

LOCAL REVIEW BODY – 7 MAY 2025

Local Review BodyWednesday 7 May 2025 at 4pm

Present: Councillors Clocherty, Crowther, Curley, McCabe, McGuire and McVey.

Chair: Councillor McVey presided.

In attendance:

Margaret Pickett	Senior Planner (Planning Adviser)
Emma Peacock	Solicitor (Legal Adviser)
Colin MacDonald	Senior Committee Officer
Lindsay Carrick	Senior Committee Officer

The meeting was held at the Municipal Buildings, Greenock with Councillor McGuire attending remotely.

The following paragraphs are submitted for information only, having been dealt with under the powers delegated to the Local Review Body.

224 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 224

Apologies for absence were intimated on behalf of Councillor Brooks.

No declarations of interest were intimated.

225 PLANNING APPLICATIONS FOR REVIEW 225

(a) Siting of a containerised food servery/take away outlet with raised decking on east side of container and timber screened bin storage area on west side of container A78 Lay-By at Inverkip (24/0141/IC)

There was submitted papers relative to the application for review for the siting of a containerised food server/take away outlet with raised decking on east side of container and timber screen bin storage area on west side of container at A78 Lay-By at Inverkip (24/0141/IC) to enable the Local Review Body to consider the matter afresh.

Ms Pickett acted as Planning Adviser relative to this case.

Decided:

(1) that sufficient information had not been submitted to allow the Local Review Body to decide the matter without further procedure; and

(2) that the application for review be continued to request a written submission from the appointed officer on a suggested condition for temporary planning permission in terms of Regulation 15 of the Town and Country (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

(b) 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

Land at Southfield Avenue, Port Glasgow (24/0252/IC)

There was submitted papers relative to the application for review for the erection of a 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,

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parking and landscaping; and erection of boundary fence at land at Southfield Avenue, Port Glasgow (24/0252/IC) to enable the Local Review Body to consider the matter afresh. Ms Pickett acted as Planning Adviser relative to this case.

After discussion Councillor McCabe moved that (1) sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and (2) the application for review be upheld and that planning permission be granted subject to the following conditions:

1. that the development to which this permission relates must have commenced within 3 years from the date of this permission, 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, 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, in the interests of vehicular and pedestrian safety;
4. that 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, in order to ensure an appropriate level of amenity and to safeguard the amenity of neighbouring occupants and surrounding uses;
5. that 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, in order to ensure that an acceptable standard of landscaping is achieved, appropriate to the location of the site;
6. that 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, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009;
7. that 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, to help arrest the spread of Japanese Knotweed in the interests of environmental protection;
8. that development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme with timescale for

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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, to satisfactorily address potential contamination issues in the interests of human health and environmental safety;

9. 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, 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. 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, to ensure that all contamination issues are recorded and dealt with appropriately;

11. that 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;
- (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; and
- (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.

To protect residents from nuisance resulting from cooking odours.

12. that 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, to protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents, or birds.

As an amendment, Councillor McVey moved that (1) sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure;

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and (2) that the application for review be dismissed and that planning permission be refused (upholding the Appointed Officer's determination) for the following reasons:

1. the proposal in respect and scale does not accord with the sequential approach which directs retail development to town and local centres. It therefore fails to accord with Policy 28 of NPF4, Policy 22 of the adopted Local Development Plan and Policy 23 of the proposed Inverclyde Local Development Plan.

Following a roll call vote, 1 Member, Councillor McVey voted in favour of the amendment and 5 Members, Councillors Clocherty, Crowther, Curley, McCabe and McGuire voted in favour of the motion which was declared carried.

Decided:

(1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and

(2) that the application for review be upheld and that planning permission be granted subject to the following conditions:-

1. that the development to which this permission relates must have commenced within 3 years from the date of this permission, 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, 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, in the interests of vehicular and pedestrian safety;

4. that 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, in order to ensure an appropriate level of amenity and to safeguard the amenity of neighbouring occupants and surrounding uses;

5. that 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, in order to ensure that an acceptable standard of landscaping is achieved, appropriate to the location of the site;

6. that 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, to comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009;

7. that 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

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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, to help arrest the spread of Japanese Knotweed in the interests of environmental protection;

8. that 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, to satisfactorily address potential contamination issues in the interests of human health and environmental safety;

9. 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, 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. 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, to ensure that all contamination issues are recorded and dealt with appropriately;

11. that 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;
- (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; and
- (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.

To protect residents from nuisance resulting from cooking odours.

12. that 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

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