

## PLANNING BOARD – 1 MARCH 2023

### Planning Board

Wednesday 1 March 2023 at 3pm

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

**Chair:** Councillor McVey presided for agenda items 1, 2(b), 2(c) and 3(a), and Councillor Curley for agenda item 2(a).

**In attendance:**

Stuart Jamieson	Director, Environment & Regeneration
Gordon Leitch	Supervisory Engineer – Roads Design
Elaine Provan	Supervisory Engineer – Traffic & Transportation
Jim Kerr	Solicitor (for Head of Legal & Democratic Services)
Colin MacDonald	Senior Committee Officer
Diane Sweeney	Senior Committee Officer
Allan McDonald	ICT & Customer Service Manager
George Barbour	Service Manager Communications, Tourism and Health & Safety

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

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

### 135 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST

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

Councillor McVey declared an interest in Agenda Item 2(a) (Amendment to condition 4 of Planning Permission in Principle 20/0021/IC for a proposed mixed-use development comprising residential, industrial/business use, retail & leisure use and park & ride with associated roads infrastructure, access, open space, landscaping and drainage to increase the number of permitted residential dwellings from 270 to 450 (Section 42 application) at land at former IBM Site Spango Valley, Inverkip Road, Greenock (22/0225/IC)).

### 136 PLANNING APPLICATIONS

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- (a) **Amendment to condition 4 of Planning Permission in Principle 20/0021/IC for a proposed mixed-use development comprising residential, industrial/business use, retail & leisure use and park & ride with associated roads infrastructure, access, open space, landscaping and drainage to increase the number of permitted residential dwellings from 270 to 450 (Section 42 application):  
Land at former IBM Site Spango Valley, Inverkip Road, Greenock (22/0225/IC)**

There was submitted a report by the Director Environment & Regeneration on an amendment to condition 4 of planning permission in principle 22/0021/IC by Advance Construction (GD) Limited for a proposed mixed-use development comprising residential, industrial/business use, retail & leisure use and park & ride with associated roads infrastructure, access, open space, landscaping and drainage to increase the number of permitted residential dwellings from 270 to 450 (Section 42 application) at

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land at former IBM site, Spango Valley, Inverkip Road, Greenock (22/0225/IC).

Councillor McVey declared an interest in this matter by virtue of a business relationship with a Director of one of the applicant companies and left the meeting. Councillor Curley assumed the Chair.

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

- (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 for the avoidance of doubt, no approval is given for the submitted indicative layout details and plans accompanying the application, due to the submitted application being for Planning Permission in Principle and to retain full control over the detail of the proposed development;
- (3) that the maximum number of dwellinghouses across the site shall not exceed 450. For the purposes of this number, dwellinghouses include flatted dwellinghouses, this figure represents an acceptable level of development in terms of tested and available capacity by Transport Scotland and the Council as Education Authority;
- (4) 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 each phase of the development for the following:
  - a) 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;
  - b) the proposed site layout which shall be shown on a plan at a scale of 1:500 showing the position of all buildings, roads, means of access, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), and vehicular turning areas details of existing and proposed site levels;
  - c) the type and colour of all hard surfacing materials;
  - d) the proposed ground levels throughout the site and proposed finished floor levels, in relation to a fixed datum point. The application shall include existing ground levels taken from the same fixed datum point;
  - e) 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 proceed in accordance with the approved form unless otherwise first agreed in writing by the Planning Authority, to ensure that the design matters referred to are given full consideration and are acceptable;

(5) 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 in respect of the detailed landscape strategy paying particular attention to the following:

- a) a scheme of strategic landscaping and open space provision, detailing all existing landscape features and vegetation to be retained as well as trees to be felled;
- b) the locations of new trees, shrubs, hedges, grassed areas and water features;
- c) a schedule of trees and plants including species, plant sizes and proposed numbers and density;
- d) the layout, design and materials of all hard landscaping works;
- e) other structures such as street furniture;
- f) proposed levels;
- g) the extent and distribution of public open space within the development;
- h) details of the phasing of these works;
- i) a detailed programme for the completion and subsequent maintenance of the proposed landscaping.

Thereafter the development shall proceed in accordance with the approved form unless otherwise first agreed in writing by the Planning Authority, to ensure that the landscaping

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details and open space provision are given full consideration and are acceptable;

(6) that the landscaping scheme shall ensure that where trees/shrubs are to be planted adjacent to the railway boundary these are to be positioned at a minimum distance from the boundary which is greater than their predicted mature height. The applicant shall agree with Network Rail and confirm in writing to the Planning Authority the species to be planted prior to the commencement of development, to control the impact of leaf fall on the operational railway;

(7) 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 a scheme for the provision of equipped play area(s). The scheme shall include:-

- a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
- b) details of the surface treatment of the play area(s), including the location and type of safety surfaces to be installed;
- c) details of fences to be erected around the play area(s);
- d) details of the phasing of these works; and
- e) details of the future maintenance of the play area(s).

Thereafter the development shall proceed in accordance with the approved form unless otherwise first agreed in writing by the Planning Authority, to ensure that the play provision details are given full consideration and are acceptable;

(8) that all domestic garden dimensions, open space, play provision within the development shall accord with the requirements of the Council's adopted Planning Application Advice Note 3 on "Public and Private Open space within New Residential Development" or any successive draft or adopted replacement document, to ensure appropriate domestic garden dimensions, open space and play provision in the interests of amenity;

(9) that any of the trees, areas of grass or planted shrubs 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 the retention of the landscaping scheme;

(10) 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 daylighting and de-culverting of watercourses within the site. Works shall then proceed as approved unless an alternative is first agreed in writing by the Planning Authority, to ensure that the details relating to the daylighting and de-culverting of watercourses are given full consideration and are acceptable;

(11) that the applications for the approval of matters specified in conditions for each phase of the development shall be accompanied by an updated flood risk assessment which takes account of the detailed layout and design proposals. For the avoidance of doubt the recommendations set out within the "recommendations and conclusions" section of the Flood Risk Assessment dated May 2020 shall be incorporated into the detailed layout and design proposals. For the avoidance of doubt flow paths of the surface water through the site to prevent any property flooding shall be demonstrated, in the interests of the avoidance of flooding affecting the development hereby permitted or surrounding lands and properties;

(12) that prior to the commencement of works on site, mitigation measures to address the flood risk in respect of the access to and from the site shall be submitted to and approved in writing by the Planning Authority either as part of an updated version of the submitted Flood Risk Assessment or as a standalone document in association with the requirements of condition 12 above, in the interests of the avoidance of flooding affecting the access to the development hereby permitted;

(13) that all proposed new buildings, both residential and commercial in any form, shall have a finished floor level 600mm above the 1 in 200 year flood event plus climate

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change, in the interests of the avoidance of flooding affecting the development hereby permitted;

(14) that the applications for the approval of matters specified in conditions for each phase of the development shall be accompanied by a drainage impact assessment and full drainage details inclusive of future maintenance arrangements in accordance with the Council's policy which takes account of the detailed layout and design proposals. Works shall then proceed as approved unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt the drainage scheme must comply with the principles of Sustainable Drainage Systems (SuDS) as set out in CIRIA SuDS Manual (C753) and all surface water during and after development should be attenuated to that of greenfield run off, to ensure the adequacy of the drainage regime and associated maintenance in the interests of the avoidance of flooding affecting the development hereby permitted or surrounding lands and properties;

(15) that SuDs must not be sited within 10 metres of the railway boundary, to protect the stability of the adjacent railway lines and the safety of the rail network;

(16) that all surface water shall be managed and diverted through the approved drainage infrastructure both during and on completion of the development to prevent flooding beyond the boundary of the application site, to avoid surface water run-off from the site in the interests of the avoidance of flooding;

(17) that it shall be demonstrated beyond doubt to the Planning Authority that no additional flooding or surface water run-off will occur to the adjoining part of the Spango Valley Priority Place designation in the adopted and proposed Local Development Plans, to ensure that the remaining part of the Priority Place designation is not affected by flooding and surface water run-off resulting from the development, impacting on the delivery of development on the neighbouring site;

(18) that prior to the commencement of works on any phase of the development, confirmation that all the requirements of Scottish Water can be fully met, including confirmation of Scottish Water's acceptance of the foul and surface water drainage proposals. Confirmation 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, in the interests of the provision of a satisfactory drainage regime;

(19) that the applications for the approval of matters specified in conditions for each phase of the development which contains new residential properties shall be accompanied by an updated noise impact assessment which takes account of the detailed layout and design proposals. Required noise mitigation measures inclusive of acoustic barriers and screening which generally follow those identified in the submitted noise impact assessment dated January 2020 shall be incorporated into the design and layout for each phase, to ensure noise impact is fully considered;

(20) that prior to the occupation of any residential unit hereby permitted in any phase of the development noise mitigation measures relating to that phase of the development shall be completed as approved under condition 20 and be maintained on site at all times thereafter unless agreed in advance in writing by the Planning Authority, to ensure the installation of appropriate noise mitigation measures in the interests of the amenity of future residents;

(21) that prior to the commencement of works on each phase of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include:

- a) a site specific CEMP outlining the details of all construction works and mitigation to be undertaken in relation to that phase together with an indicative timetable of the activities;
- b) a site waste management plan (dealing with all aspects of waste produced during the construction period), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
- c) details of the formation of the construction compound, welfare facilities, turning

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areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;

- d) a dust management plan;
- e) a pollution prevention and control method statement, including arrangements for the storage of oil and fuel on the site;
- f) soil storage and management;
- g) management to prevent to the spread of invasive species;
- h) a water management plan to include a drainage management strategy, demonstrating how all surface and waste water arising during construction activities will be managed and prevented from polluting any watercourses or sources;
- i) sewage disposal and treatment;
- j) temporary site illumination;
- k) the construction of the access into the relevant area within the site and the creation and maintenance of associated visibility splays;
- l) details of any required ecological, ornithological and nature conservation mitigation measures including a toolbox talk for protected species to ensure all personnel are aware of what to do should evidence of species be discovered during construction;
- m) hours of operation on site;
- n) post-construction restoration/ reinstatement of the working areas not required during the operation of the relevant phase, including construction access tracks, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas.

The CEMP for each phase of the development shall thereafter be implemented on site as approved unless otherwise first agreed in writing with the Planning Authority, to ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the EIA relating to the development, or as otherwise agreed, are fully implemented;

(22) that no works shall commence on the development hereby approved until an independent and suitably qualified Ecological Clerk of Works (ECoW) has been appointed by the developer(s), at their expense, to oversee the implementation the development and Construction Environmental Management Plan (CEMP). Full details of the ECoW (including name, qualifications and contact details) appointed shall be submitted in writing not less than 14 days before development commences, to secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the development;

(23) that prior to appointing the ECoW in accordance with condition 23 above, a 'scope of works' for that person shall be submitted to and approved in writing by the Planning Authority. The Scope of Works shall specify the stages of the process that the ECoW will be present on site for and how regularly they will otherwise inspect the site. All works shall be carried out in accordance with the agreed scope of works to the satisfaction of the Planning Authority, to secure a suitable scope and works and appropriate access for the ECoW in the interests of the effective monitoring of and compliance with the environmental mitigation and management measures associated with the development;

(24) that the recommendations set out within the submitted Preliminary Ecological Appraisal dated June 2019 in respect of mitigation and further surveys shall followed and implemented unless otherwise- agreed in advance in writing by the Planning Authority, in the interests of the protection of ecology;

(25) that for the avoidance of doubt, compliance with condition 25 above shall include following the recommendation in respect of annual updates to maintain a valid data set and accordingly where 12 months or more has elapsed between the timing any ecological survey and development commencing in any phase, further updated survey(s) shall be undertaken to determine the presence of any statutorily protected species and be submitted to and approved in writing by the Planning Authority before any

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development commences in respect of any phase, to ensure that an up-to-date position is maintained in the interests of the appropriate protection of ecology;

(26) that notwithstanding the requirements of condition 25 above, prior to the commencement of works on site in respect of any phase, a pre-construction survey for all European Protected species together with all priority Local Biodiversity Action Plan species shall be 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, to ensure the appropriate protection of European Protected species and other wildlife;

(27) that the recommendations set out within the submitted Bat Survey dated August 2019 shall be fully followed inclusive of undertaking the demolition of the concrete retaining wall out with the winter hibernation period for bats from December to March inclusive; to ensure the appropriate protection of Bats;

(28) that no tree works or scrub clearance shall occur on site from March through to August (inclusive) each year unless otherwise agreed in writing with this Planning Authority prior to clearance works commencing. In the event that clearance is proposed between March to August (inclusive), a suitable bird survey shall be carried out by a suitably qualified ecologist covering the proposed clearance area 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 should be carried out within a specified and agreed timescale, to ensure the appropriate protection of breeding birds;

(29) that no tree works or scrub clearance shall occur and no other development or construction works shall commence during the bird breeding season March through to August (inclusive) in the north-eastern part of the site generally from a point level with the existing north-easternmost access to the north-eastern site boundary. Prior to the commencement of any works on site, a site plan of a scale not less than 1:500 setting out a clear boundary of the restricted area shall be submitted to and agreed in writing by the Planning Authority. Works shall then proceed as approved, to ensure the appropriate protection of breeding birds;

(30) that prior to the commencement of works on site in any phase, a biodiversity enhancement scheme inclusive of a timetable for implementation shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved, to ensure appropriate biodiversity enhancement for within the new habitats created;

(31) that prior to the commencement of works on site in any phase, tree protection measures for all trees to be retained both within or adjacent to the application site shall be erected in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS 5837:2012 and shall not be removed during the course of construction work, to ensure the retention of and avoidance of damage to trees during development.;

(32) that no tree felling shall be undertaken on site unless in accordance with an approved landscape framework or strategy or otherwise first agreed in writing by the Planning Authority, to ensure the retention of and avoidance of damage to trees during development;

(33) that prior to the commencement of works on site in any phase, full details of mitigation measures generally following those set out within Section 12.135 of the EIA to reduce the temporary visual effects resulting from construction shall be submitted to and agreed in writing by the Planning Authority. Works shall then proceed as approved, to minimise the visual effects from construction;

(34) that the details set out within the Landscape Mitigation Strategy in Figure 12.6 of the EIA shall be incorporated into the detailed design of the development, to minimise the visual effects of the development;

(35) that prior to the start of development in any phase, details of a survey for the

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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;

(36) that the development in any phase 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;

(37) that before the development of any building in any phase hereby permitted 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 to confirm successful completion of remediation measures in the interest of human health and environmental safety;

(38) 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 the 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;

(39) that prior to commencement of the development works within any phase, an Environmental Monitoring Plan for trichloroethene and associated contaminants present at the site shall be submitted to and approved in writing by the Planning Authority; this plan shall include an emergency contingency response plan to deal with any watercourse pollution events. Development shall not proceed until the Environmental Monitoring Plan is implemented. Any variation to the agreed Environmental Monitoring Plan shall be submitted for approval in writing by the Planning Authority prior to implementation, to satisfactorily address potential contamination issues resulting from trichloroethene and associated contaminants present at the site in the interests of human health and environmental safety;

(40) that prior to the commencement of any works on site, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing together with the timescale for implementation shall be submitted to and approved in writing by the Planning Authority. Thereafter the works shall proceed as approved and the fence shall be maintained in position at all times thereafter, in the interests of public safety and the protection of Network Rail infrastructure;

(41) that all proposed roads, footpaths and parking shall be provided in accordance with the National Roads Development Guide. The details shall allow for:

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- a. Residential parking:
    - i. (including garages if not less than 3.0 metres by 7.0 metres in size) to be provided in accordance with the National Guidelines of one parking space for a 1-bedroom house, 2 parking spaces for a 2 or 3 bedroom house, and 3 parking spaces for a 4 bedroom house;
    - ii. visitor parking shall be at a standard of 0.25 space per house;
    - iii. the minimum dimensions of driveways shall be 3 metres wide by 5.5 metres long per bay; the driveway gradients shall not exceed 10%; driveways shall be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road; and the gradient of driveways shall not exceed 10%;
    - iv. any visitor parking spaces shall be a minimum of 2.5 metres by 5.0 metres.
  - b. Employment, Industrial, Retail, Community and Leisure parking:
    - i. Parking requirements as stated in the National Roads Development Guide;
  - c. The roads shall be designed to a 20mph speed limit with traffic calming;
  - d. All roads within the site shall be a minimum of 5.5m wide and have a gradient of 8% or less;
  - e. All footways within the site shall be a minimum of 2.0m wide, to ensure appropriate roads and parking layout and provision;
- (42) that prior to the occupation of any building regardless of the proposed use, the off-street parking approved in association with condition 42 above shall be formed and available for use. The parking shall remain in place and available for use at all times thereafter unless its removal is agreed in advance in writing by the planning authority, to ensure appropriate parking provision for new buildings;
- (43) that prior to the occupation of each dwellinghouse hereby permitted all new roads and footways leading to it shall be surfaced to a sealed base course and operational street lighting shall be provided, to ensure the provision of acceptable safe access facilities during construction;
- (44) that within 4 weeks of the last of the dwellinghouses hereby permitted being completed all roads and footways within the application site shall be completed to a final wearing course, to ensure the provision of acceptable safe access facilities following construction;
- (45) that prior to the completion of each phase of the development all visitor parking spaces approved in association with condition 42 above shall be formed and available for use. The parking shall remain in place and available for use at all times thereafter unless otherwise agreed in writing by the Planning Authority, to ensure the provision of appropriate visitor parking facilities;
- (46) that prior to the commencement of any phased development, the existing grade-separated junction, proposed to be used as a means of access to the trunk road, shall be upgraded to an adoptable standard, generally in line with Drawing 19137-SK-21 Revision D (Dated 04 August 2021), to be approved by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority. Any existing walking and cycle user infrastructure affected by the upgrade shall also be upgraded to conform to current standards, to ensure that the standard of access layout complies with the current standards and that the safety of traffic on the trunk road is not diminished;
- (47) that prior to the commencement of any works on site, the proposed signal-controlled means of access to the trunk road shall be constructed to a layout generally in line with Drawing 108901/I/GA/001 Revision A (Dated October 2019), and type (and method) of construction to be approved by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority, 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;
- (48) that prior to the commencement of any phased development, a scheme for the closure of the existing central site access junction with the A78(T) shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport



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Scotland as the Trunk Roads Authority. Thereafter, the approved details shall be implemented in accordance with the approved timescales, to mitigate the impact of the development and ensure the safe and efficient operation of the trunk road;

(49) that prior to the commencement of any phased development, a Sustainable Transport Strategy shall be prepared and approved in writing by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority, to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities;

(50) that prior to the occupation of any part of the phased development, any footpath link must be approved and then constructed and completed to the satisfaction of the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority, 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;

(51) that prior to the occupation of any part of the phased development, a scheme for the closure of the existing sub-standard footway across the site frontage with the A78(T) should be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority, to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities;

(52) that prior to the commencement of any phased development, a Public Transport Strategy shall be submitted to and agreed in writing with the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority, that considers the various public transport improvements cited in the Transport Assessment, to ensure that the development is adequately served by public transport services; and to minimise any interference with the safety and free flow of traffic on the trunk road network;

(53) that for the avoidance of doubt, the Public Transport Strategy required under condition 53 above shall include (but not be limited to) details on the provision of all modes public transport inclusive of the re-establishment of rail services at IBM Halt, infrastructure inclusive of park and ride facilities, phasing and implementation and details of funding mechanisms required, to ensure all public transport matters are considered by the Public Transport Strategy;

(54) that prior to the commencement of any phased development, a scheme for the closure and relocation of the existing bus stop and uncontrolled pedestrian crossing on the northbound A78(T) carriageway at the existing central site access shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority. Thereafter, the approved details shall be implemented in accordance with the approved timescales, to mitigate the impact of the development and ensure the safe and efficient operation of the trunk road;

(55) that prior to the commencement of any works on site, a Transport Assessment Addendum shall be prepared and approved in writing by the Local Authority, in consultation with Transport Scotland as the Trunk Roads Authority, that considers the potential impacts of the development at A78(T) / Dunlop Street Roundabout. Any mitigation shall be identified and, prior to the commencement of any works on site, shall be constructed conforming to current standards to be approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, to mitigate the impact of the development and ensure the safe and efficient operation of the trunk road;

(56) that prior to the commencement of any works on site, a scheme for the delivery of A78(T) / Cumberland Road junction improvement measures shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority. Thereafter, the approved details shall be implemented in accordance with the approved timescales, to mitigate the impact of the development and ensure the safe and efficient operation of the trunk road;

(57) that prior to the occupation of any part of the phased development, a comprehensive Travel Plan that sets out proposals for reducing dependency on the

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private car shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan, to be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport;

(58) that prior to the commencement of any works on site, details of the lighting within the site shall be submitted for the approval of the Planning Authority, in 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 trunk road will not be diminished;

(59) that there shall be no drainage connections to the trunk road drainage system, to ensure that the efficiency of the existing drainage network is not affected;

(60) that prior to the commencement of any works on site, a Construction Traffic Management Plan (CTMP) for each phase of the development, covering the construction of that phase, shall be submitted for prior approval of the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority, before any works commence on site, to minimise interference with the safety and free flow of the traffic on the trunk road; to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities; and to be consistent with current guidance and best practice;

(61) that all vehicles transporting construction material to and from the proposed development shall be sheeted, to ensure that material from the site is not deposited on the trunk road to the detriment of road safety;

(62) that prior to the commencement of any works on site, vehicle wheel cleaning facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the planning authority, in consultation with Transport Scotland as the Trunk Roads Authority, to ensure that material from the site is not deposited on the trunk road to the detriment of road safety;

(63) that prior to the commencement of any works on site, details of the connection of the site to the core path network, inclusive of timing of the implementation, shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved, to ensure the development links to the core path network;

(64) that all proposed new buildings, both residential and commercial in any form hereby permitted shall be designed to ensure that at least 15%, rising to 20% by the end of 2022 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 which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the first house on site, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009;

(65) that the applications for the approval of matters specified in conditions for each phase of the development shall detail the provision of electrical vehicle charging points. For the avoidance of doubt this shall include each dwellinghouse provided with an electric vehicle charging point prior to its occupation, to ensure appropriate electric vehicle charging provision;

(66) that no dwellinghouse shall be occupied until the contents of a Travel Information Pack (largely in line with the example submitted within the Transport Assessment) which encourages reduced dependency on the private car by highlighting the location of local amenities, public transport services and active travel routes is submitted to and approved in writing by the Planning Authority. Thereafter, on the occupation of each dwelling, the approved Travel Information Pack shall be provided to new residents. The Travel Information Pack shall be updated by the applicant as deemed necessary by the Planning Authority to take account of the progression of the development, to encourage sustainable travel behaviour and reduce the reliance on the private car;

(67) that a minimum 5% of the dwellinghouses to be constructed on site shall be fully wheelchair accessible, to ensure provision of wheelchair accessible housing in

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accordance with Policy 21 of the proposed Inverclyde Local Development Plan; and (68) that each residential phase of the development shall be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

- i. meeting local housing requirements, including affordable homes;
- ii. providing or enhancing local infrastructure, facilities and services; and
- iii. improving the residential amenity of the surrounding area, to accord with Policy 16 b) of National Planning Framework 4.

Councillor McVey returned to the meeting at this juncture and resumed the Chair.

**(b) Residential development comprising 30 units, associated landscaping, access and other ancillary works:  
Site of former Greenock Academy, Madeira Street, Greenock (22/0234/IC)**

There was submitted a report by the Director Environment & Regeneration on an application for planning permission by CCG Homes Limited for a residential development comprising 30 units, associated landscaping, access and other ancillary works at site of former Greenock Academy, Madeira Street, Greenock (22/0234/IC).

After discussion, Councillor Brooks moved that planning permission be refused as the proposal is contrary to Policies 35 and 36 and Planning Application Advice Note No. 3 of the adopted 2019 Inverclyde Local Development Plan and proposed 2021 Inverclyde Local Development Plan.

As an amendment, Councillor McCabe moved that planning permission be granted subject to the conditions detailed in the report.

Following a roll call vote, 1 Member, Councillor Brooks, voted in favour of the motion and 9 Members, Provost McKenzie, Councillors Clocherty, Crowther, Curley, Daisley, Jackson, Law, McCabe and McVey voted in favour of the amendment which was declared carried.

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

- (1) that prior to their use on site, details of all external materials (inclusive of houses, boundary treatments, walls, paving and hard surfacing) shall be submitted to and approved in writing by the Planning Authority. Development thereafter shall proceed utilising the approved materials unless an alternative is agreed in writing by the Planning Authority, to ensure the external materials are appropriate in the interests of visual amenity;
- (2) that prior to each dwellinghouse hereby permitted being occupied, all new roads and footways and parking provision leading to it and for it shall be surfaced to a sealed base course, in the interests of vehicular and pedestrian safety;
- (3) that within 4 weeks of the last of the dwellinghouses hereby permitted being completed, all roads and footways within the application site shall be completed to a final wearing course, in the interests of vehicular and pedestrian safety;
- (4) that all visibility splays as approved shall be maintained and kept clear of obstruction at all times in the future to the satisfaction of the Planning Authority, in the interests of vehicular and pedestrian safety;
- (5) that blocks 7 & 8, facing Newark Street, shall achieve a visibility splay of 2.4m x 43.0m x 1.05m from each driveway and accord with condition 4, in the interests of vehicular and pedestrian safety;
- (6) that driveway parking spaces shall be completed and available for use prior to the occupation of each associated dwellinghouse and visitor parking spaces shall be completed and be available for use prior to the occupation and completion of the final dwellinghouse. All parking spaces shall remain as per the approved dimensions, free from obstruction, be identified on site to dwelling, and as per the approved dimensions and available for use at all times thereafter, to ensure suitable parking provision, in the

interests of road safety;

(7) that all roads and footpaths shall have a gradient not more than 8% and all parking spaces (driveway and visitor) shall have a gradient of not more than 10%, to ensure suitable road, footpath and parking space gradients, in the interests of road safety;

(8) that prior to the commencement of development full details of the landscaping scheme shall be submitted to and approved in writing by the Planning Authority. Details of soft landscaping shall include species of trees and bushes to be planted and should be approved by the Planning Authority prior to planting. The approved scheme shall thereafter be implemented in full prior to the occupation of houses, in the interest of visual amenity;

(9) that any of the landscaping approved in terms of condition 8 above which dies, is damaged, becomes diseased or is removed within the first 5 years of planting shall be replaced within the following planting season with plants of a similar size and species, in the interest of visual amenity;

(10) that details of maintenance and management for the landscaping be submitted to and approved in writing by the Planning Authority prior to the start of construction of the development hereby permitted. Management and maintenance shall commence upon completion of the landscaping, in the interest of visual amenity;

(11) that all surface water run off shall be intercepted within the site both during construction and on completion of the development, to avoid surface water run-off from the site in the interests of avoiding flooding;

(12) that prior to the commencement of works on site Scottish Water's approval of the drainage regime shall be submitted to and approved in writing by the Planning Authority. Confirmation is required that the outlet pipe connecting to the culverted watercourse will be adopted by Scottish Water, to ensure the implementation of the drainage regime in the interests of avoiding flooding;

(13) that the recommendations in respect of the "toolbox talk" and requirements for future surveys set out in the "Discussion and Recommendations" section of the submitted Ecological Constraints Survey report by Wild Surveys dated 9 May 2022 shall be fully followed to the satisfaction of the Planning Authority, in the interests of the protection of European Protected Species;

(14) that if the existing trees are to be removed during the bird nesting season March to August shall be preceded by a nesting bird survey the methodology and findings of which shall be submitted to the Planning Authority, in the interests of the protection of nesting birds;

(15) that the dwellinghouses hereby permitted shall be designed to ensure that at least 20% 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 which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the first house on site, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009;

(16) that 5% of the development is wheelchair accessible housing. Details of which shall be submitted to and approved in writing by the Planning Authority prior to the occupation of the final two dwellinghouses, to facilitate wheelchair accessible housing in accordance with Policy 21 of the proposed Plan;

(17) that no part of the development shall be occupied until the contents of the Travel Information Pack which encourages reduced dependency on the private car by highlighting the location of local amenities, public transport services and active travel routes is submitted to and approved in writing by the Planning Authority. Thereafter, on the occupation of each dwelling, the approved Travel Information Pack shall be provided to new residents, to encourage sustainable travel behaviour;

(18) that each of the dwellinghouses hereby permitted shall be provided with an electric vehicle charging point prior to its occupation, in the interests of sustainable

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development and to accord with the Inverclyde Council Supplementary Guidance on Energy;

(19) 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;

(20) that the 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;

(21) that before the development hereby permitted 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; and

(22) 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.

**(c) Proposed installation of French doors and footpath connecting new doors to existing patio:**

**1 Levan Point, Gourock (22/0280/IC)**

There was submitted a report by the Director Environment & Regeneration on an application for planning permission by Mr Terry Hamilton for the proposed installation of French Doors and footpath connecting new doors to existing patio at 1 Levan Point, Gourock (22/0280/IC).

After discussion, Councillor Curley moved that planning permission be refused as the proposal would create an area of congregation detrimental to the amenity of neighbours. As an amendment, Councillor McCabe moved that planning permission be granted subject to the condition detailed in the report.

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

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

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(1) that the development to which this permission relates must be begun within 3 years from the date of this permission, to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

## 137 PLANNING APPEAL

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**Land West of Quarry Drive, Kilmacolm**

There was submitted a report by the 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 Reporter appointed by the Scottish Government has issued his decision which is to grant planning permission in principle subject to conditions.

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