

PLANNING BOARD - 2 DECEMBER 2009

Planning Board

Wednesday 2 December 2009 at 3 pm

Present: Councillors Brooks, Dorrian, Fyfe, Grieve, Loughran, McKenzie, Nelson, Rebecchi and Wilson.

Chair: Councillor Wilson presided.

In attendance: Mr N McLaren (for Head of Planning & Housing), Mr D Greenslade (for Head of Environmental Services), Mr H McNeilly (for Head of Legal & Administration) and Mr M Bingham (for Head of Corporate Communications & Public Affairs).

Apologies: Councillor Moran.

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

755 PLANNING APPLICATIONS

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

**(a) Erection of a double garage:
Mount Zion, Church Road, Quarriers Village (09/0281/IC)**

Decided: that planning permission be refused for the following reasons:-

- (1) as the proposal is unsympathetic to the character and pattern of development and appearance of Quarriers Conservation Area, contrary to Policy HR11 of the Inverclyde Local Plan;
- (2) as the proposal adversely impacts the townscape of Quarriers Conservation Area, contrary to Policy HR12 of the Inverclyde Local Plan;
- (3) as the proposal has an adverse visual impact on a main approach to and the setting of the Grade B listed former Mount Zion Church, contrary to Policy HR15 of the Inverclyde Local Plan; and
- (4) as the proposal fails to safeguard residential amenity and character in accordance with Policy H1 of the Inverclyde Local Plan.

**(b) Installation of 8 Velux roof windows and internal alterations:
Mount Zion, Church Road, Quarriers Village (09/0279/IC) & (09/0021/LB)**

(Councillors McKenzie and Grieve entered the meeting during consideration of this item of business).

Decided:

- (1) that the application for listed building consent be referred to Historic Scotland with a recommendation that listed building consent be granted; and
- (2) that planning permission be granted.

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- (c) **Partial removal of railway embankment:
James Watt Dock LLP, East Hamilton Street, Greenock (09/0224/IC)**

Decided: that planning permission be granted subject to the condition that prior to the commencement of any works on site, full details of any haulage route to be used for removing any material from site during the works must be submitted for the approval of the Planning Authority and Transport Scotland. Vehicles will then utilise the approved route or any alternative agreed in writing by the Planning Authority in consultation with Transport Scotland, to minimise any interference with the safety and free flow of traffic on the trunk road.

- (d) **Alterations to shop front:
35 Cathcart Street, Greenock (09/0349/IC)**

Decided: that planning permission be granted.

- (e) **Alterations to shop front:
Lighthouse Bar, 37 Cathcart Street, Greenock (09/0348/IC)**

Decided: that planning permission be granted.

- (f) **Alterations to shop front:
41 Cathcart Street, Greenock (09/0347/IC)**

Decided: that planning permission be granted.

- (g) **Alterations to shop front:
43 Cathcart Street, Greenock (09/0342/IC)**

Decided: that planning permission be granted.

- (h) **Alterations to shop front:
47-49 Cathcart Street, Greenock (09/0341/IC)**

Decided: that planning permission be granted.

- (i) **Alterations to shop front:
63 Cathcart Street, Greenock (09/0344/IC)**

Decided: that planning permission be granted.

- (j) **Alterations to shop front:
65 Cathcart Street, Greenock (09/0343/IC)**

Decided: that planning permission be granted.

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**(k) Alterations to shop front:
67 Cathcart Street, Greenock (09/0345/IC)**

Decided: that planning permission be granted.

**(l) Alterations to shop front:
68-70 Cathcart Street, Greenock (09/0346/IC)**

Decided: that planning permission be granted.

**(m) Proposed formation of 34 flats and 2 Class 1 Retail Units:
52-54 Finnart Street, 19 Robertson Street, Greenock (09/0228/IC)**

Councillor Dorrian declared a non-financial interest in the item due to a family relationship with the proposed developer. He also formed the view that the nature of his interest and of the item of business precluded his participation in the decision making process and he left the Chambers.

Councillor Blair was present for this item as Ward Councillor and, with consent, spoke on the matter.

Following discussion, Councillor Brooks moved 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. As an amendment, Councillor Fyfe moved that planning permission be refused for the following reasons:-

(1) As the area is zoned for residential not commercial use in the Inverclyde 2005 Local Plan;

(2) As a transport assessment has not been carried out as required in section 20 of SPP8 Planning for Town Centres and Retailing;

(3) As parking for 34 flats is already below that required at only 40 spaces. Loss of additional on street parking for retail uses in a residential area is unacceptable in planning terms;

(4) As, on the admission of the Head of Planning and Housing, there is concern over the viability of certain shops on the periphery of the town centre (this could well apply to those on Finnart Street and South Street) in contradiction to SPP8 section 20;

(5) As environmental noise will be created 24 hours a day caused by food chillers running, deliveries being made and customers' movements. This would adversely affect the quality of life of local residents, causing deterioration in health due to sleep deprivation, conversation disruption and stress generated by feelings of annoyance. This is contradictory to PAN 56 Planning and Noise which states that "The noise implications of development can be a material consideration in determining applications for planning permission" and Local Plan Policy UT10 - Proposals for Development Involving Noise - as this development will involve noisy processes and/or extended hours of operation, which are unacceptable as it will affect the amenity of this noise sensitive residential area; and

(6) As under the Human Rights Act this application has implications for residents in terms of interference with privacy, home or family life (Article 8) and peaceful enjoyment of possessions (First Protocol Article 1).

As a further amendment, Councillor Wilson moved that the application be granted subject to the conditions detailed in the report. On a vote between the two amendments, four Members voted for the amendment by Councillor Fyfe and four for the amendment by Councillor Wilson. There being equality in voting, the Convener exercised his casting vote in favour of his own amendment which was declared carried. Councillor Fyfe's

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amendment then fell. On a vote between Councillor Wilson's amendment and Councillor Brooks' motion, one Member voted for the amendment and six for the motion which was declared carried.

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.

Councillor Dorrian returned to the meeting at this juncture.

(n) Refurbishment of amphitheatre area, tented fabric structure, new children's play area and associated works:

Gourock Park, Larkfield Road, Gourock (09/0331/IC)

Decided: that planning permission be granted.

(o) Proposed erection of gates (in retrospect) at link road for emergency vehicles:

Levan Farm, Gourock (IC/06/375)

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

(1) that the emergency access link for emergency vehicles shall be kept free of obstruction and the emergency services shall be given unrestricted rights of passage in perpetuity, to ensure that in the event of Finbraken Drive being impassable to emergency vehicles between Faulds Park Road and the emergency link, unrestricted access to vehicles required by the emergency services is facilitated along the route of the emergency link; and

(2) that the applicant shall maintain and repair the emergency access link to the standard as constructed in perpetuity, unless otherwise agreed in writing by the Planning Authority, to ensure that the emergency access link is maintained in a condition to allow safe passage of emergency vehicles and their passengers.

756 PLANNING APPEAL - 16 GLAMIS PLACE, GREENOCK

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There was submitted a report by the Head of Planning & Housing advising that following the decision of the Board at the meeting on 2 September 2009 to refuse planning permission for the formation of off-street parking space at 16 Glamis Place, Greenock, an appeal against the refusal of planning permission had been made to the Scottish Government.

Noted

757 PLANNING APPEAL DECISION - 13 LUSS PLACE, GREENOCK

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There was submitted a report by the Head of Planning & Housing advising that following the decision of the Board at the meeting on 4 March 2009 to refuse planning permission for the formation of a pedestrian access to the front of 13 Luss Place, Greenock to allow access to Luss Avenue, Greenock, and the subsequent appeal by the applicant to the Scottish Government against that refusal, the Reporter appointed by the Scottish Government had issued his decision which was to dismiss the appeal and refuse planning permission.

Noted

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758 PLANNING APPLICATION SUBMITTED FOR CONTINUED CONSIDERATION

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(a) **Erection of 18 flats:
2 Highholm Street, Port Glasgow (08/0274/IC)**

There was submitted a report by the Head of Planning & Housing regarding an application by Avid Developments Ltd for the erection of 18 flats at 2 Highholm Street, Port Glasgow (08/0274/IC), consideration of which had been further continued from the meeting of 2 September 2009 to allow the Head of Planning & Housing to discuss the congestion at the hammerhead turning point with both the applicant and the owner of the neighbouring site which was also the subject of a planning application.

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 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;

(2) that the development shall not commence until a 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 which may be incorporated as part of a ground condition report and should include an appraisal of options, to address satisfactorily 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 will 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 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 they have been submitted to and approved, in writing, by the Planning Authority, to ensure that all contamination issues are recorded and dealt with appropriately;

(5) that no material shall be imported onto the site until written details of the source of the imported material has been submitted to and approved, 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

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agreed, to protect receptors from the harmful effects of imported contamination;

(6) that none of the flats, hereby approved, shall be occupied until the parking layout detailed in docquetted drawing 0704(01)01 has been completed, to prevent obstructive parking on Highholm Street;

(7) that the development shall be accessed via a footway crossover designed in accordance with the Council's Roads Development Guide, in the interests of road safety on Highholm Street;

(8) 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 Port Glasgow; and

(9) that glazing shall be in accordance with the Sharpes Redmore Environmental Noise & Vibration Survey dated 27 May 2009, to protect the flats from railway noise.