

PLANNING BOARD - 4 JUNE 2008

Planning Board

Wednesday 4 June 2008 at 3.00 pm

Present: Councillors Brooks, Dorrian, Ferguson, Fyfe, Grieve, Loughran, Moran, Rebecchi and Wilson.

Chair: Councillor Wilson presided.

In attendance: Mr H McNeilly (for Head of Legal & Administration), Mr N McLaren (for Head of Planning, Housing & Transportation) and Mr C Jack (for Head of Environmental Services).

Apologies: Councillors McCallum and McKenzie.

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

435 PLANNING APPLICATIONS SUBMITTED FOR CONTINUED CONSIDERATION

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- (a) Change of use of retail shop to use as retail shop and hot food take-away, together with the provision of flue to the rear of the building:
14-16 Cumberland Road, Greenock (IC08065)**

There was submitted a report by the Head of Planning, Housing and Transportation regarding an application by Mr J McIntosh for change of use of retail shop to use as retail shop and hot food take-away, together with the provision of a flue to the rear of the building at 14-16 Cumberland Road, Greenock (IC08065), consideration of which had been continued from the meeting held of 7 May 2008 for a site visit.

The report recommended that planning permission be refused as the proposal will have a detrimental impact on the amenity of the residential properties both above and adjacent to the premises, as the proposed changes may generate an unacceptable level of noise and activity particularly late into the evening. Accordingly, the development is contrary to Inverclyde Local Plan policies H1, H9 and R12.

During the course of discussion, Mr McLaren advised the Board that the recommendation should read "into the evening" rather than "late into the evening".

After discussion, Councillor Moran moved that planning permission be granted. As an amendment, Councillor Fyfe moved that planning permission be refused for the reason detailed in the report. On a vote, 4 Members voted for the amendment and 5 for the motion which was declared carried.

(Councillor Loughran entered the meeting during consideration of this item of business).

Decided: that planning permission be granted.

- (b) Construction and installation of lift:
Inverkip Railway Station, Inverkip (IC07378R)**

There was submitted a report by the Head of Planning, Housing and Transportation regarding an application by Stewart Milne Holdings for the construction and installation of a lift at Inverkip Railway Station, Inverkip (IC07378R), consideration of which had been continued from the meeting held on 7 May 2008 for a site visit.

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

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conditions.

After discussion, Councillor Rebecchi moved that consideration of the application be continued to allow the Head of Planning, Housing & Transportation the opportunity to discuss alternative options to satisfy the requirements of the Disability Discrimination Act with the applicant and other relevant parties. As an amendment, Councillor Moran moved that planning permission be granted subject to the conditions detailed in the report. On a vote, 3 Members voted for the amendment and 4 for the motion which was declared carried.

Decided: that consideration of the application be continued to allow the Head of Planning, Housing & Transportation the opportunity to discuss alternative options to satisfy the requirements of the Disability Discrimination Act with the applicant and other relevant parties.

436 PLANNING APPLICATIONS

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There were submitted reports by the Head of Planning, Housing & Transportation on the following applications, together with letters of objection and support where submitted, which were dealt with as follows:-

**(a) Extension and alterations to dwellinghouse:
Ardgoil, Whitelea Road, Kilmacolm (IC08078)**

Decided: that planning permission be granted subject to the condition that no development shall commence on site until samples of the proposed external materials have been submitted to and approved in writing by the Planning Authority, to ensure that the materials are appropriate to the building.

**(b) Erection of 192 houses:
Scott Lithgow, Kingston Yard, Port Glasgow (IC07440)**

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

(1) that site works shall not proceed without the submission of appropriate methodologies for the treatment of Japanese Knotweed. The methodology/treatment statement should be submitted to and approved in writing by the Planning Authority, to prevent the spread of Japanese Knotweed;

(2) that site works shall not proceed in the areas occupied by Japanese Knotweed until treatment is completed as per methodologies submitted to and approved in writing by the Planning Authority, to prevent the spread of Japanese Knotweed;

(3) that any variation to the approved Japanese Knotweed treatment methodologies should be submitted to and approved in writing by the Planning Authority, to prevent the spread of Japanese Knotweed;

(4) that demolition works shall not proceed until existing structures are surveyed for the presence of materials containing asbestos. Where such materials exist, removal works and any statutory notifications should comply with current legislation and Health and Safety guidance, to ensure the safety of staff and the users of nearby property and prevent contamination of the site by asbestos contaminated materials;

(5) that the development shall not commence until a suitable level of risk assessment of all pollutant linkages has been reported 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, to assess potential risks to receptors in the context of the proposed development;

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- 436 (6) that where the risk assessment identifies pollutant linkages, the development and remediation works shall not commence until a detailed remediation strategy, which shall include verification/validation methodologies has been submitted to and approved in writing by the Planning Authority. This may be incorporated as part of the ground condition report and should include an appraisal of options. Remediation works shall not proceed until written approval has been received from the Planning Authority, to ensure the proposed remediation plan is suitable;
- (7) that remediation and verification/validation shall be carried out in accordance with the approved remediation strategy. Any amendment to the approved remediation strategy shall not be implemented until it has been submitted to and approved in writing by the Planning Authority. Remediation works shall not proceed until written approval has been received from the Planning Authority, to ensure remedial works are carried out to the agreed protocol;
- (8) that no material shall be imported onto the site until written details of the source of the imported material has been submitted for approval in writing by the Planning Authority. The details, which shall be submitted no later than 4 weeks prior to the material being imported onto the site, shall include: the source of the imported material, any potential source(s) of contamination within 50 metres of the source of the material to be imported and verification analysis information. The material must not be imported on to the site until written approval has first been received from the Planning Authority. The material from the source agreed only shall be imported in strict accordance with these agreed principles, to protect receptors from the harmful effects of imported contamination;
- (9) 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. The report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but are not 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 Authority's satisfaction;
- (10) that the site shall not be occupied until correspondence has been received from the Planning Authority that the works have been carried out in accordance with the remediation strategy, to ensure verification reporting is completed prior to occupancy;
- (11) 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 recorded and dealt with appropriately;
- (12) that development shall not begin until samples of materials to be used on external surfaces of the buildings or in construction of hard standings/walls/fences have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority, to ensure a continuity of materials;
- (13) that no development shall commence until fully detailed landscaping proposals and a bond to cover the cost of their implementation have been submitted to and approved by the Planning Authority in writing, to ensure the provision of a quality landscape setting for the development;
- (14) that no development shall commence until fully detailed landscaping proposals have been submitted to and approved by the Planning Authority in writing, to ensure the
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- 436** provision of a quality landscape setting for the development;
- (15) that the approved landscaping scheme shall be completed in the first planting season following the completion of the development and any specimens that in the subsequent 5 years die, become diseased or are damaged shall be replaced with a similar specimen unless the Planning Authority gives prior written approval to any alternatives, to ensure the provision of a quality landscape setting for the development; and
- (16) that no houses shall be occupied until such time as the waterfront park, approved under planning permission IC/08/007, is completed to the satisfaction of or as otherwise agreed in writing by the Planning Authority, to ensure the provision of a quality landscape setting for the development.

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**(c) Formation of landscaping associated with residential development:
Scott Lithgow, Kingston Yard and Land to East of Kingston Shipyard, Port Glasgow (IC08007)**

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

- (1) that site investigations or access to the site by any mechanical means shall not proceed without the submission of a survey inspecting the site for the presence of Japanese Knotweed. A statement should be submitted to and approved in writing by the Planning Authority, to identify the presence of Japanese Knotweed before site works and prevent the spread of Japanese Knotweed;
- (2) that site works shall not proceed without the submission of appropriate methodologies for the treatment of Japanese Knotweed. The methodology/treatment statement should be submitted to and approved in writing by the Planning Authority, to prevent the spread of Japanese Knotweed;
- (3) that site works shall not proceed in the areas occupied by Japanese Knotweed until treatment is completed as per methodologies submitted to the Planning Authority. The methodology/treatment statement should be submitted to and approved in writing by the Planning Authority, to prevent the spread of Japanese Knotweed;
- (4) that any variation to the approved Japanese Knotweed treatment methodologies should be submitted to and approved in writing by the Planning Authority, to prevent the spread of Japanese Knotweed;
- (5) that demolition works shall not proceed until existing structures are surveyed for the presence of materials containing asbestos. Where such materials exist, removal works and any statutory notifications should comply with current legislation and Health and Safety Executive guidance, to ensure the safety of staff and the users of nearby property and prevent the contamination of the site by asbestos contaminated materials;
- (6) that the development shall not commence until a suitable level of risk assessment of all pollutant linkages has been reported 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, to prevent harm from pollution;
- (7) that where the risk assessment identifies pollutant linkages, the development and remediation works shall not commence until a detailed remediation strategy, which shall include verification/validation methodologies has been submitted to and approved in writing by the Planning Authority. This may be incorporated as part of the ground condition report and should include an appraisal of options. Remediation works shall not proceed until written approval has first been received from the Planning Authority, to ensure the proposed remediation plan is suitable;
- (8) that remediation and verification/validation shall be carried out in accordance with the approved remediation strategy. Any amendments to the approved remediation strategy shall not be implemented unless it has been submitted to and approved in

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- 436 writing by the Planning Authority. Remediation works shall not proceed until written approval has first been received from the Planning Authority, to ensure remedial works are carried out to the agreed protocol;
- (9) that no material shall be imported onto the site until written details of the source of the imported material has been submitted for approval in writing by the Planning Authority. The details which shall be submitted no later than four weeks prior to the material being imported onto the site shall include: the source of the imported material, any potential source(s) of contamination within 50 metres of the source of the material to be imported and verification analysis information. The material must not be imported on to the site until written approval has first been received from the Planning Authority. The material from the source agreed only shall be imported in strict accordance with these agreed details, to protect receptors from the harmful effects of imported contamination;
- (10) 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 are not 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. The Completion Report shall also include a non-technical summary of remediation works carried out during the development, to provide verification that remediation has been carried out to the Authority's satisfaction;
- (11) that the site shall not be occupied until correspondence has been received from the Planning Authority confirming that the works have been carried out in accordance with the remediation strategy, to ensure verification reporting is completed prior to occupancy;
- (12) 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 recorded and dealt with appropriately;
- (13) that notwithstanding the information on the approved landscaping drawings, *Glyceria maxima* shall be replaced by *Carex pendula* 3, to comply with the requirements of Scottish Natural Heritage;
- (14) that no development shall commence until details of habitat creation for black guillemots have been submitted to and approved by the Planning Authority, the approved habitat shall thereafter be completed within 6 months of the waterfront park being completed, to comply with the requirements of Scottish Natural Heritage;
- (15) that no development shall commence until a landscape maintenance regime has been submitted to and approved in writing by the Planning Authority; the approved maintenance regime shall thereafter be implemented in perpetuity, in order that the waterfront park is sustained and to comply with the requirements of Scottish Natural Heritage;
- (16) that wildflower areas shall receive a low nutrient free draining soil, enhanced with concrete building rubble, to increase the calcium content of the soil and provide a wider opportunity for a wider species mix of wild flowers to establish;
- (17) that within 6 months of the date hereof, the applicant shall submit for the written approval of the Planning Authority a scheme for public interpretation of the former use of the site as a shipyard; the approved scheme of interpretation shall thereafter be put in place to coincide with the waterfront park opening to the public, to provide a sustainable record of Inverclyde's shipbuilding history;
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- 436** (18) that the waterfront park hereby approved shall be completed prior to any of the housing approved under planning permission IC/07/440 being occupied unless otherwise agreed in writing with the Planning Authority, to ensure that the waterfront park, hereby approved, is completed;
- (19) that two years after the completion of the planting hereby approved the applicant shall provide for the written approval of the Planning Authority an assessment of the health and condition of the planted specimens; any remedial planting required as a result of the assessment shall be implemented within the first planting season following approval by the Planning Authority, due to the vulnerability of the approved planting from the brownfield, coastal location and to ensure the sustainability of a quality landscape setting; and
- (20) that any of the approved planting, including any remedial planting required by condition (19) above, which dies, becomes diseased or damaged within 5 years of the completion of the landscaping shall be replaced in the next planting season with a similar specimen unless the Planning Authority gives its prior written approval to any alternatives, due to the vulnerability of the approved planting from the brownfield, coastal location and to ensure the sustainability of a quality landscape setting.

**(d) Change of use from retail shop (Class 1) to hot food take-away:
8 Princes Street, Port Glasgow (08/0022/IC)**

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

Decided: that planning permission be refused as the development will result in over-provision of hot food take-away shops in Port Glasgow town centre to its detriment as a shopping centre.

**(e) Erection of 22 flats and 26 parking spaces:
11 Houston Street, Greenock (IC08031)**

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

- (1) that no development shall commence until samples of all external materials have been submitted to and approved in writing by the Planning Authority. Development thereafter shall proceed utilising the approved materials unless the Planning Authority gives its prior written approval to any alternatives, to ensure a continuity of materials in this part of the Greenock West End Conservation Area;
- (2) that none of the flats hereby approved shall be occupied until the parking layout detailed in drawing PL 02 C Revision B has been completed, to prevent obstructive parking on Houston Street;
- (3) that no development shall commence until fully detailed landscaping proposals (such proposals to include four replacement trees for those shown to be removed on drawing PL 02 C) have been submitted to and approved by the Planning Authority, to ensure the provision of a quality landscape setting for the development;
- (4) that the approved landscaping scheme shall be implemented within the first planting season following completion of the flats hereby approved and any specimens that in the subsequent five years die, become diseased or are damaged shall be replaced with a similar specimen unless the Planning Authority gives its prior written approval to any alternatives, to ensure the provision of a quality landscape setting for the development;
- (5) that no development shall commence until a ground condition report has been submitted to and approved in writing by the Planning Authority, to prevent harm from pollution;

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- 436** (6) that where the risk assessment required by condition (5) identifies any unacceptable risk or risks, the development shall not commence until a detailed remediation strategy has been submitted to and approved in writing by the Planning Authority, to prevent harm from pollution;
- (7) that remediation of the site shall be carried out in accordance with the approved remediation strategy. Any amendment to the approved remediation strategy shall not be implemented unless it has been submitted to and approved in writing by the Planning Authority, to prevent harm from pollution;
- (8) that none of the flats hereby approved shall be occupied until completion of the remediation works and a verification/completion report has been submitted to and approved in writing by the Planning Authority, to prevent harm from pollution; and
- (9) that the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during the site works shall be brought to the attention of the Planning Authority within one week; any amendment to the approved remediation strategy shall not be implemented unless it has been submitted to and approved in writing by the Planning Authority, to prevent harm from pollution.

- (f) Alterations to form new entrance door, patio doors on rear elevation and new windows on front elevation and erection of garden shed (in retrospect):
17 Finnart Road, Greenock (IC08085)**

Decided: that planning permission be granted subject to the condition that no development shall commence on site until a sample of the proposed wall finish has been submitted to and approved by the Planning Authority, to ensure that the material is appropriate to the building.

- (g) Proposed side extension to dwellinghouse:
30 Old Inverkip Road, Greenock (08/0039/IC)**

Decided: that planning permission be refused as the proposal would have an adverse impact upon the existing streetscape contrary to Policy H15 (b) in so far as it would lie less than 1 metre from the side boundary, giving the impression of a terraced development and contrary to the guidance in the Council's PPAN no.7.

- (h) Provision of two dormer windows to rear:
Flats 4 and 5, 71-75 Victoria Road, Gourock (08/0040/IC)**

Decided: that planning permission be granted.

- (i) Erection of extension to rear of dwelling together with the provision of dormer windows to both front and rear:
Footerhoose, Cliff Terrace Road, Wemyss Bay (08/0035/IC)**

The report recommended that planning permission be granted.

Decided: that consideration of the application be continued for a site visit to be arranged by the Head of Legal & Administration in consultation with the Convener.

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- 437 TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 SECTION 75 AGREEMENT RELATING TO THE FORMER TESCO STORE, INVERKIP STREET, GREENOCK 437**
- There was submitted a report by the Head of Planning, Housing & Transportation advising of (1) the decision of the Safe, Sustainable Communities Committee at the meeting held on 25 October 2007 that it is no longer appropriate to have goods-type restrictions on retail units within Greenock town centre central shopping area and (2) a request from the owners of the former Tesco store, Inverkip Street, Greenock to lift the restriction imposed on the store as a condition of the planning permission granted for the construction of the Tesco Extra store at Port Glasgow.
- After discussion, Councillor Loughran moved that the Section 75 Agreement be revoked, allowing the food sales restriction on the former Tesco Store, Inverkip Street, Greenock to be lifted. As an amendment, Councillor Fyfe moved that consideration of the matter be continued until further information on the proposed development is available. On a vote, 2 Members voted for the amendment and 6 for the motion which was declared carried.
- Decided:** that the Section 75 Agreement be revoked, allowing the food sales restriction on the former Tesco store, Inverkip Street, Greenock to be lifted.
- 438 PLANNING APPEAL - CLOCH ROAD, GOUROCK 438**
- There was submitted a report by the Head of Planning, Housing and Transportation advising that a planning application for the erection of three flatted blocks (99 units), 6 mews houses and associated access and parking at the site of the former Ramada Jarvis Hotel, Cloch Road, Gourock is undetermined and that an appeal against the failure to determine the application had been lodged with the Scottish Government.
- Noted**
- 439 PLANNING APPEAL - SMITHY BRAE, KILMACOLM 439**
- There was submitted a report by the Head of Planning, Housing and Transportation advising that following the decision of the Board at the meeting held on 3 October 2007 to refuse planning permission for the demolition of two cottages and the erection of 2 semi-detached houses and 21 flats with associated car parking and landscaping at Smithy Brae, Kilmacolm (IC/07/239R) and the subsequent appeal by the applicant to the Scottish Ministers against that refusal, the Reporter appointed by the Scottish Ministers had issued his decision which was to uphold the appeal and grant planning permission subject to conditions and to dismiss a claim for costs.
- Noted**
- 440 PLANNING APPEAL - 34 TURNBERRY AVENUE, GOUROCK 440**
- There was submitted a report by the Head of Planning, Housing and Transportation advising that following the decision of the Board at the meeting held on 1 August 2007 to refuse planning permission for the erection of 2 flats at 34 Turnberry Avenue, Gourock (IC/07/186) and the subsequent appeal by the applicant to the Scottish Ministers against that refusal, the Reporter appointed by the Scottish Ministers had issued his decision which was to dismiss the appeal.
- Noted**