

## PLANNING BOARD – 9 JUNE 2022

### Planning Board

**Thursday 9 June 2022 at 3pm**

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

**Chair:** Councillor McVey presided.

**In attendance:** Interim Director Environment & Regeneration, Mr G Leitch and Ms E Provan (Roads and Transportation), Mr J Kerr (for Head of Legal & Democratic Services), Mr C MacDonald and Ms E Peacock (Legal & Democratic Services), Service Manager, Communications, Tourism and Health & Safety.

The meeting was held at the Municipal Buildings, Greenock with Councillors Clocherty, Crowther, Daisley, Jackson and McGuire attending by video-conference.

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

<b>262</b>	<b>APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST</b>	<b>262</b>
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No apologies for absence were intimated.

No declarations of interest were intimated but certain connections were intimated as follows:

Agenda Item 2(b) (Re-development and partial demolition of former car sales showroom building to form petrol filling station with ancillary petrol filling station shop and business units (class 4); erection of canopy, formation of parking spaces, installation of electric vehicle charging points, automated laundry and jet wash bays at 9 to 15 Port Glasgow Road, Greenock (21/0212/IC)) – Councillor Curley.

<b>263</b>	<b>PLANNING APPLICATION</b>	<b>263</b>
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**(a) Change of use from open undeveloped ground to proposed motorhome, touring caravan and campsite with associated facilities (planning permission in principle):**

**Site adjacent to Cabervans, Cloch Road, Gourock (21/0073/IC)**

There was submitted a report by the Interim Director Environment & Regeneration on an application for planning permission by Mrs Christine Holt (Cloch Caravans) for a change of use from open undeveloped ground to proposed motorhome, touring caravan and campsite with associated facilities (planning permission in principle) at a site adjacent to Cabervans, Cloch Road, Gourock (21/0073/IC).

After discussion, Cllr Crowther moved that planning permission be granted subject to the conditions detailed in the report together with an additional condition as follows: (31) that for the avoidance of doubt, for every tree identified in the Tree Survey and Arboricultural Constraints Report, authored by Alan Motion Tree Consulting Ltd on the 9<sup>th</sup> February 2022 which has been identified for removal under Condition 13 above, a replacement tree shall be planted within the site boundary. The replacement trees shall be planted prior to the conclusion of the first planting season following the site being brought into use, in the interests of biodiversity and to preserve the green belt setting.

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As an amendment, Cllr Clocherty moved that planning permission be refused as the proposed development represents building on the greenbelt.

Following a roll call vote, 2 Members, Councillors Clocherty and Jackson voted in favour of the amendment and 8 Members, Provost McKenzie, Councillors Brooks, Crowther, Curley, Daisley, Law, McCabe and McVey voted in favour of the motion which was declared carried. Councillor McGuire abstained from voting.

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

(1) that plans and particulars of the matters listed below shall therefore be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations as directed under Section 59(5) of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the planning authority has been given, and the development shall be carried out in accordance with that approval, to ensure that the matters referred to are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended;

(2) that details of the proposed layout for the development are required to accord with condition 1 above. These shall be shown on a plan at a scale of 1:100 or 1:200 showing the position of: all buildings; roads; means of access to the site including visibility splays in either direction; footpaths; cycle routes; car, campervan and cycle parking areas; and vehicular turning areas. The details shall allow for the following:

i) Each caravan pitch shall have space for 1 caravan and 1 car and shall be designed so that there is a minimum 6.0 metre buffer separating each caravan from any other caravan or motorhome;

ii) Each motorhome pitch shall have space for the motorhome and shall be designed so that there is a minimum 6.0 metre buffer separating each motorhome from any other motorhome or caravan;

iii) Each camping pitch shall have space for the tent and 1 car;

iv) Each glamping pitch shall have space for the cabin and 1 car;

v) All car parking spaces within the site shall be a minimum of 6.0 metres by 3.0 metres in size;

vi) Parking standards for the development shall be provided in accordance with the National Roads Development Guide for cars, cycles, motor cycles and disabled users;

vii) Unless otherwise agreed in writing by the Planning Authority, all roads within the site shall be a minimum of 5.5 metres in width;

viii) All footways within the site shall be a minimum of 2.0 metres wide;

ix) All roads shall have a gradient of 10% or less; and

x) The main access into the site shall be a minimum of 5.5 metres wide;

to ensure suitable access is provided for all users, in the interests of the proper functioning of the development;

(3) that details of all proposed buildings and other structures for the development are required to accord with Condition 1 above. These shall be submitted to the Planning Authority in respect of the siting, design, floor plans and external appearance of all buildings and other structures inclusive of dimensions as well as the type and colour of all external materials, thereafter the development shall be implemented as approved, to ensure that the design matters referred to are given full consideration and are acceptable;

(4) that for the avoidance of doubt the reception/shop building to be applied for under Conditions 2 and 3 above shall be located entirely outwith the flow pathway shown on Figure 10 of the Cloch Road, Gourrock Flood Risk Assessment, authored by Kaya Consulting Limited, in order to protect the functional floodplain of the watercourse and minimise flood risk;

(5) that for the avoidance of doubt the finished floor levels of the buildings and plots for all caravans to be applied for under Conditions 2 and 3 above shall be at or above 7.35m Above Ordnance Datum, to ensure in the event of flooding on the road, water

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can flow across the road to the sea without flooding properties;

(6) that for the avoidance of doubt the details to be submitted in respect of Condition 3 above shall allow for any buildings in the site to be no more than single storey high, in order to minimise the visual impact of the development on the landscape and seascape of the Firth of Clyde;

(7) that a footway shall be constructed along the frontage of the site including dropped kerb crossings across the access. Prior to any work commencing on site full details of the footway shall be submitted to and approved in writing by the Planning Authority. Following approval the footway shall be constructed and available for use before occupation of any part of the development, in order to ensure suitable pedestrian access is provided;

(8) that details are required to accord with Condition 1 above in respect of bin stores to be erected on site inclusive of dimensions as well as the type and colour of all external materials. Thereafter the development shall be implemented as approved, in order to provide a quality setting in the interests of visual amenity;

(9) that details are required to accord with Condition 1 above in respect of the proposed play area. The submitted details shall include:

- i) Details of the type and location of play equipment, seating and litter bins;
- ii) Details of the surface treatment of the play area, including the location and type of safety surfaces to be installed; and
- iii) Details of all boundary treatments to be erected around the play area

Thereafter the development shall be implemented as approved, to ensure an acceptable form of development in the interests of future occupants and the appearance of the locality;

(10) that details are required to accord with Condition 1 above of the design and location of all boundary treatments, including walls and fences to be erected within and around the perimeter of the site. Thereafter the development shall be implemented as approved, to ensure an appropriate landscape setting is provided;

(11) that details are required to accord with Condition 1 above of the type and colour of all surfacing treatments, including materials for the permeable ground reinforcement for the pitches. Thereafter the development shall be implemented as approved, to ensure a precise and acceptable form of development in the interests of future occupants and the appearance of the locality;

(12) that details are required to accord with Conditions 1 and 5 above of the proposed ground levels throughout the site and proposed finished floor levels, in relation to a fixed datum point. The details shall include existing ground levels taken from the same fixed datum point, to ensure a precise and acceptable form of development which will mitigate flood risk in the interests of future occupants and the appearance of the locality;

(13) that development shall not commence on site until details have been submitted to and approved in writing by the Planning Authority in respect of the following:

- i) Full details of landscaping and open space provision, detailing all existing landscape features and vegetation to be retained as well as trees to be felled;
- ii) Details of protective measures for all trees which are to be retained;
- iii) The locations of new trees, shrubs, hedges, grassed areas and water features;
- iv) A schedule of trees and plants including species, plant sizes and proposed numbers and density;
- v) The layout, design and materials of all hard landscaping works;

Thereafter the development shall be implemented as approved, to ensure that the landscaping details and tree coverage on the site are given full consideration and are acceptable;

(14) that for the avoidance of doubt, the Beech Tree identified as Tag No 6619 in the tree survey shall not be removed at any time unless agreed in advance in writing by the Planning Authority, in order to preserve the tree in the interests of providing a quality

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landscape setting;

(15) that no tree works or vegetation clearance approved under Condition 13 above shall occur on site from March through September (inclusive) each year unless otherwise agreed in writing with the Planning Authority prior to clearance works commencing. In the event that clearance is proposed between March to September (inclusive), a nesting bird survey shall be carried out by an experienced ecologist covering the proposed clearance area prior to each stage of tree felling and vegetation clearance and shall be submitted to and approved in writing by the Planning Authority before those clearance works commence. Once written approval has been given, the works themselves shall be carried out within a specified and agreed timescale, to ensure the appropriate protection of breeding birds

(16) that during the construction phase, the removal of vegetation deeper than 10cm within the development site shall be subject to a two-stage strim with vegetation being strimmed to a depth of 10cm one day, then strimmed to ground level the following day. These works shall take place in temperatures warmer than 10°C and strimmer operators shall work outwards from the middle of the area being strimmed, to ensure that any reptiles present on site can be safely relocated to suitable adjacent habitat;

(17) that prior to the commencement of any works, the tree protection measures approved under Condition 13 above for all trees to be retained both within or adjacent to the application site shall be erected. All trees must be protected by barriers and/or ground protection to form a Construction Exclusion Zone in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS5837:2012 and shall not be removed during the course of construction work, to ensure the retention of and avoidance of damage to trees during development;

(18) that no movement of machinery, stockpiling of materials, or changes in existing ground levels shall take place within the Construction Exclusion Zone throughout the duration of the construction works, to ensure the retention of and avoidance of damage to trees during development;

(19) that where new surfacing is to be installed within the Construction Exclusion Zone of trees which are to be retained, precautions shall be taken to minimise disturbance to tree root systems, in accordance with BS5837:2012, Section 7.4, to ensure the retention of and avoidance of damage to trees during development;

(20) that any of the trees, areas of grass or planted shrubs or bushes approved as part of the landscaping scheme that die, become diseased, are damaged or removed within 5 years of planting shall be replaced with others of a similar size and species within the following planting season, to ensure that existing biodiversity levels in and around the site are preserved;

(21) that development shall not commence until an updated pre-construction survey for all European Protected species together with all priority Local Biodiversity Action Plan species has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the survey shall set out appropriate mitigation or include a species protection plan where required. The updated standing advice notes for protected species produced by NatureScot including advice on survey shelf life should be referred to, to ensure that the up-to-date position is known and to ensure the appropriate protection of European Protected species and other wildlife;

(22) that development shall not commence until an updated pre-construction badger and otter survey has been submitted to and approved in writing by the Planning Authority. The surveys shall not be carried out more than six weeks prior to works commencing, as recommended in the conclusions of the Preliminary Ecological Appraisal authored by Wild Surveys Ltd. For the avoidance of doubt, the survey shall set out appropriate mitigation or include a species protection plan where required. The updated standing advice notes for protected species produced by NatureScot should be referred to, to ensure that the up-to-date position is known and to ensure the appropriate protection of badgers and otters;

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(23) that an updated Flood Risk Assessment (FRA) shall be submitted for the approval in writing by the Planning Authority at the same time as the submission of the details under Conditions 1 and 2 above. The updated FRA shall be verified by an independent check process. This secondary check must be completed by an organisation which is entirely independent from the author. The Independent Check Certificate must be completed by a competent professional who is a member of the relevant chartered professional institution, or equivalent, with experience of flood risk and drainage impact assessment and management, to ensure that the finalised design can be safely implemented without placing buildings and people at flood risk;

(24) that an updated Drainage Impact Assessment (DIA) shall be submitted for the approval in writing by the Planning Authority at the same time as the submission of the details under Conditions 1 and 2 above. The updated DIA shall be verified by an independent check process. This secondary check must be completed by an organisation which is entirely independent from the author. The Independent Check Certificate must be completed by a competent professional who is a member of the relevant chartered professional institution, or equivalent, with experience of flood risk and drainage impact assessment and management, to ensure that suitable drainage is provided for the safe removal of surface and waste water from the site;

(25) that prior to the commencement of works, 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;

(26) that development shall not commence until details of a survey for the presence of Japanese Knotweed have been 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;

(27) 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;

(28) that before any part of the development 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 contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety;

(29) 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 a Remediation Scheme shall not be

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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;

(30) that for the avoidance of doubt the buildings on the site shall be designed to ensure that at least 15% 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 (rising to at least 20% by the end of 2022), details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the buildings, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009; and

(31) that for the avoidance of doubt, for every tree identified in the Tree Survey and Arboricultural Constraints Report, authored by Alan Motion Tree Consulting Ltd on the 9<sup>th</sup> February 2022 which has been identified for removal under Condition 13 above, a replacement tree shall be planted within the site boundary. The replacement trees shall be planted prior to the conclusion of the first planting season following the site being brought into use, in the interests of biodiversity and to preserve the green belt setting.

**(b) Re-development and partial demolition of former car sales showroom building to form petrol filling station with ancillary petrol filling station shop and business units (class 4); erection of canopy, formation of parking spaces, installation of electric vehicle charging points, automated laundry and jet wash bays:  
9 to 15 Port Glasgow Road, Greenock (21/0212/IC)**

There was submitted a report by the Interim Director Environment & Regeneration on an application for planning permission by Grove Retail Ltd for Re-development and partial demolition of former car sales showroom building to form petrol filling station with ancillary petrol filling station shop and business units (class 4); erection of canopy, formation of parking spaces, installation of electric vehicle charging points, automated laundry and jet wash bays at 9 to 15 Port Glasgow Road, Greenock (21/0212/IC).

Councillor Curley declared a connection as an employee of the company which prepared drawings related to the application. Councillor Curley also stated that he was not involved in the project for his company and he formed the view that the nature of his connection and of the item of business did not preclude his continued presence in the meeting or his participation in the decision making process and he was declaring for transparency.

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

As an amendment, Councillor Curley moved that planning permission be refused on the grounds of pedestrian safety.

Following a roll call vote, 2 Members, Councillors Curley and Daisley voted in favour of the amendment and 9 Members, Provost McKenzie, Councillors Brooks, Clocherty, Crowther, Jackson, Law, McCabe, McGuire and McVey voted in favour of the motion which was declared carried.

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

(1) that development shall not commence until samples of materials to be used on all external surfaces of the building and hard surfaces within 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;

(2) that development shall not commence until details and location of any 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

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acceptable in appearance;

(3) 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;

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

(5) 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 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 issues are recorded and dealt with appropriately;

(6) that prior to the occupation of any part of the development hereby permitted, the layout of the new site access priority junction with the A8(T), and the closure of the central reservation gaps through the successful promotion of a road order, both generally as illustrated on AECOM Drawing No. 60648610-SHT-10-CT-0100 Rev. P1, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland, to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished;

(7) that prior to the occupation of any part of the development hereby permitted, the existing footway along the site frontage must be upgraded to DDA compliant standard, and dropped kerbs / tactile paving at the site entry/exit junctions, generally as illustrated on AMCA Architects Drawing No. PL\_014 Rev. A and PL\_015, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland, to ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road;

(8) that prior to the commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. In particular, the CTMP shall identify measures to control the use of any direct access onto the A8 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed Plan, to mitigate the adverse impact of construction traffic on the safe and efficient operation of the trunk road network;

(9) 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

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trunk road will not be diminished;

(10) 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;

(11) 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;

(12) 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;

(13) that the principles of Sustainable Urban Drainage Systems (SUDS) for the surface water 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. Thereafter the surface water management details shall fully be implemented as approved, in the interests of sustainable development;

(14) that for the avoidance of doubt the car parking spaces shown on drawing PL003 Rev N shall be 2.5m x 5.0m and the disabled bays shall be 2.9m x 5.5m with a 1.0m hatching around them. The car parking spaces shall be constructed, surfaced and delineated on the site in all respects and be available for use before the first use/occupation of the development, to ensure the provision of adequate parking facilities;

(15) that a minimum of 6 bicycle parking spaces shall be provided on site. Development shall not commence until the details and location of the bicycle parking shown on a scaled plan have been submitted to and approved in writing by the Planning Authority. The submitted plan shall allow for the bicycle parking to be located adjacent to the retail element of the development. Following approval the bicycle parking shall be formed in all respects before the development hereby approved is brought into use/occupied, to ensure the required number of bicycle parking spaces is provided and in accordance with the National Roads Development Guidelines; and

(16) that for the avoidance of doubt all surface water created by the jet wash machines shall be contained within the site, in the interests of sustainable development and roads safety.

### Land at west of Quarry Drive, 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 the granting of planning permission in principle for proposed residential development to include access, roads, open space, landscaping, drainage and other associated works (planning permission in principle) (major) at land west of Quarry Drive, Kilmacolm (20/0245/IC) (b) the decision of Inverclyde Council on 4 May 2021 to grant planning permission in principle; and (c) the subsequent request from Scottish Ministers that the application be referred to them for determination, the



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Reporter appointed by the Scottish Government has issued his decision which is that he is minded to grant planning permission in principle subject to the completion and registration of a planning obligation (or other suitable alternative arrangement).

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