

## Inverclyde Local Review Body

Our Ref: 24/0252/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Land at Southfield Avenue, Port Glasgow
  - Application for Review by Rubble Shift Landscaping Ltd against the decision by an appointed officer of Inverclyde Council.
  - Application Ref: 24/0252/IC
  - Application Drawings:

Block 1 Elevations and Floor Plan	A102
Block 2 Elevations and Floor Plan	A103
Location Plan	A100
Section Topo	A104
Floor Plan and Elevation Detail	A105
Site	A101 Rev A
  - Date of Decision Notice: 09/05/2025
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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 7 May 2025. The Review Body was constituted by Councillors Clocherty, Crowther, Curley, McCabe, McGuire and McVey.

#### 2. Proposal

- 2.1 The application is for the erection of tool hire unit with yard to rear; erection of two retail units (Class 1A); erection of a hot food takeaway (sui generis) with extraction system; formation of related access with servicing, parking and landscaping; and erection of boundary fence at Land at Southfield Avenue, Port Glasgow. The application was refused consent in terms of a decision letter dated 26 February 2025.

### **3. Preliminaries**

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

- (i) Planning Application dated 19 November 2024 together with Plans, Drawings and Supporting Information
- (ii) Drainage Impact Assessment and Surface Water Management Plan Checklist
- (iii) Appointed Officer's Report of Handling dated 26 February 2025
- (iv) Inverclyde Local Development Plan 2019 Policy Extract
- (v) Inverclyde Local Development Plan 2019 Map Extract
- (vi) National Planning Framework 4
- (vii) Representations in relation to Planning Application
- (viii) Decision Notice dated 26 February 2025 issued by Head of Regeneration & Planning
- (ix) Notice of Review form dated 7 March 2025 together with Statement of Appeal and Supporting Documents
- (x) Further Representation submitted following receipt of Notice of Review
- (xi) Suggested Conditions should Planning Permission be granted on Review
- (xii) 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 the potential economic impact of the site.

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 have commenced 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. That detailed specification and samples where necessary of all facing materials to be used on the buildings and associated infrastructure shall be submitted to and approved in writing by the Planning Authority prior to their use. The approved materials shall thereafter be used unless an alternative is agreed in writing by the Planning Authority.

Reason: To ensure the acceptability of the materials in the interests of amenity.

3. That all vehicular, pedestrian and parking areas shall be sealed to a final wearing course prior to the building hereby permitted being brought into use.

Reason: In the interests of vehicular and pedestrian safety.

4. No development shall commence until details of all boundary treatments are submitted to and approved in writing by the Planning Authority. The erection of the approved boundary treatments shall then be completed prior to the occupation of the buildings and should remain in place unless otherwise agreed with the Planning Authority.

Reason: In order to ensure an appropriate level of amenity and to safeguard the amenity of neighbouring occupants and surrounding uses.

5. No development shall commence until a Landscaping Plan/Scheme has been submitted to and approved in writing by the Planning Authority. The Plan should include all hard and soft landscaping works. Soft landscaping proposals should include species and size of individual tree and or/shrub and planting densities and a programme for the preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that an acceptable standard of landscaping is achieved, appropriate to the location of the site.

6. The buildings shall be designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies, details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the building, hereby approved.

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

7. 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.

8. 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.

9. 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.

10. 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.

11. Exact details and specification of the ventilation and extraction systems to serve the café/restaurant / hot food takeaway, including the proposed odour mitigation measures, shall be submitted for the approval in writing by the Planning Authority before the occupation and use of the premises. For the avoidance of doubt the details and specification to be submitted shall include:

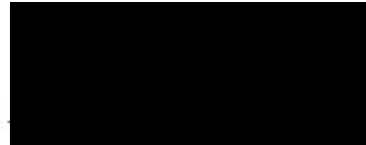
- a) the exhaust point of the ventilation system being situated at a point most distant from opening windows of neighbouring residential properties and taking cognisance of the environmental conditions in the area including the immediate topography of the area.
- b) ensuring that the exhaust air is expelled from the exit point at sufficient temperature/velocity to ensure it is taken away from nearby residential properties.
- c) the maintenance/management scheme for the ventilation and filtration system; and
- d) the mechanical and electrical installations being arranged to ensure that the ventilation system operates during periods when the premises are open for the preparation and/or cooking of food.
- e) the ventilation, filtration and extraction systems shall then be implemented as approved with the systems retained and maintained/managed for as long as the premises remain as a cafe /restaurant/ hot food takeaway.

Reason: To protect residents from nuisance resulting from cooking odours.

12. 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

A black rectangular box redacting the signature of the official.

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.