

Inverclyde Local Review Body

Our Ref: 13/0038/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Barr's Brae, Port Glasgow
 - Application for Review by Houghton Planning on behalf of Mr G Timoney against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 13/0038/IC
 - Application Drawings: Ref: OS (--) 001 - Rev A - Ordnance Survey Plan - Site 3
Ref: L (--) 003 Rev D - Location Plan
Ref: L (--) 004 Rev F - Site Plan as Proposed
Ref: L (--) 006 Rev C - Visibility Splay
 - Date of Review Decision Notice: 12 August 2013
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Decision

The ILRB upholds the decision to refuse 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 planning permission was considered by the ILRB at a meeting held on 7 August 2013. The ILRB was constituted by Provost R Moran, Councillors D Wilson (Chair), G Dorrian, T Loughran and I Nelson.

2. Proposal

- 2.1 The application proposal is for planning permission in principle for residential development, including an access road from Barr's Brae. The application was refused consent in terms of a decision letter dated 28 March 2013.

3. Preliminaries

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

- (i) Planning Application;
- (ii) Letters of representation and consultation responses in respect of the Planning Application;
- (iii) The Appointed Officer's Report of Handling dated 28 March 2013;
- (iv) Decision Notice dated 28 March 2013;
- (v) Notice of Review and supporting documents dated 21 May 2013;
- (vi) Further representations;
- (vii) Email dated 8 July 2013 from Houghton Planning in response to further representations;
- (viii) Draft conditions should the ILRB be minded to grant planning permission.

3.2 Having regard to the material before the ILRB, 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. Findings and Conclusions

4.1 The determining issues in this review were the impact of the proposal on open space and visual amenity and the ILRB's finding was that the principle of residential development would be detrimental to open space and visual amenity.

4.2 Having regard to the whole circumstances, the ILRB concluded that the application had been correctly refused for the reasons given in the Report of Handling dated 28 March 2013, namely:

(1) the development is located on land identified in the Inverclyde Local Plan as open space and will fail to safeguard open space, contrary to Policy LR1;

(2) the development is located on land identified in the Inverclyde Local Plan as open space and will fail to safeguard the character and amenity of an existing residential area, contrary to Policies H1 and H8; and

(3) the development will have an adverse impact on the enjoyment of users of the Sustrans cycle track, which is part of the core path network as referred to in Local Plan policies LR6 and LR7.

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.