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<b>Report To:</b>	<b>Local Review Body</b>	<b>Date:</b>	<b>2 October 2024</b>
<b>Report By:</b>	<b>Head of Legal, Democratic, Digital &amp; Customer Services</b>	<b>Report No:</b>	<b>LS/068/24</b>
<b>Contact Officer:</b>	<b>Colin MacDonald</b>	<b>Contact No:</b>	<b>01475 712113</b>
<b>Subject:</b>	<b>Non-Determination of Application 24/0077/IC – Gourock Park Bowling Club, Larkfield Road, Gourock</b>		

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## **1.0 PURPOSE AND SUMMARY**

1.1  For Decision  For Information/Noting

1.2 The purpose of this report is to present the information currently available to elected members in relation to the Notice of Review submitted for planning application 24/0077/IC – Gourock Park Bowling Club, Larkfield Road, Gourock and to seek agreement on what procedure the Local Review Body will take in determining the review.

## **2.0 RECOMMENDATIONS**

2.1 The Local Review Body is asked to consider what procedure(s) it wishes to follow in order to proceed to the review.

**Lynsey Brown**  
**Head of Legal, Democratic, Digital & Customer Services**

### 3.0 BACKGROUND AND CONTEXT

- 3.1 The agent for planning application 24/00/77/IC submitted a Notice of Review on the grounds that the Council, through its appointed officer, had failed to determine the application within the prescribed time period (two months) as defined in the Town and Country Planning (Scotland) Act 1997.
- 3.2 The relevant regulations state that the Local Review Body must consider and determine the review within three months from the date it was received. The Council received the Notice of Review on 6 September 2024. The review has therefore to be determined by 5 December 2024, failing which the application is deemed to have been refused planning permission and the applicant can appeal to the Scottish Government.
- 3.3 There is no Report of Handling for the Local Review Body to consider given that the Council failed to determine the application. However, in order to assist the Local Review Body in the determination of the review, it is proposed that a review statement be prepared by Planning giving an assessment of the proposal.
- 3.4 Subject to the Local Review Body agreeing to this course of action, the review statement would be circulated to both the applicant/agent and any interested parties, seeking their comments within 14 days in accordance with the timescales set down in the relevant legislation.
- 3.5 Furthermore, the Local Review Body may wish to consider whether it would be appropriate for an unaccompanied site visit to be undertaken prior to determining the application for review.
- 3.6 Should Elected Members be minded to approve this course of action, The Local Review Body would, subject to receiving all the necessary information, be able to give consideration to the following:-
- (a) the review statement prepared by Planning and the response, if any received from the applicant/agent to it;
  - (b) the information submitted by the applicant/agent in support of the review case; and
  - (c) the outcome of the site visit.

### 4.0 IMPLICATIONS

- 4.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		x
Legal/Risk	x	
Human Resources		x
Strategic (Partnership Plan/Council Plan)		x
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing		x
Environmental & Sustainability		x
Data Protection		x

#### 4.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

#### 4.3 Legal/Risk

If the Local Review Body has not determined this review application by 5 December 2024 then it is deemed to have been refused and the applicant can appeal to the Scottish Government.

#### 4.4 Human Resources

N/A

#### 4.5 Strategic

N/A

#### 4.6 Equalities, Fairer Scotland Duty & Children/Young People

N/A

##### (a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

	YES – Assessed as relevant and an EqIA is required.
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. Provide any other relevant reasons why an EqIA is not necessary/screening statement.

##### (b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report’s recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report’s recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty for the following reasons: Provide reasons why the report has been assessed as not relevant.

(c) Children and Young People

Has a Children’s Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
X	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children’s rights.

**5.7 Environmental/Sustainability**

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
X	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

**5.8 Data Protection**

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

**6.0 CONSULTATION**

6.1 N/A

**7.0 BACKGROUND PAPERS**

7.1 N/A