

Inverclyde Local Review Body

Our Ref: 10/0046/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 57 Cloch Road, Gourrock
 - Application for Review by Taylor Haggarty Design on behalf of Dr Andrew Hetherington against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 10/0046/IC
 - Application Drawings: 2798 - 11 (d) - Proposed Plan and Sections
 831.02 - Proposed Block Plan
 831.03 - Proposed Landscaping Plan
 - Date of Review Decision Notice: 15 October 2010
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Decision

The ILRB upholds the decision to impose Condition 1 on the planning permission for the reasons given below and dismisses the review. 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 review of the imposition of Condition 1 on the planning permission was considered by the ILRB at a meeting held on 6 October 2010. The ILRB 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 proposal was for planning permission for ground works at 57 Cloch Road, Gourrock. The application was approved in terms of a decision letter dated 21 June 2010. The applicant seeks a review of Condition 1 of the planning permission which reads as follows:
 1. The gabion basket walls, hereby approved shall be of weldmesh construction and faced with cut stone blocks, utilising locally sourced stone.

3. Preliminaries

3.1 The ILRB was provided with copies of the following:

- (i) Planning Application and plans specified above;
- (ii) Consultation Responses in respect of the Planning Application;
- (iii) The Appointed Officer's Report of Handling dated 18 June 2010;
- (iv) Decision Notice dated 21 June 2010;
- (v) Notice of Review and supporting documents dated 5 August 2010;

3.2 Having regard to the material before it, 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. Reason for Refusal

4.1 The ILRB reviewed the decision to impose Condition 1 on the planning permission in the context of the Local Plan Policy H1, the circumstances of the site and the visual impact of the gabion basket walls at the site.

4.2 Having regard to the whole circumstances, the ILRB concluded that Condition 1 had been correctly imposed on the planning permission for the reason given in the decision letter dated 21 June 2010; namely:

- 1. To mitigate the visual impact of the gabion basket walling on Cloch Road.

4.3 The Review Application was accordingly dismissed.

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.