

Inverclyde Local Review Body

Our Ref: 24/0141/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: A78 Lay-By at Inverkip
 - Application for Review by Mr Scott Ure against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 24/0141/IC
 - Application Drawings:

Proposed Location showing Container Outlet – Plan View	Sheet 1 of 3, Rev 2
Front Elevation and Plan	Sheet 2 of 3, Rev 3
30ft Container Outlet – General Arrangement	Sheet 3 of 3, Rev 3
Detailed entrance to container outlet	Sheet 1 of 1
Location Plan	100048957
 - Date of Decision Notice: 12/06/2025
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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 4 June 2025. The Review Body was constituted by Councillors Clocherty, Crowther, Curley, McCabe, McGuire and McVey.

2. Proposal

- 2.1 The application is for the siting of a containerised food server/take away outlet with raised decking on east side of container and timber screened bin storage area on west side of container at A78 Lay-By at Inverkip. The application was refused consent in terms of a decision letter dated 10 December 2024.

3. Preliminaries

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

- (i) Planning Application dated 27 June 2024 together with Planning Statement, Plans and Elevations
- (ii) Appointed Officer's Report of Handling dated 9 December 2024
- (iii) Inverclyde Local Development Plan 2019 Policy Extract
- (iv) Inverclyde Local Development Plan 2019 Map Extract
- (v) National Planning Framework 4
- (vi) Representations in relation to Planning Application
- (vii) Decision Notice dated 10 December 2024 issued by Head of Regeneration & Planning
- (viii) Notice of Review form dated 7 March 2025 together with Statement of Appeal
- (ix) Suggested Conditions and Advisory Notes should Planning Permission be granted on Review
- (x) Written Submission Request – Appointed Officer
- (xi) Response to Written Submission Request from Mr Scott Ure
- (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 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 for the reasons specified.

5. Conditions and Advisory Notes

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. For the avoidance of doubt, there shall be no unauthorised signage erected within the Trunk Road boundary.

Reason: To minimise distraction to drivers on the trunk road and to minimise interference with the safety and free flow of traffic on the trunk road.

3. 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.

4. Development shall not commence until full details of the design, materials and finishing colours which are to be used for the container, the screening which is to be erected around the waste bin area and the safety barriers which are to be erected around the raised deck on the east side of the container have been submitted to and approved in writing by the Planning Authority. Development shall proceed thereafter utilising the approved materials and finishes, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity and pedestrian safety.

5. The cycle parking spaces shown on drawing titled Front Elevation & Plan, Sheet 2 of 3, Revision 3 shall be provided on site prior to the first use/occupation of the use of the development and thereafter made available for use in conjunction with the unit hereby permitted.

Reason: To ensure the provision of adequate cycle facilities to encourage active travel.

6. For the avoidance of doubt, all surface water run-off is to be contained and managed within the site and any run-off from the site shall be limited to not exceed greenfield run-off rates.

Reason: To ensure the development does not increase the risk of flooding to neighbouring land or to the adjoining public road.

7. For the avoidance of doubt, the permission hereby granted shall be for a temporary period of 5 years beginning from the date of this permission unless otherwise approved in writing by the Planning Authority.

Reason: To allow the planning authority to retain control over the development and ensure the appearance and condition of the building do not deteriorate to an unacceptable level to the detriment of visual amenity.

8. For the avoidance of doubt, should the containerised food servery hereby permitted cease operations on the site, the container and all associated development shall be removed from the site and the land restored to its previous condition within 3 months of the last date on which the business operated.

Reason: In the interests of visual amenity.

Advisory Notes

1. The applicant is advised that no tables, chairs or advertising boards should be placed outwith the red line site boundary.
2. Any external lighting shall be agreed with the Council's Roads Service.
3. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".
4. 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.

5. The applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and its implications on client duties etc.
6. 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.
7. Consultation on Proposed Use: It is strongly recommended that prior to the commencement of any works the applicant consults with Officers of Public Protection to ensure structural compliance with legislation relating to:
 - a. Food Safety Legislation,
 - b. Health and Safety at Work etc. Act 1974.
8. Alteration to current use and likely impact on ventilation requirements. It is imperative that if there is any alteration to the use which has been outlined in this application such as a change to the type of cooking carried out, cooking equipment to be used, food types or a significant increase in the volume of cooking that officers of Public Protection and Planning are consulted with a view to the likely increase in cooking odours resulting in a need to improve the ventilation / air handling to the premises.
9. 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.
10. Waste Water Capacity Assessment
 - There is currently sufficient capacity for a foul only connection in the Inverclyde PFI Waste 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.
 - The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
11. 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.
 - For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will typically require surface water to be eliminated from any new discharges of trade effluent.
12. The applicant is advised that all non-domestic household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk.

13. Trade Effluent Discharge from Non-Domestic Property

- Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat, oil and grease from being disposed into sinks and drains.
- The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com.

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.