

Inverclyde Local Review Body

Our Ref: 24/0112/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Whinhill Lodge, Glenbrae Road, Greenock
 - Application for Review by Zoom Development Holdings Ltd against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 24/0112/IC
 - Application Drawings:

Existing Block Plan	L(0-)02
Proposed Plans and Elevations	L(2-)01 Rev A
Proposed Garage	L(2-)02 Rev A
Location Plan	L(0-)01
Existing Site Photos	L(0-)04
Proposed Block Plans	L(0-)03 Rev B
 - Date of Decision Notice: 06/03/2024
-

Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below.

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 5 March 2025. The Review Body was constituted by Councillors Brooks, Clocherty, Crowther, Curley and McCabe.

2. Proposal

- 2.1 The application is for the erection of a dwelling and garage at Whinhill Lodge, Glenbrae Road, Greenock. The application was refused consent in terms of a decision letter dated 6 September 2024.

3. Preliminaries

3.1 The ILRB members were provided with copies of the following:

- (i) Planning Application dated 23 May 2024 together with Design Statement, Plans, Elevations and Photographs
- (ii) Appointed Officer's Report of Handling dated 9 August 2024
- (iii) Inverclyde Local Development Plan 2019 Policy Extract
- (iv) Inverclyde Local Development Plan 2019 Map Extract
- (v) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extract
- (vi) National Planning Framework 4
- (vii) Decision Notice dated 6 September 2024 issued by Head of Regeneration & Planning
- (viii) Notice of Review form dated 5 December 2024 together with Supporting Documents
- (ix) Suggested Conditions should Planning Permission be granted on Review
- (x) The Inverclyde Proposed Local Development Plan 2021

3.2 Having regard to the material provided, the ILRB resolved that the Review Application could be determined without any further procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

4. Findings and Conclusions

4.1 The determining issue in this review is whether the proposed development is appropriately situated in terms of locational justification.

4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, decided that the review application should be upheld.

4.3 It was also agreed by the ILRB that the conditions listed at paragraph 5 below be attached to the planning permission for the reasons specified.

5. Conditions

1. The development to which this permission relates must be begun within 3 years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development or work shall commence until a detailed specification for all proposed external materials and finishes to be used on the house (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: To ensure the materials are appropriate for the rural setting to retain the amenity and character of the Inverclyde countryside.

3. The dwellinghouse shall be designed to ensure that at least 25% 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. Development shall not commence until details have been submitted to and approved in writing by the Planning Authority relating to the proposed low and zero carbon generating technologies to be installed in the dwellinghouse. Thereafter the approved low and zero carbon generating technologies shall be implemented in their approved form before the first occupation of the dwellinghouse.

Reason: To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.

4. For the avoidance of doubt the dwellinghouse shall have an Electric Vehicle Charging Point. Development shall not commence until the details have been submitted to and approved in writing by the Planning Authority relating to the proposed Electric Vehicle Charging Point. Thereafter the approved details shall be implemented on site in their approved form before the first occupation of the dwellinghouse.

Reason: In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.

5. Driveway access should meet the road at 90 degrees, be paved for a minimum distance of 10m and the gradient should not exceed 10%.

Reason: To provide a safe and practical access in the interests of road safety.

6. The applicant shall demonstrate that a visibility splay of 2.4m x 90.0m x 1.05m can be achieved. This should be maintained in perpetuity.

Reason: In the interests of road safety.

7. Prior to the commencement of development, a Surface Water Management Plan to comply with the surface water attenuation and treatment requirements described in the Flood Risk Assessment and Surface Water Management Assessment: Planning Guidance for Developers shall be submitted and approved in writing by the Planning Authority.

Reason: To ensure suitable drainage is provided for the safe removal of surface and waste water from the site.

8. All surface water should be managed within the site to prevent flooding to surrounding properties and the public road network.

Reason: In the interests of sustainable development and to avoid flooding outwith the site.

9. Development shall not commence until details of a survey for the presence of Japanese Knotweed has 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.

Reason: To help arrest the spread of Japanese Knotweed in the interests of environmental protection.

10. 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.

Reason: To satisfactorily address potential contamination issues in the interests of human health and environmental safety.

11. 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.

Reason: 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.

12. 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.

Reason: To ensure that all contamination issues are recorded and dealt with appropriately.

13. Development shall not commence until details of the containers to be used to store waste materials and recyclable materials produced on the premises as well as where the containers are to be located have been submitted to and approved in writing by the Planning Authority. The approved containers shall be implemented on site before the first use/occupation of the use of the development and thereafter retained in position.

Reason: To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents, or birds.

Signed _____

Head of Legal, Democratic, Digital & Customer Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.