

**PLANNING BOARD – 3 APRIL 2024**

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**Planning Board**

**Wednesday 3 April 2024 at 3pm**

**Present:** Provost McKenzie, Councillors Armstrong, Brooks, Clocherty, Crowther, Curley, Jackson, Law, McCabe and McVey.

**Chair:** Councillor McVey presided.

**In attendance:**

Neale McIlvanney	Head of Regeneration, Planning & Public Protection
Daniel Henderson	Planning and Building Standards Service Manager
Gordon Leitch	Team Leader (Consultancy) – Roads and Transportation
Elaine Provan	Supervisory Engineer – Traffic & Transportation
Jim Kerr	Solicitor (for Interim Head of Legal & Democratic Services)
Colin MacDonald	Senior Committee Officer
Diane Sweeney	Senior Committee Officer
Alison Ramsey	Communications Officer (Media Relations)

The meeting was held at the Municipal Buildings, Greenock with Councillor Law attending remotely.

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

**195 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 195**

An apology for absence was intimated on behalf of Councillor McGuire.

There were no declarations of interest.

**196 PLANNING APPLICATIONS 196**

**(a) Erection of 18 one bedroom flats following demolition of existing buildings (planning permission in principle):  
14 West Glen Road, Kilmacolm (23/0228/IC)**

There was submitted a report by the Director Environment & Regeneration for the erection of 18 one bedroom flats following demolition of existing buildings (planning permission in principle) at 14 West Glen Road, Kilmacolm (23/0228/IC).

**Decided:** that planning permission in principle be granted subject to the following conditions and following the conclusion of a Section 75 Legal Agreement relating to the provision of 25% affordable housing within the development:-

- (1) that the development to which this planning permission in principle relates must be begun within 5 years from the date of this permission, to comply with Section 59(2A)(a) of the Town and Country Planning (Scotland) Act 1997 (as amended);
- (2) that development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed site layout. The proposed layout shall be shown on a plan at a scale of 1:500 showing the position of the proposed flats (ensuring the established building line is respected at the site frontage), footpaths, means of access, parking areas and any vehicular turning areas, to ensure the Planning Authority has the

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necessary information to determine the application and to ensure the matters are acceptable at this location;

(3) that for the avoidance of doubt the application submitted in relation to condition 2 above shall allow for the following, to ensure the development has the appropriate amount of parking:

i) parking should be provided in accordance with the National Guidelines:

1 parking space for a 1 bedroom flat;

2 parking spaces for a 2 or 3 bedroom flat;

3 parking spaces for a 4 bedroom flat;

visitor parking should be provided at 0.25 spaces per dwelling (unallocated);

ii) the parking spaces within car parks shall be a minimum of 2.5m by 5.0m with a minimum aisle spacing of 6.0m. A 1m asphalt strip should be provided at the end of the aisles to allow vehicles to turn at the end;

iii) the roads within the site shall be a minimum of 4.8m wide and have a gradient of 8% or less;

iv) the footpaths within the site shall be a minimum of 2.0m wide;

(4) that development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed floor plans and elevations (ensuring the overall height of the development does not exceed three storeys) of the proposed development and shall show dimensions as well as the type and colour of all external materials, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location;

(5) that development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the type and colour of all hard surfacing materials to be used on hardstanding areas, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location;

(6) that development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed ground levels throughout the site and proposed finished floor levels of the development in relation to a fixed datum point. The application shall include existing ground levels taken from the same fixed datum point, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location;

(7) that development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the planning authority relating to all walls (including any retaining walls) and fences to be erected on site, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location;

(8) that development shall not commence until an application for approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the details of surface water management and Sustainable Urban Drainage Systems proposals. For the avoidance of doubt the surface water management for the proposed development shall be contained/attenuated within the site before discharging to the public system and shall be restricted to greenfield runoff rates, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location;

(9) that development shall not commence until an application for approval of matters has been submitted to and approved in writing by the Planning Authority relating to the proposed landscaping/planting at the site. Details of the scheme shall include (as appropriate):

i) details of any earth mounding, hard landscaping, grass seeding and turfing;

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ii) a scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted; and

iii) the phasing/timescale for carrying out these works;

thereafter the matters that are approved shall be implemented in their approved form in the first planting season following completion of the dwellinghouse, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location;

(10) that prior to the commencement of development, confirmation of connection to Scottish Water's Network shall be submitted to and approved in writing by the Planning Authority, to ensure Scottish Water's acceptance of the drainage regime for the application site and in the interests of the provision of a satisfactory drainage regime;

(11) that development shall not commence until details/plans of the bin stores/containers to be used to store waste materials and recyclable materials at the development as well as details of the areas where such containers are to be located have been submitted to and approved in writing by the Planning Authority. Following approval the bin stores/containers shall be implemented by first occupation of any of the flats, to ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location

(12) 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 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;

(13) 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;

(14) 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 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 provide verification that remediation has been carried out to the Authority's satisfaction;

(15) 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;

(16) that the development shall be designed to ensure that at least 25% 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, details of

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which shall be submitted to and approved in writing by the Planning Authority prior to commencement of any construction works on site, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009; and

(17) that for the avoidance of doubt the development shall include Electric Vehicle Charging Points. Development shall not commence until the details have been submitted to and approved in writing by the Planning Authority relating to the proposed Electric Vehicle Charging Points. Thereafter the approved details shall be implemented on site in their approved form before the first occupation of any flat in the development, in the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.

**(b) Change of use of dwellinghouse to holiday lets:  
196 Wren Road, Greenock (24/0001/IC)**

There was submitted a report by the Director Environment & Regeneration for a change of use of dwellinghouse to holiday lets at 196 Wren Road, Greenock (24/0001/IC).

The Head of Regeneration, Planning & Public Protection advised the board that officers were preparing a report on Inverclyde Council's Short Term Let policy and that this would be presented to a future meeting of the Environment & Regeneration Committee. He also advised that notwithstanding the anticipated policy report, Elected Members had sufficient information to determine the applications before them on the agenda.

After discussion, Councillor Brooks moved that planning permission be granted subject to the condition contained in the report.

As an amendment, Councillor Clocherty moved that consideration be continued until after a report on Inverclyde Council's Short Term Let policy has been considered by the Environment & Regeneration Committee.

Following a roll call vote, 5 Members, Provost McKenzie, Councillors Armstrong, Brooks, Curley and McCabe voted in favour of the motion and 5 Members, Councillors Clocherty, Crowther, Jackson, Law and McVey voted in favour of the amendment. There being equality in voting, the Chair exercised his casting vote in favour of the amendment which was declared carried.

**Decided:** that consideration be continued until after a report on Inverclyde Council's Short Term Let policy has been considered by the Environment & Regeneration Committee.

**(c) Change of use of flats to short term lets:  
24 Admirals Court, 84 Kempock Street, Gourock (24/0019/IC)**

There was submitted a report by the Director Environment & Regeneration for a change of use of a flat to short term lets at 24 Admirals Court, 84 Kempock Street, Gourock (24/0019/IC).

After discussion, Councillor Clocherty moved that consideration be continued until after a report on Inverclyde Council's Short Term Let policy has been considered by the Environment & Regeneration Committee.

As an amendment, Councillor Brooks moved that planning permission be granted subject to the condition contained in the report.

Following a roll call vote, 5 Members Councillors Clocherty, Crowther, Jackson, Law and McVey voted in favour of the motion, and 5 Members, Provost McKenzie, Councillors Armstrong, Brooks, Curley and McCabe voted in favour of the amendment. There being equality in voting, the Chair exercised his casting vote in favour of the motion which was declared carried.

**Decided:** that consideration be continued until after a report on Inverclyde Council's Short Term Let policy has been considered by the Environment & Regeneration Committee.

**Notification of Application made to the Scottish Ministers under Section 36 of the Electricity Act 1989**

There was submitted a report by the Director Environment & Regeneration on the notification of an application made to the Scottish Ministers by Aptura (GPC 700 Ltd) for installation of a battery energy storage system and associated infrastructure with a generating capacity of up to 700MW at land at Auchentiber Road, Port Glasgow (23/0001/EAA).

**Decided:** that the response to the Scottish Ministers be that the Council does not object to the proposed development and recommends that the Scottish Ministers attach the following conditions to any deemed planning permission that may be granted:-

(1) that the development to which this permission relates must be begun within 3 years from the date of the permission. Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority no later than one calendar month before that date, to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure to allow the Planning Authority to monitor compliance with the conditions attached to the permission;

(2) 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 unless any change is agreed in advance in writing by the Planning Authority, in order to ensure a properly programmed development;

(3) that development shall not commence until a decommissioning, restoration and aftercare strategy has been submitted for the approval in writing by the Planning Authority. The strategy shall be submitted no later than 12 months from the first operation of the development. The strategy shall outline measures for the decommissioning of the development and the restoration and aftercare of the site and shall include proposals to remove the development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions, to ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interest of safety, amenity and environmental protection;

(4) that no later than 3 years prior to the decommissioning of the development a detailed decommissioning, restoration and aftercare plan, based on the approved decommissioning, restoration and aftercare strategy, shall be submitted for the approval in writing by the Planning Authority. The decommissioning, restoration and aftercare plan shall provide updated and detailed proposals for the removal of the development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions. Thereafter the development shall be decommissioned, the site restored, and aftercare undertaken in accordance with the approved plan unless agreed in advance in writing by the Planning Authority, to ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interest of safety, amenity and environmental protection;

(5) that development shall not commence until details of a bond or other financial provision to cover the completion of the restoration works together with any failure of the restoration works or in the aftercare arrangements associated with the site restoration and the decommissioning of the above ground infrastructure shall be agreed in writing the Planning Authority. As part of this agreement the applicant shall set out how the approved bond or other financial provision is maintained throughout the duration of this consent and that it will be subject to a five yearly review, to be conducted by a competent independent professional, to ensure that sufficient funds are in place to cover the completion of the restoration works together with any failure of the restoration works or in the aftercare arrangements associated with the site restoration and the decommissioning of the above

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ground infrastructure in the interests of protecting and minimising the impact on the environment and surrounding area;

(6) that for the avoidance of doubt if the battery storage facility does not import or export electricity to the grid for a continuous period of 12 months the applicant/developer shall, no later than the date of expiration of the 12 months period, submit a scheme to the Planning Authority setting out how the development is to be removed from the site and fully restored. Thereafter the approved scheme shall be implemented within 12 months of the date of approval unless otherwise agreed in writing by the Planning Authority, in the interests of maintaining control of the development should it become redundant and to ensure that the site is restored;

(7) that development shall not commence until detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site in relation to a fixed datum point have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be constructed in accordance with the approved levels, diagrams and sections, to ensure that the levels are acceptable at this location;

(8) that development shall not commence until samples of materials to be used on all external surfaces of the buildings in site and hard surfaces have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details unless any alternative has been approved in advance by the Planning Authority, to ensure the development is acceptable in appearance;

(9) that development shall not commence until full details of the proposed landscaping/planting as indicated on the "Landscape Masterplan" (Figure 5B of the Landscape and Visual Assessment) have been submitted to and approved in writing by the Planning Authority. The details shall include the phasing of the planting and a schedule of plants to comprise species, proposed numbers and density. Thereafter the landscaping/planting works shall be carried out in accordance with the approved details and shall be completed no later than the planting season immediately following the first operation of the development hereby approved. Any planting which, during the lifetime of the development, is considered by the Planning Authority to be dead, dying, severely damaged, or diseased shall be replaced by planting of a similar size and species to those originally approved, in order to ensure the planting is acceptable at this location;

(10) that development shall not commence until details of the widening of Auchentiber Road adjacent to the proposed vehicular access to the site, and as indicated on drawing RHC-23-128-01 Rev A, have been submitted to and approved in writing by the Planning Authority. Following approval the widening of the road shall be completed no later than the first operation of the development hereby approved, in the interests of roads safety;

(11) that for the avoidance of doubt visibility splays of 2.4m by 33m shall be formed in both directions along Auchentiber Road at the vehicular access to the site and thereafter maintained for the duration of the development, in the interests of roads safety;

(12) that the principles of Sustainable Urban Drainage Systems (SUDS) for the surface water drainage regime shall be incorporated into the development. Development shall not commence until details of the surface water management and SUDS proposals have been submitted to and approved in writing by the Planning Authority, in the interests of sustainable development. Thereafter the surface water management details shall fully be implemented as approved;

(13) that development shall not commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The CTMP shall contain details: on routing of all traffic associated with the development on public roads taking account of any height restrictions; allow for no HGV movements on the B788 Kilmacolm Road, Greenock Mondays to Fridays between 8.00-9.15am and between 2.30-3.30pm during school term time; measures to ensure that specific routes are adhered to, including monitoring procedures; details of signage and lining arrangements to be put in place; allow for any

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“no entry” signs to not be placed on the public road network; allow for “no right turn” signs to be placed within the site to advise drivers to turn left towards the B788 Auchenfoil Road; during the delivery period of the construction materials, any additional signing or temporary traffic control measures necessary due to the size and length of any loads being delivered; provisions for emergency vehicle access; and identification of a nominated person to whom any road safety issues can be referred. Thereafter the approved CTMP shall be fully implemented unless otherwise agreed in advance in writing by the Planning Authority in consultation with Transport Scotland, in the interests of roads safety and to ensure that the transportation of plant and/or materials do not have a detrimental effect on the road and structures along the route;

(14) that for the avoidance of doubt the access road into the site shall be 5.5m wide for the first 20m and be fully paved over this length. Any gates to be installed on the access road shall be a minimum of 10m back from the road, in the interests of roads safety;

(15) that development shall not commence until details of external lighting (including details of the lighting units, the angle and intensity of illumination and hours of operation) has been submitted to an approved in writing by the Planning Authority, to ensure the external lighting is acceptable and to avoid dazzling drivers of vehicles using the public roads network;

(16) that development shall not commence until within the site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the agreed programme, in order to identify and protect any archaeological remains;

(17) that development shall not commence until a Material Management and Verification Plan has been submitted for approval in writing by the Planning Authority. This shall include details of all deposits reused or imported for fill and landscaping. The details of any imported fill/landscape materials shall be demonstrated suitable for the corresponding intended function. The type of information provided in the verification plan shall include the material function, origins, volume, chemical characteristics (including soil-leachate and geotechnical analysis as required), with placement plans and thickness of deposit, to sustainably manage and protect soil resources and ensure quality of any imported materials in the interests of human health and environmental protection; and

(18) that the discovery of Japanese Knotweed or any previously unrecorded contamination that becomes evident during site works shall be brought to the attention of the Planning Authority and a 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 and Japanese Knotweed concerns are managed appropriately.