

Inverclyde Local Review Body

Our Ref: 24/0246/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Valleyview House, 396 Douglichill Road, Port Glasgow
 - Application for Review by Mr and Mrs K & P Crighton against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 24/0246/IC
 - Application Drawings:

Location Plan

L(--) 001
 - Date of Decision Notice: 12/06/2025
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission in Principle, 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 4 June 2025. The Review Body was constituted by Councillors Brooks, Clocherty, Crowther, Curley, McCabe, McGuire and McVey.

2. Proposal

- 2.1 The application is for the erection of a dwellinghouse and domestic garage (planning permission in principle) at Valleyview House, 396 Douglichill Road, Port Glasgow. The application was refused consent in terms of a decision letter dated 10 February 2025.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 14 November 2024 together with Planning Statement, Location Plan and Flood Risk Assessment

- (ii) Appointed Officer's Report of Handling dated 17 January 2025
- (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) Representations in relation to Planning Application
- (viii) Decision Notice dated 10 February 2025 issued by Head of Regeneration & Planning
- (ix) Notice of Review form dated 20 March 2025 together with Statement of Appeal
- (x) Further Representations submitted following receipt of Notice of Review
- (xi) 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 and advisory notes listed at paragraph 5 below be attached to the planning permission in principle for the reasons specified.

5. Conditions and Advisory Notes

Conditions

- 1. The development to which this planning permission in principle relates must be begun within 5 years from the date of this permission.

Reason: To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- 2. 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 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.

Reason: 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.

- 3. Details of the proposed layout for the development are required to accord with Condition 2 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; car and cycle parking areas; and vehicular turning areas. The details shall allow for the following:
 - i. Parking shall be provided in accordance with the National Guidelines, which is 1 parking space for a 1 bedroom dwelling, 2 parking spaces for a 2 or 3 bedroom dwelling and 3 parking spaces for a 4 bedroom dwelling.

Note: for a proposed garage to be counted as a parking space, it must have minimum internal dimensions of 3m wide by 7m long per parking space.

- ii. The minimum dimensions for the driveway shall be 3m wide by 6m long per parking space.
- iii. A minimum of 0.9m width path past parking spaces where the driveway forms part of the pedestrian access to the property.
- iv. The gradient of the driveway shall not exceed 10%.

Reason: To ensure suitable parking provision is afforded for the development in the interest of road safety.

4. Details of all proposed buildings and other structures for the development are required to accord with Condition 2 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 finishing colour of all external materials.

Thereafter the development shall be implemented as approved unless an alternative is agreed in writing by the Planning Authority.

Reason: To ensure that the design matters referred to are given full consideration and are acceptable.

5. Details are required to accord with Condition 2 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 unless an alternative is agreed in writing by the Planning Authority.

Reason: To ensure an appropriate landscape setting is provided.

6. Details are required to accord with Condition 2 above of the location, type and colour of all hard surfacing treatments to be installed within the site boundary. Thereafter the development shall be implemented as approved unless an alternative is agreed in writing by the Planning Authority.

Reason: To ensure a precise and acceptable form of development in the interests of future occupants and the appearance of the locality.

7. Details are required to accord with Condition 2 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.

Reason: To ensure a precise and acceptable form of development in the interests of future occupants and the appearance of the locality.

8. A Surface Water Management Plan (SWMP) shall be submitted for the approval in writing by the Planning Authority at the same time as the first submission of the details under Condition 2 above. The SWMP shall be accompanied by a self-certification declaration, completed in accordance with the requirements detailed in section 6.1 of Inverclyde Council's Flood Risk Assessment and Surface Water Management Assessment: Planning Guidance for Developers, dated March 2024.

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

9. A survey of the culverted drain on site identified in Section 8.3 of the Flood Risk Assessment (FRA) shall be submitted for the approval in writing by the Planning Authority at the same time

as the first submission of the details under Condition 2 above. The survey of the culverted drain shall confirm the route and condition which links in with proposed discharge location(s) of any proposed drainage systems.

Reason: To ensure that the finalised design can be safely implemented without placing buildings and people at flood risk.

10. 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, 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; and
 - vi. The phasing/timescale for carrying out these works.

Thereafter the development shall be implemented as approved.

Reason: To ensure that the landscaping details and tree coverage on the site are given full consideration and are acceptable for the green belt setting.

11. 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.

Reason: To ensure the appropriate protection of breeding birds.

12. 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.

Reason: To allow the approved planting scheme to become established, in the interests of providing an appropriate setting for the green belt.

13. 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.

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

14. 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.

15. 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.

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.

16. 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.

17. 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.

18. The dwellinghouse hereby approved 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 energy generating technologies. Details showing how this shall be achieved shall be submitted to and approved in writing by the Planning Authority prior to the construction of the dwellinghouse.

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

19. The dwellinghouse hereby approved shall be designed to include at least one trickle charging point made accessible for the charging of electric vehicles. Details of the charging point shall be submitted to and approved in writing by the Planning Authority prior to the formation of the driveway and the charging point shall be installed prior to the first occupation of the dwellinghouse.

Reason: To ensure adequate provision is made to encourage the use of electric vehicles.

Advisory Notes

1. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".
2. Site Drainage: Suitable and sufficient measures for the effective collection and disposal of surface water/ground water should be implemented during construction phase of the project as well as within the completed development to prevent flooding within this and nearby property.
3. The applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and its implications on client duties etc.
4. Onsite sewage treatment: As the premises be served by an onsite sewage treatment plant/septic tank, it will be necessary to ensure that the capacity of the plant/tank is sufficient to deal with any additional demand and that the maintenance and emptying regime is modified accordingly.
5. Design and Construction of Buildings - Seagulls: It is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction, to inhibit the roosting and nesting of seagulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development.
6. The sound insulation should have regard to advice and standards contained in the current Scottish Building Regulations.
7. The applicant is advised that a Section 56 Agreement is required for all works in the public road.
8. Water Capacity Assessment / Waste Water Capacity Assessment
 - There is currently sufficient capacity in the Greenock Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
 - According to our records there is no public waste water infrastructure within the vicinity of this proposed development therefore we would advise the applicant to investigate private treatment options.
9. Surface Water
 - For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.
 - There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical and technical challenges.
 - In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

10. Asset Impact Assessment

- Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.
- The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal for an appraisal of the proposals.
- The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction.
- Written permission must be obtained before any works are started within the area of our apparatus.

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.