

## Inverclyde Local Review Body

Our Ref: 09/0334/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Golf Course, Cowal View, Gourock
  - Application for Review by Canata and Seggie on behalf of Gourock Golf Club against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 09/0334/IC
  - Application Drawings: 1629-LP - Location Plan  
1629-PL-001 - Existing Site Layout  
1629-PL-002 - Proposed Site Layout
  - Date of Decision Notice: 18 October 2010
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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. Attention is also drawn to the Advisory Notice at the end of this Review Decision Notice.

#### **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 2008.
- 1.2 The above application for planning permission (in principle) was considered by the ILRB at a meeting held on 6 October 2010. The Review Body was constituted by Councillors D Wilson (Chair), K Brooks, G Dorrian, T Fyfe, T Loughran, C McCallum, I McKenzie, R Ahlfeld, I Nelson and L Rebecchi.

#### **2. Proposal**

- 2.1 The application proposal is for planning permission (in principle) for the construction of 3 dwellinghouses at the Golf Course, Cowal View, Gourock. The application site consists of part of the Cowal View frontage of Gourock Golf Club including a section of the overspill car park and an area populated by mature trees. The application was refused consent in terms of a decision letter dated 18 May 2010.

#### **3. Preliminaries**

- 3.1 The ILRB was provided with copies of the following:
  - (i) Planning Application and plans/ drawings specified above;
  - (ii) The Appointed Officer's Report of Handling dated 17 May 2010

- (iii) Letter of Representation and Consultation responses in respect of the Planning Application;
- (iv) Decision Notice dated 18 May 2010
- (v) Notice of Review and supporting documents dated 1 July 2010;
- (vi) Letter of Further Representation;
- (vii) Draft Conditions should the ILRB be minded to grant planning permission.

3.2 Having regard to the material produced 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 2008.

#### 4. **Reasons**

4.1 The determining issue in this review is whether the release of the site from the Green Belt can be justified in accordance with the provisions of the Local Plan.

4.2 The application had been refused as

- a) the proposal is a departure from policies DS1 and DS8 of the Local Plan in that it would involve residential development within the Green Belt
- b) the proposal is a departure from policies DS10, HR1, H4 and LR1 of the Local Plan in that there is insufficient justification to permit a departure from the above Green Belt policies
- c) the proposal is contrary to the aims of the Scottish Planning Policy, which are to direct planned growth to the most appropriate locations and support regeneration, to protect and enhance the character, landscape setting and identity of towns and cities, and to protect and give access to open space within and around towns and cities, as part of the wider structure of green space.

4.3 In the Notice of Review, the applicant stated that there are clear mitigating circumstances supporting the principle of development of this site; namely:

- a) although the site is not a brownfield site, it is not a site that could be considered crucial to the landscape setting of the area
- b) the sale of the ground will inject funding into the Golf Club, thereby contributing to the social, youth, leisure and tourism development of the area
- c) the development of this site is insignificant when viewed against the aims of the Scottish Planning Policy. The site does not give access to open space as it is a small confined area that in reality is an anomaly and should not have been designated as part of the Green Belt.

4.4 The ILRB considered the arguments put forward by the applicant and acknowledged that the financial position of the applicant is not a material consideration in the determination of this review. However, the applicant had demonstrated persuasive evidence that the site should not be shown as part of the Green Belt in the current Local Plan and that the proposal was therefore a justifiable departure from the Local Plan as an extension to the adjoining residential and built up area. It was noted that the site currently gives no access to open space in the area, one of the purposes of a Green Belt designation identified in the Scottish Government's Scottish Planning Policy (SPP).

4.5 Having regard to the whole circumstances, and taking the application on its merits, the ILRB determined that the review application should be upheld, subject to the imposition of the conditions listed at Paragraph 5 below.

#### 5 **Conditions**

1 In compliance with Section 59 of the Town and Country Planning (Scotland) Act 1997, the development granted may not commence until matters required to be approved by conditions imposed have been so by the Planning Authority.

- 2 The application for the approval of those matters referred to in conditions must be made before whichever is the latest of the following:
- (i) the expiration of 3 years from the date of the grant of the permission
  - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, and
  - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed and may be made for
    - (a) different matters, and
    - (b) different parts of the development, at different times,
- but, in relation to any matter, only one application may be made by virtue of (ii) and (iii) after the expiration of the 3 year period mentioned in (i) above.
- 3 Planning permission in principle lapses on the expiration of 2 years from the requisite approval being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
- 4 This permission is granted under the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on an application for planning permission in principle and the further approval of the Council or of the Scottish Ministers on appeal shall be required with respect to the under mentioned matters hereby reserved before any development is commenced.
- 5 That any application for matters specified by conditions shall not be submitted until a bat roost survey of the application site has taken place. The results of the survey shall be submitted with an application for matters specified by condition.
- 6 That no clearance works shall take place during the bird breeding season (mid March to mid August).
- 7 That a visibility splay of 2.5 metres by 35 metres by 1.05 metres high shall be provided at the access point with Cowal View prior to any dwellinghouse being occupied.
- 8 That the road serving the development shall be 5.5 metres wide with a 2 metre wide verge on one side and a 2 metre wide footway on the other.
- 9 That the road and footway serving the dwellinghouses hereby permitted shall be finished in a hard sealed surface before the first of the dwellings is occupied.
- 10 That samples of facing materials to be used in the construction of the dwellinghouses shall be submitted to and approved in writing by the Planning Authority prior to their use.
- 11 That details of all walls (including retaining walls) and fences shall be submitted to and approved in writing by the Planning Authority prior to their erection.

**Reasons:**

- 1-4 To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997.
- 5 In the interests of nature conservation in accordance with the Conservation (Natural Habitats etc) Regulations 1994.
- 6 In the interests of nature conservation in accordance with the Wildlife and Countryside Act 1981, as amended by the Nature Conservation (Scotland) Act 2004.
- 7 In the interests of vehicular safety.

- 8 To ensure the provision of adequate access facilities.
- 9 To ensure the provision of adequate access facilities.
- 10 To ensure the suitability of these materials.
- 11 To ensure the suitability of the appearance of these with respect to streetscene and any retaining function they are to perform.

Signed \_\_\_\_\_

Head of Legal & Democratic 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 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2008**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval 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.