
Report To:	The Planning Board	Date:	1 May 2013
Report By:	Head of Regeneration and Planning	Report No:	12/0199/IC Plan 05/13
			Local Application Development
Contact Officer:	David Ashman	Contact No:	01475 712416
Subject:	Notification of Planning Appeal Decision: Construction of 38 flatted dwellings with associated access/site entrance; access road; car parking; lock-ups and landscaping at Site of demolished Ramada Jarvis Hotel, Cloch Road, Gourrock		

INTRODUCTION

In December 2012 planning permission was granted for the construction of 38 flatted dwellings at the site of the demolished Ramada Jarvis Hotel, Cloch Road, Gourrock. Permission was granted subject to conditions deemed necessary to ensure that the development as implemented accurately reflects that approved and that on completion the site is finished and maintained to an appropriate standard, including condition 6 which stated:

“That no development shall commence until a bond to cover the costs of implementation of the approved soft landscaping scheme has been lodged with the Council.”

This condition was the subject of an appeal to the Scottish Ministers and considered by written submissions.



NOTIFICATION OF APPEAL DECISION

The Reporter considered the validity of the condition against the tests of relevance to planning, relevance to the development permitted, enforceability and precision and determined that the condition met the criteria. He was unable to support the appellant's claim that the requirement is onerous or unreasonable as no evidence was submitted in respects of costs and the difficulty in

finding bond providers. This left him to assess whether the condition may be considered necessary.



The Reporter took the position that all failures of the development process cannot be laid at the door of the planning system and the planning system cannot be used to resolve all problems. He noted that the condition is intended to guard against risk, and in doing so he questioned the likelihood and consequences. He acknowledged that developers do occasionally get into financial difficulty and that this should not be dismissed, but was swayed by the size of the site and extent of landscaping, the condition of the existing site and the responsibilities of those living in the incomplete development, to quote:

“Even in the worst case, where little or no landscaping had been done, the consequences would be of limited scope and the open areas would be in no worse condition than their present, derelict, state. Responsibility would then rest with the property owners, who would be expected to safeguard their interests when purchasing.”

He concluded that while the condition might have been appropriate for a large development with an extensive landscaping content it is not in his view necessary for a small residential scheme. Accordingly he deleted the condition.

RECOMMENDATION

The Board notes the position.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Planning application 12/0199/IC
2. Reporter's decision letter dated 12 April 2013.