

Inverclyde Local Review Body

Our Ref: 18/0192/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 1 Grieve Road, Greenock
 - Application for Review by Nicholson McShane Architects on behalf of Rose Tree Nursery against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 18/0192/IC
 - Application Drawings: Ground floor plan as existing – Drawing No. 18027_D.001 Revision A
Floor/block plan as proposed – Drawing No. 18027_D.002 Revision A
Location plan – Drawing No. 18027_LP
 - Date of Review Decision Notice: 22 March 2019
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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 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 6 March 2019. The ILRB was constituted by Councillors J Clocherty, J Crowther, G Dorrian, D McKenzie, I Nelson, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for planning permission for change of use of the building at 1 Grieve Road, Greenock to a children's nursery with accommodation within the building being given over to an under 2's room with a capacity of 6, a 2's room with a capacity of 8 and a 3 and over's room with a capacity of 12 (a total of 26 children). Ancillary accommodation comprises an office, toilets, changing area and a kitchen. Externally, an additional off-street parking space is to be formed on the front garden. This links to an access ramp and landing leading into the building. The design and access statement which accompanies the planning application advises that the proposed hours of operation are 07.30 until 17.30 Monday to Friday with drop off and pick up of children between 07.30 and 08.00 and 17.00 and 17.30 respectively. The maximum number of staff present on site at any one time is anticipated to be 5. The application was refused consent in terms of a decision letter dated 3 September 2018.

3. Preliminaries

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

- (i) Planning Application dated 27 June 2018 together with plans and location plan;
- (ii) Appointed Officer's Report of Handling dated 29 August 2018;
- (iii) Design and Access Statement (Revision A) dated 20 June 2018 submitted by applicant in support of planning application;
- (iv) Consultation responses in relation to planning application;
- (v) Representations in relation to planning application;
- (vi) Decision Notice dated 3 September 2018 issued by Head of Regeneration & Planning;
- (vii) Notice of Review Form dated 11 September 2018 with supporting documentation from Douglas Nicholson (Nicholson McShane Architects);
- (viii) E-mail dated 4 October 2018 from Douglas Nicholson (Nicholson McShane Architects) in relation to new matter;
- (ix) Further representation submitted following receipt of Notice of Review;
- (x) E-mail dated 23 January 2019 from Douglas Nicholson (Nicholson McShane Architects) in response to further representation; and
- (xi) Suggested conditions should planning permission be granted on review.

In addition, the ILRB at the meeting held on 6 March had regard to a new matter raised by the applicant's agent within the Statement of Review to the Local Review Body and were provided with copies of the relevant section of the Statement of Review to the Local Review Body which referred to reference to the Scottish Office document "Learning Outdoors".

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 2013.

4. Findings and Conclusions

4.1 The determining issues in this review were (1) the availability of car parking spaces and drop off/pick up facilities and the impact of the proposal on traffic safety and (2) the level of noise likely to be generated by the proposed development.

4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, considered that the documentation submitted to it did not include sufficient evidence to reverse the appointed officer's decision, accepted the reasoning of the appointed officer and concluded, following a vote, that the application had been correctly refused for the reasons given in the Decision Notice dated 3 September 2018, namely:

1. Contrary to the design guidance in the Council's adopted roads development guide, the proposal fails to provide adequate off-street parking or any drop-off and pick-up facilities, leading to obstructive and inconsiderate parking, which cumulative with existing traffic in the area shall lead to obstructed visibility and accidents at the junction of Grieve Road, Gateside Avenue and Old Inverkip Road, all to the detriment of road safety and contrary to criteria (c) and (f) of the adopted Local Development Plan; and
2. As outside play and activities shall create noise to the detriment of the quality of residential amenity and character enjoyed in adjoining residential property, consequently failing to maintain this part of Greenock as a pleasant and successful place, the proposal is thus contrary to Policy RES1 and criterion (a) of Policy RES6 of the adopted Local Development Plan and Policies 20 and 1 of the proposed Local Development Plan.

4.3 The Review Application was accordingly dismissed.

Signed _____

Head of Legal & Property 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 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement 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.