

Kilmacolm – Old Hall

Site description

7.370 This site extends to 3.77ha and lies towards the north of the village, forming a wedge of open green belt land to the north east of the ribbon of private houses which front the north east side of Port Glasgow Road. To the east is an area of council- owned open space to the west of a roundabout on Wateryetts Road, south of which is a terrace of 3 houses. To the north east is a field, a row of lock-up garages, the end of Quarry Road and no.31 Quarry Road. To the north west are 2 fields which slope up towards the village cemetery. To the west is a further field. The site itself comprises 2 fields of pasture, originally divided by stone walls that are now in varying stages of disrepair. It also contains 2 roundels of mature trees of mixed deciduous and coniferous species. It is apparently no longer in agricultural use, although it is grazed by horses. Its south western and north eastern boundaries form part of the settlement/green belt boundary. In the structure plan, it lies within an area of land between Kilmacolm and Port Glasgow described as a Green Belt Structural Corridor separating major parts of the conurbation. It does not, however, lie within a 'sensitive wedge' in fig. 3.6 of the local plan.

Planning background

7.371 In the original Renfrew County Development Plan, the objection site was zoned for residential development, and was bought by M&M in the 1950s. Outline planning permission for housing was granted in 1957, and 2 years later the former Renfrewshire County Council approached M&M with a view to acquiring it for local authority housing. This approach was not pursued, and M&M renewed the outline permission in 1972. However, no application for the approval of reserved matters was ever approved, and the permission lapsed. With the emergence of the Strathclyde Structure Plan and the policy of urban renewal and regeneration in 1979, the site – together with many others on the edges of towns and villages – was designated within the green belt, and this was confirmed in the 1988 local plan. It remained in the green belt in the 1998 consultative draft, but was shown as potential housing site HC10 (see para 0.2 above). In the 2002 local plan, it is still shown as being in the green belt. A detailed application for the development of 49 houses (of which 10 at the north eastern edge of the site would be 'affordable') was submitted in March 2004 and remains undetermined. I have been provided with a copy of this application and the relevant consultation responses and letters of objection.

Objector: **M&M Ltd (62001)**

7.372 Evidence at the inquiry was given for **M&M** by Mr Mickel, Mr P Allan and Ms Read. In relation to the part of the objection re the need for affordable housing in Kilmacolm, M&M decided to rest on the evidence given by Mr Allan and the closing submission made by Mr Smyllie on behalf of CALA in relation to its objection re Milton Wood (paras 7.53-.54 above). What follows is a summary of Mr O'Carroll's closing submission, although I have of course taken account of the evidence given by Messrs Mickel and Allan and Ms Read.

7.373 It is claimed that there is a proven need for affordable housing in Kilmacolm; that – given the dearth of brownfield land available – that need has to be met in the green belt; and that the objection site does not serve a useful green belt purpose and its designation may be removed without adversely affecting the integrity of the green belt as a whole. Indeed, implementation of M&M's proposals would serve to enhance the defensibility of the green belt and provide a logical boundary.

7.374 It is clear that the decision to place the objection site in the green belt was taken for strategic rather than green belt reasons. It was included as a potential site in the 1998 consultative draft, and there do not appear to have been many objections to this possibility. Moreover, in 1995 there was extensive correspondence between the council and M&M's agents re access to the site from Quarry Drive, from which it can be assumed that the former was considering the possibility of its allocation for housing. It can safely be assumed that such detailed enquiries were made of all potential green belt release sites.

7.375 It is also clear that the site is effective; it is owned by a firm of housebuilders, which has an outstanding planning application and can start building immediately. This is in contrast to the council-owned site at Leperstone Avenue, which may have been at one time a quarry, has uneven ground conditions, poor access and several large trees, and which has not been the subject of any developer interest during the whole time it has been in council ownership.

7.376 There has been no comprehensive green belt review in the 16 years since the first local plan was adopted. With the need for green belt release having been established, the objection site should have been the first place that the council looked – given its position in the village and its previous planning history of having a housing allocation. Green belt land has been recommended for housing following a local plan inquiry elsewhere, e.g. Clydebank. M&M is prepared to give 20% of the houses built here to the council as affordable houses.

7.377 The landscape evidence of Ms Read includes photographs, OS maps, cross-sections and an assessment of the site's opportunities and constraints based on a tree survey and the G&CVLA, and is to be preferred to the 'impressions' of the council's planning witness. The proposed new green belt boundary at the western, north western and north eastern boundary of the objection site would be defensible in the long-term and more defensible than at present. The site is bounded on 3 sides by housing, is within the village area and should properly be described as 'urban fringe' rather than 'countryside'. The proposed wall would be a better boundary than the present post & wire fence. The land to the north west is owned by Scottish Water, which adds to the boundary's defensibility. The council's argument that the existing boundary is OK because of the green belt policy is spurious and fails to take account of physical features on the ground, the planning history, and the facts that M&M have been challenging the position for 10 years and that development to the east has created a wedge which is an obvious candidate for infill development.

7.378 Development on the objection site would not represent coalescence or ribbon development and would not conflict with any leisure or recreation use. The site can properly be described as being within the village and is therefore suitable for development. The council has not carried out a proper green belt review, and the council's witness could only originally describe the site's contribution to green belt objectives as 'useful'. The evidence of Ms Read dispels any concerns re visual impact or effect on landscape setting.

7.379 Evidence for **the council** was given by Mr F Macleod, and I have taken account of this. However, what follows is a summary of part of Mr Collar's closing submission, which has to be read together with the summary of his earlier closing submission re affordable housing (paras 7.57-.67 above).

7.380 In that M&M proposes a development that includes 39 mainstream houses, the council is right to be concerned at the potential impact on its regeneration strategy because of the diversion of development and investment from the core areas, and at the precedent that would be set. In the context of only 200 owner-occupied houses being built each year in Inverclyde, Mr P Allan's suggestion that up to 100 might be needed in Kilmacolm is alarming. However, no evidence has been provided to demonstrate that 10 affordable houses require to be subsidised by 39 mainstream houses. Mr Mickel initially referred to 2 possible mechanisms, but finally stated that what would happen would be that M&M would build the 10 affordable houses and then hand them over free of charge to the council. This generosity highlights how little is known about the appropriate ratio; Mr Mickel's evidence suggested that there had been no financial calculation as such but rather that the ratio was that used by another local authority. It is significant that what M&M proposes is quite different from what is proposed by CALA: 20 affordable houses funded by 30 mainstream houses. There is no evidence to support a need for 39

mainstream houses here.

7.381 Nor are there any exceptional circumstances to justify an incursion into the green belt. Reference is made to structure plan Strategic Policies 1, 9B(ii)(b) & 9B(iv) and SDD Circular 24/1985. Ms Read agreed that the green belt round Kilmacolm had been a success because Kilmacolm had an attractive landscape setting. Irrespective of her claim that the green belt boundary does not follow any landscape or visual feature sufficient to form a sustainable and defensible boundary, it has in fact proved sustainable and defensible because it has not been breached since being established by the structure plan in 1979 and by the local plan in 1988. A boundary is defensible until successfully challenged.

7.382 The objection site is important to the landscape setting of Kilmacolm, and provides a clear definition of its physical boundaries. It is unreasonable to pay more attention to the fleeting views of motorists than to those obtained by walkers and people in houses and gardens. Ms Read's assessment was based on the visibility of the objection site in its present undeveloped state; she had not assessed the visual impact of housing on it. However, her cross-section showed that a substantial number of the proposed houses would be significantly higher than 'Glenthorne', and some of their upper storeys and roofs would be visible from the west, depending on the success of tree planting. She also was wrong to describe the site as being within the village and surrounded by housing on 3 sides, she has underestimated the fundamental impact that 49 houses on this field would have, and her proposed new green belt boundaries would be no better than the existing ones. In the real world, a wall is not a significantly stronger boundary feature than a fence; the strength is provided by the application of policy. Generally, it is much more significant features, e.g. woodland, roads, rivers, which provide a barrier to the growth of settlements. The weakness of Ms Read's proposals is also demonstrated by the need for new planting, which could of course subsequently be removed by occupiers of the new houses.

7.383 The evidence of Mr P Allan re green belt issues made a mountain out of a molehill. The fact that he is dissatisfied with the structure plan is irrelevant here, and his claim that a full-scale review of green belt boundaries should have been carried out cannot be justified (paras 4.19-.22 above). The reality is that he wants to see a document which identifies sites that can be released for housing development, but neither the structure plan nor the council requires such a review unless there is a need for that housing. The housekeeping exercise that has been carried out suffices. SPP 3 states that, before any green belt land is identified for development, there should be a realistic appraisal of the opportunities for development on sites within the existing area, but it is clear that no such appraisal has been carried out and that there is insufficient information before me to allow me to undertake one.

7.384 The fact that planning permission was granted for housing on the objection site in 1972 carries little or no weight because that predated the green belt designation. Similarly, the fact that the site was identified in the 1998 consultative draft local plan carries little or no weight (para 0.2 above). Mr P Allan would have been the first to criticise the council if it had not investigated the access situation before reaching a view, and no inference can be taken from the fact that the objection site was not specifically included in a council report which mentions other sites.

7.385 **Kilmacolm Civic Trust** accepts that a contribution to the refurbishment of the Community Centre would be desirable, but does not accept that the release of this green belt site should be sanctioned in return. It queries the motivation behind the lodging of a planning application so soon before the opening of the local plan inquiry. It has not been proven that more affordable houses are needed at present in Kilmacolm; even if this is eventually proven, there are sites within the village that should be looked at first. There are no exceptional circumstances that would justify removing this site from the green belt at present. There are also concerns re the implications for adjoining householders of storm water outflow from the site and re sewerage. M&M's proposals for the site have ranged from 79 to 55 to 50 and now 49 houses, but this has been because of M&M's own reasons – not to meet the concerns of residents. The Civic Trust does not object to all planning applications in Kilmacolm as a matter of course. See also paras 7.358-.360 above.

7.386 As previously mentioned, I have been provided with copies of consultation responses and objections re M&M's current planning application for 39 detached mainstream houses (of which 5 would have at least 9 apartments) and 10 smaller affordable houses. **The council's Development Control Section** points out several discrepancies in the submitted drawings, and expresses concern that the site is in the green belt and that its PPAN on open space is infringed. **Scottish Water** objects because of the possible implications for 3 unsatisfactory combined sewer outflows downstream, but M&M has agreed to meet the cost of a hydraulic modelling exercise to determine the precise impact. **SEPA** has no objections, provided that surface water is treated as per SUDS and that the additional flow arising from the development will not cause or contribute to the premature operation of consented storm outflows and that sufficient capacity exists within the network to adequately treat and (*sic*) increase in foul drainage.

7.387 Although it notes that the site is in the green belt and that its development would contravene local plan policies DS8 & 9, **SNH** does not object to the application but recommends that conditions be attached re *inter alia* the protection of existing trees and scrub, and the creation of a new green belt boundary in line with surrounding traditional field boundaries. Reference is made to the following extracts from the G&CVLA re the Kilmacolm area:

"...varied topography of this landscape type has the potential to accommodate limited expansion of settlements without significant landscape impacts on the wider area...the rural character of the area would be sensitive, however, to development in more prominent locations."

7.388 A large number of **objections** and a petition have also been received by the council from the Kilmacolm Civic Trust, Kilmacolm Community Council and local residents. Among the more significant issues raised are: inadequate vehicular access; traffic congestion locally and in centre of village; loss of a valued open space and recreational area; overdevelopment of Kilmacolm; disruption during construction; loss of green belt; no exceptional circumstances to justify removal from green belt, and particularly no need for more housing; impact on foul and surface drainage downstream; pressure on schools and other infrastructure and local services; increased pollution; loss of amenity and open views; effect on wildlife; offer to donate cash for community centre of no significance.

Conclusions

7.389 I refer first to what I have already concluded re Kilmacolm in paras 7.158-159 above. Second, I attach little weight to the facts that planning permission once existed for housing development on the objection site and that at one time the former Renfrew County Council expressed an interest in buying it in order to build local authority housing there. As I understand it, time limits for planning permissions were specifically introduced in 1969 to cover the sort of situation that pertains here: a significant change in circumstances. The Regional Report and first Strathclyde Structure Plan in the late 1970s introduced a sea change to planning policy in the West of Scotland, with an emphasis on urban regeneration and brownfield development and a consequential presumption against the continuation of the greenfield programme that the former Renfrew County Council had been promoting for some time. Urban regeneration and brownfield development is still the name of the game – particularly in Inverclyde, but also in the Renfrewshire sub-HMA.

7.390 Third, I also attach little weight to the facts that (a) the site (together with many others) was shown as a potential housing site in the 1998 consultative draft local plan; (b) the council appears to have gone to some lengths to establish whether satisfactory vehicular access to the site could be achieved; and (c) the site is not highlighted in a particular council report. As regards (a), see para 0.2 above and the fact that 22 ‘objections’ were received to this possibility; as regards (b), even if this is indicative of the council at one time considering the possibility of a residential allocation, it does not imply that this site was actually favoured, and in any event no allocation resulted; and as regards (c), the council report in question refers to 3 sites to which most opposition was received, but does not imply that there was no opposition to the objection site - of course there are now many objections to M&M’s recent application.

7.391 M&M does not seek to challenge the structure plan's lack of any numerical requirement to provide additional owner-occupied housing in Kilmacolm *per se*; its case re 'choice' (structure plan Strategic Policy 6(b)) is predicated on the alleged need to provide affordable housing in the village which will require to be subsidised or enabled by the building of 39 mainstream houses on the objection site. Mr Mickel did, however, refer to a Reporter's recent recommendation following the inquiry into the Clydebank Local Plan that a site at Cochno Road should be released so as to provide choice specifically in Clydebank – not in the wider HMA. On this last point, the evidence from Renfrewshire Council suggests that the sub-HMA is well catered for, while the only relevant aspect of choice here relates to affordable housing.

7.392 Although I have found that the green belt boundary round Kilmacolm is generally adequate, appropriate and defensible, and although the objection site is located in what the structure plan describes as a 'Green Belt Structural Corridor' between Kilmacolm and Port Glasgow, I have to say that the eastern boundary of the objection site is not particularly strong, and that development on the site would not in itself contribute to coalescence. The south western end of Quarry Drive has an unfinished look to it, and the post & wire fence delineating the western edge of the council-owned area of open space to the west of Wateryetts Drive is not a strong feature. From the evidence of Ms Read and my several inspections of sites on the edge of Kilmacolm, I have to say that this objection site is probably the one (other than possibly the north eastern part of the Milton Wood site) that could be developed with least adverse impact on the character and landscape setting of the village.

7.393 This does not, however, mean that there would be no impact and, in a situation where there is no arithmetic need to provide additional owner-occupied housing on greenfield land, there is no justification for filling in a wedge of undeveloped land that is characteristic of the edge of Kilmacolm. Moreover, while the western and north western edges of the site could be formed by a stone wall, this and/or such trees as may be planted could be removed by new residents, and I am not convinced that the new green belt boundary would be significantly better than that which it would replace. On the ground, the site is not 'within' Kilmacolm; nor is it an obvious 'gap site' or an area where 'a minor green belt adjustment is required to remove an anomaly'. While not a major determining issue and while the scale of development along the southern boundary has been reduced, residents living in houses on the north side of Port Glasgow Road would also suffer some loss of amenity.

7.394 Of course the justification for the 49 proposed mainstream houses is the 10 affordable houses that M&M would build and then hand over free of charge to the council. This may be something that would be attractive to the council's Housing Committee if, as expected, the HNA confirms a need for some affordable houses to be provided in Kilmacolm, and I accept that it would make sense to have such houses adjoining the existing local authority housing area to the north east. However, from a planning point of view, I would have to say that my first choice of site for affordable housing is Leperstone Avenue, second the north eastern part of Milton Wood, and this objection site only third. Another possibility – not raised by any party as far as I am aware – for a limited number of affordable houses might be the area of council-owned open space adjoining the objection site's eastern boundary. Despite not being identified as open space on the local plan Proposals Map, it is possible that this fulfils some valuable open space function; however, if it does not, it lies within the village boundary and may be worthy of investigation.

7.395 Bearing in mind the need for the council to carry out a proper investigation into not just the need for affordable housing but also the means of delivery (including the possible need for associated enabling development) and the location, it would at best be premature for this objection site to be allocated as a housing site in the local plan. I do, however, accept that all 49 houses could be built by 2008, and that drainage is unlikely to be an issue – particularly as an attenuation pond is proposed close to the eastern boundary. Apart from reading the concerns of local residents re access and traffic, I have nothing in the way of detailed evidence on these matters, but it seems to me unfortunate if the only access has to be via Quarry Drive rather than e.g. south east across the council-owned open space to Wateryetts Road; residents in Quarry and Springwood Drives would notice the difference.

7.396 As regards the weight that should be attached to M&M's other offer of contributing £100,000 towards the Village Centre Project, the evidence before me suggests that the project is unlikely to be dependent on such a gratuitous act; in any event, I do not believe that the offer should seriously influence the council's decision whether or not to allocate the objection site for housing.

Recommendation

7.397 See para 3.368 above. Only if a greenfield site is required for affordable housing and/or its associated enabling development and the north eastern part of the Milton Wood site is considered unsuitable, should consideration be given to Old Hall.