

## Inverclyde Local Review Body

Our Ref: 24/0148/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Land at Kelburn Road, Kelburn Business Park, Port Glasgow
  - Application for Review by Balmore Group (Scotland) Ltd against the decision by an appointed officer of Inverclyde Council.
  - Application Ref: 24/0148/IC
  - Application Drawings:

Existing Block Plan	A1699-VRU-ZZ-ZZ-DR-A-20005
Location Plan	100022432
Individual Building Elevations	A1699-BRU-ZZ-ZZ-DR-A-20031
Proposed Elevations	A1699-BRU-ZZ-ZZ-DR-A-20030 Rev A
Boundary Fence	A1699-BRU-ZZ-ZZ-DR-A-90950 Rev B
Block Plan	A1699-BRU-ZZ-ZZ-DR-A-20006 Rev G
  - Date of Decision Notice: 07/04/2024
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### 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 2 April 2025. The Review Body was constituted by Provost McKenzie, Councillors Brooks, Clocherty, Crowther, Curley, McCabe and McGuire.

#### 2. Proposal

- 2.1 The application is for the use of land for shipping container storage units with erection of garage workshop building and 2.4m high perimeter fence at land at Kelburn Road, Kelburn Business Park, Port Glasgow. The application was refused consent in terms of a decision letter dated 4 February 2025.

### **3. Preliminaries**

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

- (i) Planning Application dated 5 July 2024 together with Plans, Elevations and Other Information
- (ii) Appointed Officer's Report of Handling dated 4 February 2025
- (iii) Inverclyde Local Development Plan 2019 Policy Extract
- (iv) Inverclyde Local Development Plan 2019 Map Extract
- (v) Draft Supplementary Guidance on Priority Places
- (vi) National Planning Framework 4
- (vii) Decision Notice dated 4 February 2025 issued by Head of Regeneration & Planning
- (viii) Notice of Review form dated 13 March 2025 together with Review Statement and 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 located, whether the shipping container storage units are appropriately designed to be in keeping with the character of the area, and the potential economic impact.
- 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. Development shall not commence on site until details have been submitted to and approved in writing by the Planning Authority in respect of full details of boundary treatments and landscaping. Thereafter the approved shall be implemented as approved prior to the occupation of the building.

Reason: In the interests of visual amenity and safety.

3. All surface water flows are to be contained within the site and limited to that of green-field run-off.

Reason: To avoid any flood risk outwith the site.

4. The use of the garage building hereby approved is restricted to private use and excludes repair or maintenance of any motor vehicle for commercial purposes. All commercial use of the garage is prohibited without the written express consent of the Planning Authority.

Reason: In the interests of public amenity.

5. 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.

6. 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.

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

7. 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.

Reason: To comply with Section 58 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.

8. 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.

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

9. The applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the development shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place.

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

10. The building hereby permitted shall be designed to ensure that at least 20% of the carbon dioxide emissions reduction standard set by the Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies (rising to at least 25% by the end of 2025). Details showing how this shall be achieved shall be submitted to and approved in writing by the Planning Authority prior to the erection of the buildings.

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

11. The container units and garage hereby permitted shall not be occupied until the car parking spaces shown in approved drawing and proposed site plan A1699-BRU-ZZ-ZZ-DR-A-90950 dated 17 January 2025, have been provided. The parking spaces shall be retained on site at all times thereafter unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure suitable parking provision is provided for the new development in the interests of road safety.

12. The visibility splay of 2.4m x 43.0m x 1.05m should be kept clear in perpetuity.

Reason: In the interests of road safety.

13. 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.

Reason: 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.

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.