

**PLANNING BOARD – 6 DECEMBER 2017**

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**Planning Board**

**Wednesday 6 December 2017 at 3pm**

**Present:** Provost Brennan (for Councillor Moran), Councillors Jackson (for Clocherty), Crowther, Dorrian, J McEleny, McKenzie, McVey, Murphy, Nelson, Rebecchi and Wilson.

**Chair:** Councillor Wilson presided.

**In attendance:** Corporate Director Environment, Regeneration & Resources, Head of Regeneration & Planning, Development & Building Standards Manager, Mr G Leitch and Ms E Provan (Environmental & Commercial Services), Mr J Kerr (for Head of Legal & Property Services) and Ms R McGhee (Legal & Property Services).

**The following paragraphs are submitted for information only, having been dealt with under the powers delegated to the Board.**

**681                      APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST                      681**

Apologies for absence were intimated on behalf of Councillor Clocherty, with Councillor Jackson substituting, and Councillor Moran, with Provost Brennan substituting.

No declarations of interest were intimated.

**682                      PLANNING APPLICATIONS                      682**

There were submitted reports by the Head of Regeneration & Planning on the following applications which were dealt with as follows:-

**(a)                      Demolition of existing buildings and erection of local supermarket (Class 1):  
Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay (17/0157/IC)**

The report recommended that planning permission be granted subject to a number of conditions.

After discussion, Councillor Nelson moved that consideration of the application be continued for a site visit to be arranged by the Head of Legal & Property Services in consultation with the Chair.

As an amendment, Councillor Jackson moved that planning permission be granted subject to the conditions detailed in the report.

As a further amendment, Councillor J McEleny moved that planning permission be refused for the following reasons:-

- (1) as health and safety concerns have not been alleviated; and
- (2) as the unsocial hours proposed for deliveries or collections to and from the site would result in disruption to residents.

On a vote between the two amendments, 4 Members, Councillors Crowther, J McEleny, Murphy and Nelson, voted for the amendment by Councillor J McEleny and 7 Members, Provost Brennan, Councillors Dorrian, Jackson, McKenzie, McVey, Rebecchi and Wilson, voted for the amendment by Councillor Jackson. Councillor J McEleny's amendment, having received fewer votes, then fell.

On a vote between the motion and the amendment by Councillor Jackson, 3 Members,

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Councillors Crowther, J McEleny and Nelson, voted for the motion and 6 Members, Provost Brennan, Councillors Dorrian, Jackson, McKenzie, McVey and Rebecchi, voted for the amendment, which was declared carried. Two Members, Councillors Murphy and Wilson, abstained from voting.

**Decided:** that planning permission be granted subject to the following conditions:-

- (1) that prior to their use, samples of all facing materials relating to the development together with samples of all hardstanding shall be submitted to and approved in writing by the Planning Authority, to enable the Planning Authority to retain effective control of facing and finishing materials in the interests of visual amenity;
- (2) that prior to the commencement of work on site full details of a landscaping scheme and programme for completion shall be submitted to and approved by the Planning Authority. Development shall then proceed as approved unless any alternative is agreed in writing by the Planning Authority, to ensure the provision of an appropriate landscaping scheme;
- (3) that any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species, to ensure the retention of the approved landscaping scheme in the interests of visual amenity;
- (4) that details of maintenance and management for the landscaping approved in terms of condition 2 above shall be submitted to and approved in writing by the Planning Authority prior to the start of construction of the development hereby permitted. Management and maintenance shall commence upon completion of the landscaping, to ensure the maintenance of the approved landscaping scheme in the interests of visual amenity;
- (5) that all soft landscaping shall be completed prior to the opening of the retail shop hereby permitted, to ensure the provision of a visually acceptable environment within an appropriate timescale;
- (6) that the recommendations set out in the Flood Risk Assessment prepared by Kaya Consulting Ltd and dated May 2017 shall be fully implemented to the satisfaction of the Planning Authority inclusive of details in respect of finished floor levels and flow pathway, to ensure protection from potential flooding;
- (7) that prior to the commencement of works on site, full details of the drainage regime together with future maintenance shall be submitted to and approved in writing by the Planning Authority. The approved drainage regime shall then be fully implemented prior to the opening of the retail shop hereby permitted and subsequently maintained as approved at all times thereafter to the satisfaction of the Planning Authority, to ensure the adequacy of the drainage regime for the application site;
- (8) that prior to the commencement of works on site confirmation of Scottish Water's acceptance of the proposals shall be submitted to and approved by the Planning Authority, to ensure Scottish Water's acceptance of the drainage regime for the application site;
- (9) that that the car park area shall be completed and available for use to the satisfaction of the Planning Authority prior to the opening of the retail shop hereby permitted and shall then be retained and available for use at all times thereafter, to the satisfaction of the Planning Authority, to ensure suitable parking provision for staff and customers, in the interests of road safety;
- (10) that prior to the commencement of works on site, a Delivery Management Plan shall be submitted to and approved in writing by the by the Planning Authority. All deliveries and other servicing of the site shall then be undertaken in accordance with the approved plan at all times thereafter, to ensure safe servicing arrangements for the site;
- (11) that the recommendations set out in the bat survey report by Nocturne Environmental Surveyors Ltd dated September 2017 shall be followed at all times during

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development, to the satisfaction of the Planning Authority, to ensure the protection of European Protected species;

(12) that the recommendations set out in the bird survey report by Nocturne Environmental Surveyors Ltd dated September 2017 shall be followed at all times during development, to the satisfaction of the Planning Authority, to ensure the protection of nesting birds;

(13) that demolition works shall not be undertaken during the months of March to October inclusive, to avoid disturbance to European Protected species;

(14) that the proposed means of access to the trunk road shall be constructed to a layout, type and method of construction to be approved by the Planning Authority, after consultation with the Roads Authority, before the development is commenced, to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished;

(15) that there shall be no drainage connections to the trunk road drainage system, to ensure that the efficiency of the existing drainage network is not affected;

(16) that the form and detail relating to the provision of a pedestrian crossing should be submitted to and approved by the Planning Authority, after consultation with the Roads Authority, before the development is commenced, to ensure the form and layout of the pedestrian crossing is appropriate for the anticipated pedestrian demand and in line with current standards and that the safe and free flow of traffic on the trunk road is not diminished;

(17) that a Traffic Management Plan shall be agreed with Transport Scotland prior to any works associated with the demolition of the existing building and construction of the new buildings beginning on site, to maintain safety for both the trunk road traffic and the traffic moving to and from the development;

(18) that prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site, to help arrest the spread of Japanese Knotweed in the interests of environmental protection;

(19) that the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Strategy with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The Remediation Strategy shall also include a Verification Plan. Any subsequent modifications to the Remediation Strategy and Verification Plan must be approved in writing by the Planning Authority prior to implementation, to satisfactorily address potential contamination issues in the interests of environmental safety;

(20) that on completion of remediation and verification works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the Planning Authority, confirming that the works have been carried out in accordance with the Remediation Strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material's source, volume, intended use and chemical quality with plans delineating placement and thickness, to provide verification that remediation has been carried out to

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the Authority's satisfaction;

(21) that the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and amendments to the Remediation Strategy (i.e. that has not been included in contingency) shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately; and

(22) that the premises shall not operate outwith the hours of 0700 and 2300 daily. For the avoidance of doubt, deliveries or collections to and from the site shall not be carried out between these hours, to protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

**(b) Installation of air handling units within enclosure to rear of building (in retrospect):  
5 Tarbet Street, Gourock (17/0281/IC)**

The report recommended that planning permission be granted subject to a number of conditions.

After discussion, Councillor Crowther moved that consideration of the application be continued for a site visit to be arranged by the Head of Legal & Property Services in consultation with the Chair. As an amendment, Councillor Jackson moved that planning permission be granted subject to the conditions detailed in the report.

On a vote, 2 Members, Councillors Crowther and J McEleny, voted for the motion and 8 Members, Provost Brennan, Councillors Dorrian, Jackson, McKenzie, McVey, Murphy, Nelson and Rebecchi, voted in favour of the amendment which was declared carried. One Member, Councillor Wilson, abstained from voting.

**Decided:** that planning permission be granted subject to the following conditions:-

(1) that the timber acoustic enclosure hereby permitted shall be retained on site to the satisfaction of the Planning Authority at all times in the future, to ensure the retention of the timber acoustic enclosure in the interests of protecting neighbouring residential amenity; and

(2) that the timber acoustic enclosure hereby permitted shall be appropriately maintained at all times to the satisfaction of the Planning Authority in order that it continues to perform its designed function, to ensure the appropriate maintenance of the timber acoustic enclosure in the interests of protecting neighbouring residential amenity.

**(c) Construction of a small scale gas-fired energy reserve facility for the generation of up to 19.9 MW of electricity:  
Land East of the B788 Adjacent to Devol Moor Substation, Greenock (17/0260/IC)**

The report recommended that planning permission be granted subject to a number of conditions.

After discussion, Councillor Nelson moved that planning permission be refused for the following reasons:-

(1) as the proposed development is contrary to the Inverclyde Local Plan 2014, Policies EVN2 Assessing Development Proposals within the Green Belt and Countryside and SDS8 – Greenbelt and Countryside. Furthermore, allowing development on this green belt area would set precedence, weakening the case for retaining adjoining green belt in the future; and

(2) as allowing this proposal to go ahead is not encouraging development within the

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many available industrial sites in Inverclyde and is not in line with Local Plan 2014, Policy ECN4 – Business Proposals and Industrial Proposals outwith Designated Areas. As an amendment, Councillor Rebecchi moved that consideration of the application be continued to enable the Head of Regeneration & Planning to consult with the applicant on potential alternative sites within Inverclyde for the proposed development.

On a vote, 4 Members, Councillors Dorrian, J McEleny, Nelson and Wilson, voted in favour of the motion and 7 Members, Provost Brennan, Councillors Crowther, Jackson, McKenzie, McVey, Murphy and Rebecchi, voted in favour of the amendment which was declared carried.

**Decided:** that consideration of the application be continued to enable the Head of Regeneration & Planning to consult with the applicant on potential alternative sites within Inverclyde for the proposed development.

**(d) Erection of four dwellinghouses:  
Whitelea Road, Kilmacolm (16/0061/IC)**

There was submitted an updated report in relation to this application.

During the course of discussion, the Head of Regeneration & Planning advised that the word “No” should be deleted from condition 10 to read “Site clearance shall take place outwith the bird breeding season of March till August”.

**Decided:** that planning permission be granted subject to the following conditions:-

(1) that prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site, to help arrest the spread of Japanese Knotweed in the interests of environmental protection;

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

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

(4) that the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the remediation strategy shall not be implemented unless it has been submitted to and approved in writing by the Planning Authority, to ensure that all contamination issues are

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recorded and dealt with appropriately;

(5) that the use of the development shall not commence until the applicant has submitted a completion report for approval, in writing by the Planning Authority, detailing all fill or landscaping material imported onto the site. This report shall contain information of the materials' source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc.) with plans delineating placement and thickness, to protect receptors from the harmful effects of imported contamination;

(6) that a visibility splay of 2m by 43m by 1.05m high shall be achieved at the junctions of each of the four driveways and the access road hereby approved, in the interests of road safety within the development;

(7) that a footpath shall be provided along the front of the site incorporating street lighting and drainage, all to the satisfaction of the Planning Authority. Full details shall be submitted to and approved in writing and thereafter completed in accordance with the approved details prior to the commencement of the erection of the first house on site, in order to improve road safety on Whitelea Road;

(8) that prior to the commencement of work on site, a Flood Risk Assessment shall be submitted to and approved by the Planning Authority in consultation with SEPA, to ensure that there is no development within a functional flood plain;

(9) that no development shall commence until a site drainage scheme has been submitted to and approved in writing by the Planning Authority. Thereafter the approved drainage scheme shall be completed prior to the construction of the four houses hereby approved, to prevent harm from flooding;

(10) that site clearance shall take place outwith the bird breeding season of March till August, in the interests of the protection of birds;

(11) that no development shall commence until full details of all boundary treatment have been submitted to and approved in writing by the Planning Authority; development thereafter shall proceed in accordance with the approved boundary treatments, unless the Planning Authority gives its prior written approval to any alternatives, to ensure the provision of a quality boundary treatment regime; and

(12) that no development shall commence until samples of all external finishing materials have been submitted to and approved in writing by the Planning Authority; development thereafter shall proceed in accordance with the approved materials, unless the Planning Authority gives its prior written approval to any alternatives, to ensure a choice of external finishes sympathetic to this part of Kilmacolm.