

**PLANNING BOARD - 5 FEBRUARY 2014**

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**Planning Board**

**Wednesday 5 February 2014 at 3pm**

**Present:** Provost Moran, Councillors Brooks, Campbell-Sturgess, Dorrian, Jones, Loughran, McColgan, McIlwee, Nelson, Rebecchi and Wilson.

**Chair:** Councillor Wilson presided.

**In attendance:** Head of Regeneration & Planning, Development & Building Standards Manager, Mr M Higginbotham (for Head of Environmental & Commercial Services) and Ms V Pollock (for Head of Legal & Democratic Services).

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

**97 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 97**

No apologies for absence or declarations of interest were intimated.

**98 PLANNING APPLICATIONS 98**

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

- (a) Erection of 23 residential dwellings consisting of eleven two storey terraced houses and twelve apartments in one single three storey block and ancillary works:  
Malin Grove, Harbourside, Inverkip (13/0263/IC)**

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

- (1) that notwithstanding the provisions of Classes 1A-4A of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, Classes 6C to 6H of the Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Order 2009, as amended, and Class 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, an application for planning permission will be required in respect of:-
- (a) the enlargement, improvement or other alteration of a dwellinghouse;
  - (b) the provision within the curtilage of a dwellinghouse, of any building or enclosure, swimming or other pool required for purposes incidental to the enjoyment of the dwellinghouse, or alteration of such a building or enclosure;
  - (c) the erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil or liquid petroleum gas;
  - (d) the installation or alteration of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse;
  - (e) the erection, construction or alteration of a gate, fence, wall or other means of enclosure;
  - (f) the painting of the exterior of any building or works; and

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(g) the installation or alteration on any building or other structure other than a dwellinghouse, of a microwave antenna and any structure intended for the support of a microwave antenna;

to enable the Head of Regeneration and Planning to retain control over works otherwise permitted thereby ensuring the setting of the landscape of Ardgowan House, the marina and rural environment in general is protected from unsympathetic development;

(2) that full details of external finishes and colours shall be submitted to and approved in writing by the Head of Regeneration and Planning before these materials are used. Development thereafter shall be implemented in accordance with the approved details unless alternatives are agreed in writing, to ensure continuity in finishes;

(3) that the footways, the road and the parking and manoeuvring areas shall be completed to final wearing course prior to occupation of the last of the dwellings hereby permitted, to ensure the provision of adequate walking, parking and manoeuvring areas;

(4) that all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas, to control runoff from the site to reduce the risk of flooding;

(5) 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 potential spread of Japanese Knotweed in the interests of environmental protection;

(6) 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 have 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;

(7) 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;

(8) 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;

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(9) 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;

(10) that the applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the development shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes in place, to protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds;

(11) that all external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption", to protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption;

(12) that any of the trees, bushes or other areas of planting hereby approved which die, are removed, damaged or become diseased within 5 years of planting shall be replaced within the following year with others of a similar size and species, to ensure retention of the approved landscaping scheme in the interests of visual amenity; and

(13) that no works may commence on site until the outstanding remedial works at the trunk road junction and trunk road footbridge (to be agreed between the applicant and Transport Scotland) are completed to the satisfaction of the Trunk Road Authority, to ensure essential remedial works are undertaken.

**(b) Installation of access ramp to front of building:  
Court House, 1 Nelson Street, Greenock (13/0315/IC)**

**Decided:** that planning permission be refused as the design and location of the proposed ramp and associated protective barriers shall adversely affect the frontage of the Grade B listed Sheriff Court and be to the detriment of the pattern of development and character of this part of the Greenock West End Conservation Area, contrary to policies HR11 and HR14 of the Local Plan and policies HER1 and HER4 of the proposed Local Development Plan.

**(c) Installation of access ramp to front of building:  
Court House, 1 Nelson Street, Greenock (13/0036/LB)**

**Decided:** that listed building consent be refused as the design and location of the proposed ramp and associated protective barriers shall adversely affect the frontage of the Grade B listed Sheriff Court and be to the detriment of the pattern of development and character of this part of the Greenock West End Conservation Area, contrary to policies HR11 and HR14 of the Local Plan and policies HER1 and HER4 of the proposed Local Development Plan.

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- (d) Erection of a restaurant/pub with associated staff accommodation, parking, landscaping, access and servicing:  
Victoria and East India Harbours, Rue End Street, Greenock (13/0358/IC)**

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

The Head of Regeneration & Planning recommended that, should the Planning Board be minded to grant the application, a further condition be imposed as follows:-

(14) that development shall not proceed until a Stopping Up Order has been confirmed for East India Breast, to enable the approved development to proceed.

During consideration of this matter, the Board noted that the land in the 1772 Feu Contract referred to within a letter of representation on the application does not cover any part of the site of the planning application.

After discussion, Councillor Campbell-Sturgess moved that planning permission be granted subject to the conditions detailed in the report together with the further condition recommended by the Head of Regeneration & Planning. As an amendment, Councillor McIlwee moved that consideration of the application be continued for a site visit to be arranged by the Head of Legal & Democratic Services in consultation with the Chair. On a vote, 4 Members voted for the motion and 7 for the amendment which was declared carried.

**Decided:** that consideration of the application be continued for a site visit to be arranged by the Head of Legal & Democratic Services in consultation with the Chair.

- (e) Refurbishment and partial demolition of an existing residential property to provide teaching support accommodation and construction of new build single storey extension containing teaching spaces and support spaces, refurbishment and re-cladding of the school's existing science block and landscaping works around existing buildings and new extension:  
St Columba's School, Duchal Road, Kilmacolm (13/0331/IC)**

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

(1) that before their use, samples of all facing materials to be used on the extensions hereby permitted shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is agreed in writing with the Planning Authority, to ensure the suitability of the facing materials;

(2) that prior to the commencement of development full details of all replacement planting shall be submitted to and approved in writing by the Planning Authority. The approved planting shall thereafter be carried out within the first planting season following the end of construction of the extensions and conversion of the villa, to ensure the suitability of the approved planting;

(3) that any of the planting approved in terms of condition 2 above which, within the first 5 years from the date of planting dies, is damaged, becomes diseased or is removed shall be replaced within the next planting season with others of a similar size and species, to ensure retention of the approved planting scheme;

(4) that prior to the commencement of development full details of a long term management plan for the planting approved in terms of condition 2 above shall be submitted to and approved in writing by the Planning Authority. The plan shall thereafter come into effect on completion of the planting, to ensure retention of the approved planting scheme;

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(5) that prior to any construction work starting on site, tree protection measures in accordance with Trees in relation to Design, Demolition and Construction – Recommendations, currently 5837:2012, shall be erected and not removed during the course of construction work, to ensure retention of the trees not to be removed;

(6) that clearance of vegetation within the application site shall take place outwith the bird breeding season of March to July, in the interest of biodiversity;

(7) that all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas, to control runoff from the site to reduce the risk of flooding; and

(8) that all external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption", to protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.

**99 PLANNING APPEAL - LAND OFF LITHGOW WAY, PORT GLASGOW**

**99**

There was submitted a report by Head of Regeneration & Planning advising that following the decision of the Board at the meeting held on 4 September 2013 to refuse planning permission for a proposed residential development (in principle) at land off Lithgow Way, Port Glasgow (13/0035/IC), an appeal against the refusal of planning permission had been made to the Scottish Government.

**Noted**

**100 PLANNING APPEAL - KELLY MAINS FARM, KELLY ROAD, WEMYSS BAY**

**100**

There was submitted a report by Head of Regeneration & Planning advising that following the decision of the Board at the meeting held on 5 June 2013 to refuse planning permission for the erection of a single 225KW 30m to hub, 42m to blade tip wind turbine plus associated works at Kelly Mains Farm, Kelly Road, Wemyss Bay (13/0077/IC) 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 uphold the appeal and grant planning permission subject to a number of conditions.

**Noted**