for Planning &  
Environmental Appeals  
4 The Courtyard  
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16 October 2019

Dear Mr Kennedy

**OBJECTION TO PLANNING PERMISSION APPEAL (REF. PPA-280-2029)  
RELATING TO LAND AT NORTH DENNISTON, BRIDGE OF WEIR  
ROAD, KILMACOLM**

We act on behalf of the Kilmacolm Civic Trust (*the Trust*), which works to enhance and preserve the character and amenities of the villages of Kilmacolm and Quarriers. In this role the Trust wish to ensure that the sensitive and special environment of the district generally and Kilmacolm and Quarriers Village in particular is protected, with new development being supported subject to it being in the most appropriate and sustainable locations.

On behalf of the Trust, we object to the above referenced appeal for “*proposed residential development with access, open space, landscaping and associated works*”.

The grounds for the objection are:

- the strategy for new development;
- housing need / supply;
- Green Belt;
- character and amenity; and
- place-shaping.

This objection responds to the appeal documents submitted by Gladman Developments Ltd in connection with the refusal of application (ref: 19/0041/IC) by Inverclyde Council (*the Council*) at the land at North Denniston, Bridge Of Weir Road, Kilmacolm. The objection should be read in conjunction with our representation to the planning permission in principle application.

A copy of the Trust’s speech delivered to the Inverclyde Pre-Determination Hearing on 13 June 2019 regarding the planning application on behalf of the KCT is appended to this objection.

## Background

There have been a number of applications and appeals submitted by Gladman Developments Ltd for the development of this site and the wider area, all of which have been refused by the Council and dismissed by a Reporter. The allocation of the land for residential development was also promoted for inclusion in the Council's Local Development Plan and was rejected.

The planning history of the site is relevant and is set out as follows:

- planning application (local planning authority ref. 17/0403/IC) for the residential development of 100 dwellings with access, open space, landscaping and associated works at Land at Knapps and North Denniston Bridge Of Weir Road Kilmacolm (*the first planning application*). This application was refused planning permission in principle by the Council on 4 July 2018;
- planning appeal (DEPA ref. PPA-280-2026) in relation to the first application (*the first appeal*). This appeal was dismissed by a Planning Reporter on 7 January 2019; and
- planning application (local planning authority ref. 19/0041/IC) for the residential development of 88 dwellings with access, open space, landscaping and associated works at Land at North Denniston Bridge Of Weir Road Kilmacolm (*the second planning application*). This application was refused planning permission in principle by the Council on 4 July 2019 and is the subject of the current appeal (DEPA ref. PPA-280-2029).

The only difference between the first and second planning applications is the exclusion of the eastern portion of land from this application (known as Knapps). The first application indicated that the site had the potential to deliver 100 new dwellings, with just 12 of these being located in the Knapps part of the site.

Accordingly, the exclusion of this area from the second application site has resulted in no fundamental change to the proposed development. Rather, the vast majority of the previous development (88%) is still being sought on a large area of land to the west of Bridge of Weir Road.

These decisions demonstrate unequivocally that the development of the appeal site and the wider area of land (i.e. the land covered by the first application) is not appropriate in planning terms.

## The development plan

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that the application is determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan consists of Clydeplan (adopted in July 2017), the strategic development plan, and the Inverclyde Local Development Plan (adopted in August 2019), the local development plan.

## The strategy for new development

Clydeplan and the newly adopted Inverclyde Local Development Plan seek to focus new development in the most sustainable locations. Clydeplan sets out a vision for a compact city region that focuses on developing brownfield land to meet the region's housing needs, and seeking to limit the extension of the built up areas.

The appellant contends that the appeal site is located in the development corridor identified in Clydeplan. Page 9 of Clydeplan sets out that the development corridor focused on, amongst other things, the Community Growth Areas and Clyde Waterfront. The 13 Community Growth Areas (CGA) are the focus for new development in the region. Kilmacolm is not located in a CGA. The appellant contends that Diagram 2 on page 27 of Clydeplan indicates that the appeal site is within the 'Clyde Waterfront' part of the development corridor. Paragraph 5.8 of Clydeplan sets out the following with respect to the Clyde Waterfront:

*“The Clyde Waterfront is a large scale mixed use community regeneration and restructuring development opportunity requiring long term commitment and joint action. It is intended to revitalise the River Clyde section of the Development Corridor by reconnecting its communities with the river and providing a focus for growth of the city region. The project area focuses on the Inverclyde Waterfront, Renfrew Riverside, Clydebank, Dumbarton, Bowling, Govan and Partick. It also includes the Creative Clyde Enterprise Area in Glasgow. A number of Green Network Strategic Delivery Areas (Schedule 11) are identified along the Clyde Waterfront as priorities for action in delivering the Glasgow and the Clyde Valley Green Network. A number of City Deal projects are Clyde Waterfront related supporting increased economic activity and connectivity. Cross boundary joint working will be essential to ensure that the maximum benefits for the city region are gained from these projects.”*

It is patently clear that development of rural settlements such as Kilmacolm is not envisaged as being part of the Clyde Waterfront development strategy.

Inverclyde Local Development Plan promotes a spatial strategy that focuses on the regeneration and reuse of brownfield land within urban areas and directing new developments to locations accessible by a choice of modes of transport.

The Planning Reporter's decision on the first appeal scheme is a material planning consideration. A number of key points with regards to the proposed development's compliance with the spatial strategy for new development was set out in this decision. With respect to the site's sustainability credentials, the Planning Reporter stated at paragraph 18 that:

*“I find that the Transportation Assessment accepts that the proposed development would be largely car-dependent. I find that it is unlikely 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. In view of this, I agree that there is a lack of sustainable public transport in the Kilmacolm area.”*

The Transport Assessment (TA) submitted with the planning application for the current appeal scheme accepted this position, noting at Table 6.3 that 67% of travel demand from the new dwellings would be via car, with only 4% by bus. Whilst the TA notes that there are public transport options available to connect to Glasgow City Centre and Port Glasgow (paragraph 8.2), it is clear that the locational characteristics of the site are such that these options will not be attractive to the vast majority of new residents.

The nearest train stations are Port Glasgow, approximately 4.7 miles from the centre of Kilmacolm, and Johnstone which is 7.2 miles. Neither of these stations are conveniently accessible from Kilmacolm, requiring travel by private car to the respective stations, or a bus. Bus services to Port Glasgow are every 30 minutes and every hour to Johnstone. Such services are not attractive for the majority of residents and will not encourage travel by means other than private car.

Paragraphs 19 and 20 of the Planning Reporter's decision on the first appeal noted that:

*"A lack of local employment opportunities in Kilmacolm is illustrated by figures 3.11 and 3.12 on page 18 of the Kilmacolm Local Housing Assessment. I find that, if the proposed development were to be built, most of its residents with jobs would travel to work locations outwith Kilmacolm.*

*I find that the proposed 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 and travel by public transport. For these reasons, the proposed development would not accord with development plan strategy."*

There is no fundamental change in this position between the first appeal, which was dismissed by the Reporter, and the current appeal scheme. It remains the case that Clydeplan sets out that in strategic terms development should take place within specific areas and Bishopton, a CGA, is a much more sustainable location for new development to be directed to. The conclusions of the Planning Reporter of the first appeal at paragraphs 24 and 25 are directly relevant to the current appeal:

*"Allowing housing development on greenfield sites that have not been identified in the development plan for new housing would make it more difficult to attract development to brownfield and regeneration sites. It would also be contrary to the vision of the compact city region. For these reasons, the proposed development would not accord with development plan strategy.*

*My conclusion is that the proposed development does not accord with development plan strategy."*

The Council's Spatial Development Strategy (Figure 1) in the recently adopted Local Development Plan is to continue to support urban regeneration and the protection of the rural area by directing most new development to existing towns and villages and limiting development in the Green Belt and Countryside. Paragraph 6.10 reflects this, highlighting that the preferred location for new development is within the existing towns and villages, particularly where this re-uses previously developed land. The Local Development Plan sets

out Priority Places which are the key sites that will be developed to make Inverclyde a more sustainable location. This site is not listed as one of the Priority Places in Schedule 3 of the Local Development Plan.

Accordingly, this application is not in accordance with the development strategy for new development in Inverclyde and should be refused permission in principle on this basis.

### **Housing need / supply**

The appellant's Statement of Appeal for the current appeal sets out that in their view there is a shortfall in the housing land supply position and that the proposed development would help to meet this shortfall. The appellant has made reference to a recent appeal decision at Land at Carsemeadow, Quarriers Village, PA11 3RZ (ref. PPA-280-2027, and referred to as the Carsemeadow appeal), asserting that this confirms that there is a housing land supply deficit. This decision was made *prior* to the Council's new Local Development Plan being adopted.

It is not accepted that there is a shortfall in the housing land supply position. The Local Development Plan has recently been adopted and identifies sites to meet the identified need. This did not identify a need for additional housing land release in the Kilmacolm and Quarriers Village area and the recent adoption of the plan means it must be afforded significant weight.

The Trust has reviewed and supports the position of Inverclyde Council as set out in their Statement of Appeal for the current appeal with respect to housing land need and supply. In particular, the Trust agree that the correct approach for considering private housing supply and demand is the housing market area, and the Carsemeadow appeal decision does not conclude that there is a shortfall in the effective private supply in the Renfrewshire housing sub-market area.

It is not correct that if there is any shortfall in the Inverclyde housing market area, if it exists, that this should be provided through additional supply in Kilmacolm (and Quarriers Village), which are located in a different housing market area. Inverclyde and Renfrewshire are separate housing market areas and so land releases in the Renfrewshire Housing Sub-Market Area within the district of Inverclyde would not meet any demand arising in the Inverclyde Housing Market Area (but the Trust does not accept that there is a need in this Housing Market Area).

The Reporters who examined the new Local Development Plan made clear that Clydeplan does not require the Council's plan to allocate private sector housing development in Kilmacolm and Quarriers Village, in order to be consistent with the strategic development plan. This was on the basis that if there is a demand for the private sector supply in the Renfrewshire housing sub-market area, there will be brownfield sites in more sustainable locations to which priority should be given in releasing additional land for housing development. The development if the appeal site would not be sustainable in this context.

If the Reporter were to determine that there is a housing land supply deficit, it is acknowledged that Clydeplan Policy 8 (Housing Land Requirement) and Local Development Plan Policy 17 (Land for Housing) would be engaged.

Clydeplan Policy 8 requires that the development must contribute to sustainable development. The assessment above demonstrates clearly that the development of this site would not contribute to meeting this key objective. The appellant has made much of the Carsemeadow appeal decision with respect to housing land supply. However, it is pertinent that, in assessing the proposition that there is a requirement to find additional sites for housing, the Reporter was unequivocal that the development of that site would be contrary to Clydeplan Policy 8 on the basis of it not being a sustainable location. With respect to this appeal, the Reporter set out that:

- *the LDP's approach to sustainable development, and indeed SPP paragraph 287, requires new development to place greater emphasis on modes of transport other than the private car. This issue underpins LDP policy SDS2 Integration of Land Use and Sustainable Transport, which seeks to "direct new developments to locations accessible by a choice of modes of transport" and; Policy TRA2, Sustainable Access, which expects new major trip-generating developments to be "directed to locations accessible by walking, cycling and public transport." The third placemaking principle, "easy to move around" referred to in Clydeplan policy 1 is also relevant; (paragraph 28)*
- *the limited access to public transport at this location would, in my opinion, result in future occupiers being dependent on trips made by private car; (paragraph 31)*
- *I note that the appellants are committed to providing charging facilities for electric cars. Such facilities are an important consideration when planning any new development. I do not consider this feature alone would off-set the dependency on the private car and the development would conflict with LDP policies SDS2 and TRA2 and, Clydeplan policy 1; (paragraph 32)*
- *overall I do not find this to be a sustainable location for development and the appeal proposals would not meet the relevant criterion of Clydeplan policy 8. (paragraph 34)*

It is clear that the current appeal site will also not be a sustainable location for new development. Paragraphs 84 to 90 of the Planning Reporter's decision for the first appeal (which covered both this site and the area to east of Bridge of Weir Road) confirmed that the development of the site would not result in directing planned growth to the most appropriate locations or support regeneration, on the basis that there is preference for development to be directed to sustainable brownfield locations such as Bishopton, which is designated as a CGA and a strategic economic investment location. There is no material change in this position between the previous appeal scheme and the current appeal. The proposed development would not amount to directing planned growth to the most appropriate locations and supporting regeneration, and for these reasons Policy 8 of Clydeplan is not complied with.

Policy 17 of the Local Development Plan states that if additional land is required for housing development, the Council will consider proposals to help meet the shortfall. In the

examination of the Local Development Plan the Planning Reporter set out with respect to Issue 5 (Housing Land Supply, Housing Supply Targets and Housing Land Requirement) that:

*“Policy 17 commits the Council to undertaking an annual audit of housing land to ensure that it maintains a 5 year effective land supply. It also sets out criteria for the assessment of opportunities if additional land is found to be required for housing development. These criteria focus on supporting brownfield sites and the Priority Places and ensuring new opportunities are deliverable. This is a pragmatic approach, and it is not accepted that it constitutes the Council abandoning the plan-led approach and inviting planning by appeal.”* (emphasis added)

Policy 17 must therefore be considered in this context. It sets out that assessment of developments to meet an identified shortfall will be undertaken with regard to the policies applicable to the site (which in this case include its location in the Green Belt) and a number of criteria being met (an assessment of these is in *italics*):

- a strong preference for appropriate brownfield sites within the identified settlement boundaries - *the appeal site is a greenfield site (and in the Green Belt) and is outside of the settlement boundary. The Planning Reporter in the Carsemeadow appeal identified that that site was not a Brownfield, conflicting with Policy 17. The current appeal scheme is also contrary to this criterion; and*
- there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan - *the development proposes housing on land that is not a Priority Place allocated for residential-led development. As per the comments of the Planning Reporter at paragraph 24 of the first appeal, housing development on greenfield sites that have not been identified in the development plan for new housing will make it more difficult to attract development to brownfield and regeneration sites. As such the development of the site could result in an adverse impact on the delivery of the Priority Places and Projects through diverting investment and infrastructure needed to support these.*

So even if there were to be a case that there is a deficit with respect to the housing land supply situation (but the Trust do not accept that there is), the appeal scheme is contrary to Policy 8 of Clydeplan and Policy 17 of the Local Development Plan and so is not suitable for meeting any such need.

Policy 18 (New Housing Development) of the Local Development Plan sets out that:

*“New housing development will be supported on the sites identified in Schedule 4, 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 Development Briefs for Housing Sites, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development. There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages which are brought forward under Policy 17 to be available for social rent. Supplementary Guidance will be prepared in respect of this requirement.”*

The application site is not identified for new housing in Schedule 4 and so the application is contrary to the Policy 18.

The proposed development is in conflict with Clydeplan Policy 8 and Policies 17 and 18 of the Local Development Plan. This conflict is significant and the appeal should be dismissed on this basis.

### **Green Belt**

The appeal site is on the edge of Kilmacolm village and falls within the Green Belt.

As set out above, Policy 8 of Clydeplan sets out that granting planning permission for housing developments must not undermine Green Belt objectives.

Clydeplan Policy 14 (Green Belt) sets out specific guidelines that any development in the Green Belt should comply with (and if a development should fail on any of these criteria the application should be refused):

- *directing planned growth to the most appropriate locations;*
- *supporting regeneration;*
- *creating and safeguarding identity through place-setting and protecting the separation between communities;*
- *protecting and enhancing the quality, character, landscape setting and identity of settlements; protecting open space and sustainable access and opportunities for countryside recreation; maintaining the natural role of the environment;*
- *supporting the farming economy of the city region; and*
- *meeting requirements for the sustainable location of rural industries.*

The Trust's view is that the proposed development would conflict with these key objectives. The proposed housing scheme would not result in directing planned growth to the most appropriate locations and would not protect and enhance the quality, character, landscape setting and identity of settlement. As set out above, the site is fundamentally an unsustainable location for further growth and the additional unplanned housing development at this location would clearly conflict with Green Belt objectives set out in Clydeplan Policy 14.

The Planning Reporter for the first appeal considered the issue of the Green Belt, including the Kilmacolm Development Capacity Appraisal submitted by the applicant, and concluded that the present Green Belt boundary is satisfactory (paragraph 35). Paragraph 36 of the decision confirmed that:

*“My conclusion is that, unless exceptional or mitigating circumstances can be demonstrated, the proposed development is contrary to the green belt policies of the development plan.”*

Policy 14 of the Local Development Plan (Green Belt and the Countryside) sets out the types of development that will be allowed in the Green Belt. The proposed development does not meet any of the criteria listed and so is contrary to the Policy.

Policy 19 of the Local Development Plan sets out that proposals for individual and small scale housing development in the Green Belt and Countryside may only be supported in the certain circumstances. The scale of the development is 'large scale' and so cannot be considered as falling within the context of this policy.

With respect to the Green Belt, the Planning Reporter who examined the emerging Local Development Plan sets out in paragraph 6 of issue 4 that the preference is for all new development to be on brownfield sites within urban settlements, and also sets out a presumption against the spread of the built up area into the Green Belt. Importantly, the Reporter did not recommend any changes to the Green Belt boundary.

Paragraph 4.1.13 of the appellant's Statement of Appeal for this appeal seeks to argue that the principle of development in this location has been established through the development at North Denniston Farm. The redevelopment of existing brownfield land does not set a precedent for the development of up to 88 new homes on an undeveloped site in the Green Belt. The applicant's argument carries no weight.

The proposed development is contrary to the strategic and local policies on Green Belt and the appeal should be dismissed on this basis.

### **Character and amenity impacts**

Paragraphs 8.1.1 and 8.1.2 of the appellant's Planning Statement submitted with the application seek to argue that the previous appeal decision (for the development of this site and the adjacent land) has confirmed that the development of the application site is suitable in terms of character and amenity. Whilst it is acknowledged that the Planning Reporter considered the impacts of the development of the land at North Denniston would be less than those at Knapps on the east of Bridge of Weir Road, this does not mean that it is an appropriate place for development in terms of character and landscape.

The unique character of the land that lies between the old railway line (now a national cycling, walking and horse-riding route) and the very distinct and well defined boundary that is formed by the houses on the west side of Gryffe Road that overlook it is special. Most of those houses are of early Edwardian/early 20th Century origin, designed by well known architects. They were placed there deliberately to take advantage of the elevated Gryffe Road setting with magnificent views over uninterrupted farmland all the way across to the Renfrewshire Hills in the west. Kilmacolm is characterised by green wedges, such as the land at North Denniston, which bring the countryside into the heart of the village.

The proposed development, which would consist of an estate of 88 dwellings (including two blocks of flats), would have a significant adverse impact on the unique characteristic of this part of Kilmacolm and the joy and admiration that it generates in the minds of the people on the track. The construction of the 2 x steading arrangements on land between the old farmhouse and their proposed stop-point just west of the house 'Pulldhoran' would produce

a densely packed arrangement of 21 very small dwellings on that piece of ground. Likewise, construction of 67 dwellings (detached, semi-detached and 2 blocks of flats) would produce another densely packed arrangement of very small structures with little space between them.

Issue 8 of the report on the examination of the new Local Development Plan is entitled 'Housing Sites in the Renfrewshire Sub Housing Market Area'. In this section, the Planning Reporter considered specific sites that had been proposed for allocation in the new local development plan, including the current application site. The key findings of the report in relation to the application site are set out in paragraphs 21 and 22 (of this section), and set out that:

*"There would be a substantial impact on users of the footpath and cycleway on the former railway line, due to the presence of houses on the adjoining lower land that at present affords a rural setting for, and open views to, the built-up edge of the village. While occupiers of houses on Gryffe Road would also experience a substantially changed outlook, their residential amenity should not otherwise be significantly affected.*

*"This site forms one of the 'fingers' of countryside that extend towards the centre of Kilmacolm and are considered to be part of Kilmacolm's character. Its development would erode that character and, to that extent, its setting. I do not consider that its development would result in a significantly stronger settlement boundary."* (emphasis added)

The Planning Reporter's comments in relation to this matter indicate clearly that the proposed development would have a detrimental impact on the character and setting of the village. This impact would be significant and the proposed development cannot now be considered to comply with Policy I of the recently adopted Local Development Plan. This conflict warrants the refusal of the planning application.

### **Place making**

Clydeplan's Policy I (Placemaking) requires that new development should contribute towards the creation of high-quality places, taking account of the place-making principle. Table I of Clydeplan is headed Placemaking Principle and contains six qualities of place. These principles have been incorporated into Policy I of the recently adopted Local Development Plan.

Paragraph 93 of the Planning Reporter's decision on the first appeal scheme set out the assessment of the proposed development with respect to these place-making quality indicators. These comments are reproduced in the following table, along with the Trust's assessment of the current appeal scheme:

Indicator	Reporter's view on appeal	The Trust's assessment of proposed scheme
Local character and community identity	<i>I find that the proposed development would not be compatible with the character and amenity of the area</i>	Notwithstanding the changes, the current scheme would result in harm to the character and amenity of the area
Sustainable and low-carbon city region	<i>I find that the proposed development would be highly car-dependent and would not constitute low-carbon place-making</i>	The development would still be highly car-dependent and would not constitute low-carbon place-making
Development to be concentrated along transport corridors in close proximity to public transport stops	<i>I find that the proposed development would not help to promote a pattern of development that encourages travel by public transport</i>	The proposed development would still not help to promote a pattern of development that encourages travel by public transport
Priority being given to brownfield locations and higher residential density within a mixed land-use context	<i>I find that the emphasis on brownfield sites and regeneration is an important aspect of development plan strategy</i>	This part of the development plan strategy is still very important and the proposed development would not comply with it.

The proposed development does not accord with Policy I of Clydeplan, or Policy I of the Local Development Plan. This conflict warrants the dismissal of the planning appeal.

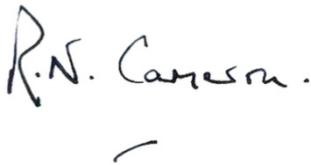
### Conclusion

The appellant's case is made solely on the proposition that there *may* not be an effective supply of housing following the decision of the Planning Reporter in the Carsemeadow appeal. In light of the recent adoption of the new Local Plan following this decision, the Council can now demonstrate an effective supply of housing land. However, even if that were not the case, that does not mean that the appeal site is an appropriate one to be developed. It clearly is not. Paragraph 63 of the Planning Reporter's decision in the Carsemeadow appeal provides an apt summary of the situation and is equally applicable to this site:

*“Such support however is not, in my opinion, sufficient to set aside my other concerns relating to sustainability and the potential impact on the character and amenity of the area. The appeal site does not, in my opinion, offer a sustainable location in terms of access to public transport and the development would not comply with LDP policies SDS2 and TRA2 and, Clydeplan policy 1. The development proposals, at this time, have not demonstrated that they would protect the character and amenity of the local area and would not comply with LDP policies RES1 (a and c) and SDS3 and Clydeplan policy 1. Such impacts would also undermine the Clydeplan Green Belt objectives. In these circumstances the development of this greenfield site would not be supported by Clydeplan policy 8.”*

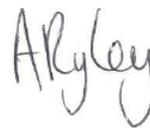
The proposed development does not accord overall with the relevant provisions of Clydeplan, the strategic development plan and the Inverclyde Local Development Plan, the current local development plan. There are no material consideration that would justify a grant of planning permission.

Yours sincerely



Nicol Cameron  
Chairman of Kilmacolm Civic Trust

Yours sincerely



Andrew Ryley MRTPI  
On behalf of DLBP Ltd

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