

**PLANNING BOARD – 6 APRIL 2022**

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**Planning Board**

**Wednesday 6 April 2022 at 3pm**

**Present:** Councillors Clocherty, Crowther, Dorrian, J McEleny, McVey, Moran, Nelson, Rebecchi and Wilson.

**Chair:** Councillor Wilson presided.

**In attendance:** Interim Director Environment & Regeneration, Mr D Ashman (Planning Services), Ms E Provan (Roads and Transportation), Mr J Kerr (for Head of Legal & Democratic Services), Mr C MacDonald and Ms L Carrick (Legal & Democratic Services).

The meeting was held at the Municipal Buildings, Greenock with Councillors Clocherty, Crowther, Dorrian, J McEleny, Moran and Rebecchi attending by video-conference.

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

Prior to the commencement of proceedings, Councillor Wilson expressed his thanks to officers and Members of the Planning Board for their support over the previous five years and that in consideration of the imminent local authority elections he wanted to extend his best wishes to them for the future.

**196 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 196**

Apologies for absence were intimated on behalf of Councillors McGuire and McKenzie.

No declarations of interest were intimated.

**197 PLANNING APPLICATION 197**

**(a) Erection of two storey office building (Class 4) and drive thru coffee shop (Class 3) with formation of associated car parking, formation of access off Carttsyke Avenue, landscaping and ancillary works:  
Land at Carttsyke Avenue, Greenock (20/0174/IC)**

There was submitted a report by the Interim Director Environment & Regeneration on an application for planning permission by LG04 Limited for the erection of a two storey office building (Class 4) and drive thru coffee shop (Class 3) with formation of associated car parking, formation of access off Carttsyke Avenue, landscaping and ancillary works at land at Carttsyke Avenue, Greenock (20/0174/IC).

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

- (1) that development shall not commence until details of the phasing of the development has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved phasing scheme, in order to ensure a properly programmed development;
- (2) that as soon as possible after each of the phases of the development approved under condition 1 above is completed (except for the last or final phase, for which notice shall be given under section 27B(1) of the Act) the person who has completed any phase shall give written notice of the completion of that phase to the Planning Authority, to accord with section 27B(2) of the 1997 Act, as amended by the Planning etc.

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(Scotland) Act 2006;

(3) that development shall not commence until samples of materials to be used on all external surfaces of the building and hard surfaces within each phase of the development including the two EV Sub Stations identified on drawing PL-SP-02 Rev C have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details, to ensure the development is acceptable in appearance;

(4) that development shall not commence until details and location of all walls (including retaining walls) and fences to be erected on the site have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details, to ensure the development is acceptable in appearance;

(5) that development shall not commence until details of the phasing and completion of the tree planting and landscaping scheme shown on drawing L01 Rev H has been submitted to and approved by the Planning Authority, to ensure the provision of an appropriate landscaping scheme;

(6) that any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping approved in terms of condition 5 above shall be replaced within the following planting season with others of a similar size and species unless otherwise agreed in writing by the Planning Authority, to ensure the retention of the approved landscaping scheme in the interests of visual amenity;

(7) that details of maintenance and management for the planting and landscaping approved in terms of condition 5 above shall be submitted to and approved in writing by the Planning Authority prior to the start of construction of the development hereby approved. 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;

(8) that the drainage regime shown on drawing IDS-500 Rev B shall be fully implemented on site prior to the first use/occupation of the development hereby approved and subsequently maintained as approved at all times unless otherwise agreed in writing by the Planning Authority, to ensure the adequacy of the drainage regime for the application site;

(9) that the car parking provision/areas for each phase of the development as approved under condition 1 above and as shown on drawing PL-SP-02 Rev C shall be completed and available for use by prior to the first use/occupation of the respective building and shall then be retained and available for use at all times thereafter unless otherwise agreed in writing by the Planning Authority, to ensure suitable parking provision for staff and customers, in the interests of road safety;

(10) that for the avoidance of doubt: the parking bays shall be 2.5m x 5.0m with a minimum 6m aisle spacing throughout the site; the disabled parking bays shall be 2.9m x 5.5m and have 1m clearance around; there shall be a 1m extension to the aisles at the end of each car park to ensure vehicles using the last parking spaces can enter and leave the spaces safely; footways shall be minimum of 2m wide, to ensure the appropriate size of parking spaces, in the interests of roads safety;

(11) that for the avoidance of doubt sightlines of 2.4m x 43.0m x 1.05m shall be provided and maintained at all times at the junction of the access with Cartsydyke Avenue, to enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit;

(12) that for the avoidance of doubt deliveries to the buildings once occupied/operational shall only take place during early mornings or during late at night (or a combination of both) unless otherwise agreed in advance in writing by the Planning Authority, to ensure the safe operation of the car parks associated with both buildings and to avoid congestion or unsafe vehicle movements;

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(13) that development shall not commence until details of the “potential bike lane” identified and annotated on drawing PL-SP-02 Rev C have been submitted to and approved in writing by the Planning Authority. The submitted details shall include the timescale for its construction, to ensure alternative and sustainable modes of transport can access the site;

(14) that prior to the commencement of the development, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, to ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished;

(15) that prior to the commencement of the development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. All landscaping shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road, to ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished;

(16) that prior to commencement of the development, details of the fencing/barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland and thereafter implemented prior to commencement of operation. The fencing/barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road, to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents;

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

(18) that development shall not commence until 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 appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation, to help arrest the spread of Japanese Knotweed in the interests of environmental protection;

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

(20) that before any building in the development hereby approved is occupied the applicant shall submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material source, volume, intended use and chemical quality with plans delineating placement and thickness, to ensure

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contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety;

(21) that the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme 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;

(22) that the buildings hereby approved shall be designed to ensure that at least 15%, rising to 20% by the end of 2022, 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. Development shall not commence until details of the low and zero carbon generating technologies for each building have been submitted to and approved in writing by the Planning Authority. Following approval the low and zero carbon generating technologies shall be installed as approved prior to the first use/occupation of each of the buildings, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009;

(23) that the electric vehicle charging provision as shown on drawing PL-SP-02 Rev C and on the Electric Vehicle Infrastructure Product Leaflet shall be installed for each phase of the development approved under Condition 1 above and be available for use prior to the first use/occupation of each building unless otherwise agreed in advance in writing by the Planning Authority, in the interests of sustainable development; and

(24) that if the existing trees are to be removed during the bird nesting season March to August shall be preceded by a nesting bird survey the methodology and findings of which shall be submitted to the Planning Authority, in the interests of the protection of nesting birds.

**198 PLANNING APPEAL**

**198**

**Land at Planetreeyetts, Kilmacolm**

There was submitted a report by the Interim Director Environment & Regeneration advising that following (a) the decision of the Board at the Pre-Determination Hearing held on 28 April 2021 to recommend refusal of planning permission for proposed residential development of circa 100 units including 25% affordable and associated infrastructure, landscaping and open space on land at Planetreeyetts, Kilmacolm (18/0322/IC), (b) the decision of Inverclyde Council on 4 May 2021 to refuse planning permission; and (c) the subsequent appeal to the Scottish Government against the refusal, the Reporter appointed by the Scottish Government had issued her decision which was to dismiss the appeal.

**Decided:** that the position be noted.