

LOCAL REVIEW BODY

6 APRIL 2022

PLANNING APPLICATION FOR REVIEW

MS CLAIRE CLARKE

**CHANGE OF USE OF PART OF DOMESTIC GARAGE TO BEAUTY SALON (SUI
GENERIS)**

4 ORCHARD GROVE, KILMACOLM (21/0195/IC)

Contents

- 1. Planning Application dated 23 June 2021 together with Location and Floor Plans**
- 2. Planning Application Supporting Statement and Site Photographs**
- 3. Appointed Officer's Report of Handling dated 15 September 2021**
- 4. Inverclyde Local Development Plan 2019 Policy Extracts**

To view the Inverclyde Local Development Plan see:

<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning/ldp>

- 5. Inverclyde Local Development Plan 2019 Map Extract**
- 6. Representation in relation to Planning Application**
- 7. Decision Notice dated 22 October 2021 issued by Head of Regeneration & Planning**
- 8. Notice of Review Form dated 12 January 2022 with Supporting Statement from Bryce Boyd Planning Solutions**
- 9. Suggested Condition should Planning Permission be Granted on Review**

Note: Inverclyde Proposed Local Development Plan 2021 has been attached to the rear of the agenda papers as supplementary content.

**1. PLANNING APPLICATION DATED 23 JUNE 2021
TOGETHER WITH LOCATION AND FLOOR PLANS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100433718-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

change of use of part of garage to beauty salon

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Business commenced from the garage on 26 April 2021. Client was not aware that planning permission was required for the use of this small part of the house for business purposes as she knew of many people in the village who were working from home.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	bryce boyd planning solutions		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	bryce	Building Name:	ellersleigh
Last Name: *	boyd	Building Number:	
Telephone Number: *	01505874489	Address 1 (Street): *	castlehill road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	kilmacolm
Fax Number:		Country: *	UK
		Postcode: *	pa13 4el
Email Address: *	bboydplanning@aol.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	claire	Building Number:	4
Last Name: *	clarke	Address 1 (Street): *	orchard grove
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	kilmacolm
Extension Number:		Country: *	uk
Mobile Number:		Postcode: *	pa13 4hq
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Inverclyde Council

Full postal address of the site (including postcode where available):

Address 1:

4 ORCHARD GROVE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KILMACOLM

Post Code:

PA13 4HQ

Please identify/describe the location of the site or sites

Northing

669855

Easting

235473

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

sent email to planning officer in response to letter sent to my client indicating that I would be submitting a retrospective planning application in respect of the change of use

Title:

Mr

Other title:

First Name:

david

Last Name:

sinclair

Correspondence Reference Number:

Date (dd/mm/yyyy):

03/06/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

10.50

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

integral garage

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

3

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

current facilities available

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 2 Financial, professional and other services

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

10

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: bryce boyd

On behalf of: Ms claire clarke

Date: 23/06/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

letter, supporting statement

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr bryce boyd

Declaration Date: 23/06/2021

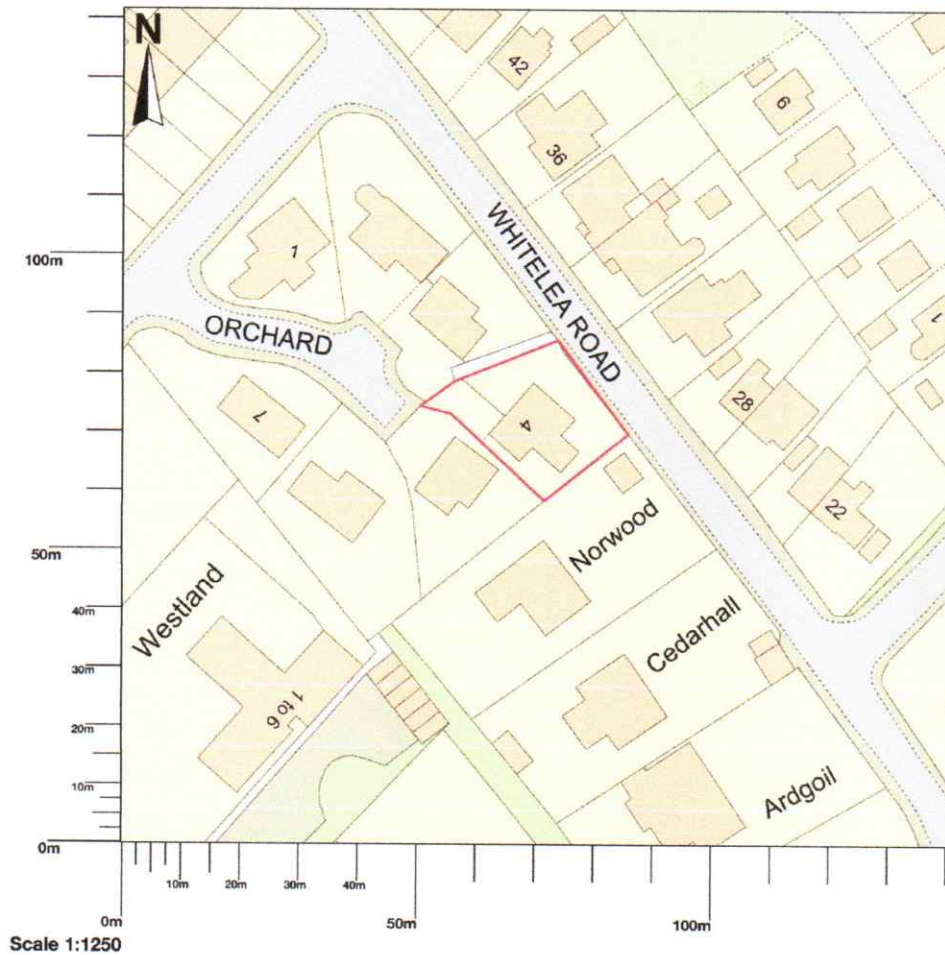
Payment Details

Online payment: ICPP00001167

Payment date: 29/06/2021 10:55:00

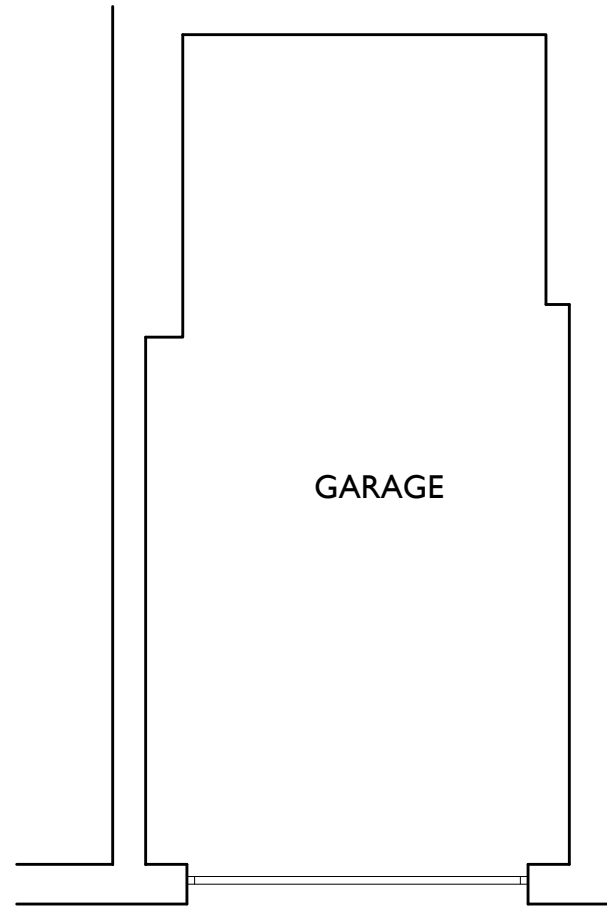
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4 Orchard Grove, Kilmacolm, PA13 4HQ

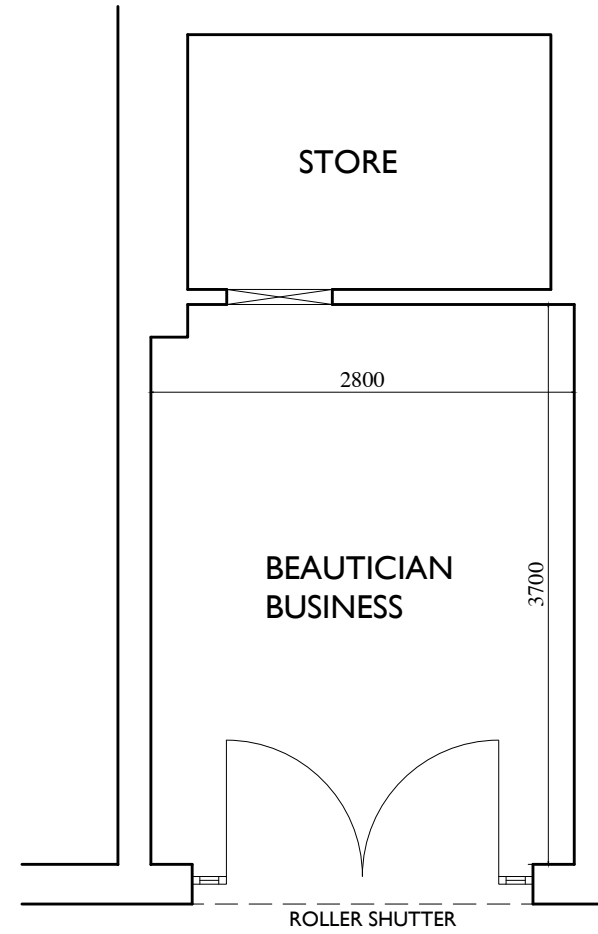


Map area bounded by: 235402,669784 235544,669926. Produced on 23 June 2021 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2021. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2cuk/650646/881634

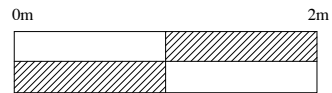
LOCATION PLAN



GROUND FLOOR PLAN AS EXISTING 1/50



GROUND FLOOR PLAN AS PROPOSED 1/50



SCALE 1/50

revisions & notes

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client: MR & MRS CLARK

Job no. 21-854

drg. no. **01 PL.**

project: 4 ORCHARD GROVE, KILMACOLM

drawing size - A3

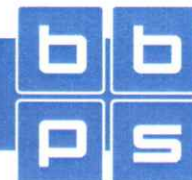
drawn: MM

checked: MM



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2. PLANNING APPLICATION SUPPORTING STATEMENT AND SITE PHOTOGRAPHS



**STATEMENT IN SUPPORT OF RETROSPECTIVE PLANNING APPLICATION
FOR USE OF PART OF GARAGE TO A BEAUTY SALON AT 4 ORCHARD
GROVE KILMACOLM**

Background

My client has operated a successful beauty salon business in Kilmacolm, Beautique, since 2007 operated by herself and two members of staff.

With the outbreak of Covid last year, and lockdown, the two members of staff were lost to the business. The business re-opened in September under all of the new regulations with my client operating the business on her own until the second lockdown in December. During all of this time, rental on the premises had to be paid and it proved completely unviable to continue with the operation after the second lockdown.

In April of this year my client decided to attempt to restart some of her former business, operated solely by herself in order to provide a limited service in response to requests from former clients in the local community.

The decision to operate from her garage is a direct result of the current Covid pandemic and the continuing requests from former clients, to provide reduced services for them locally.

The decision to provide nail and brow services from part of the garage area was taken to minimise the risks of infection of people entering her home. It is a wholly contained space which is easily cleaned to mitigate risks of transmission of the virus. Any risk is therefore at a minimum.

Current Operations of the Business

The service provided from the secure garage area is a much reduced level of service from the range of beauty treatments provided from the former shop.

Pre-pandemic, the shop offered a full service of beauty treatments including nails, waxing, body massage, body treatments, facial treatments, lash treatments, spray tanning, brow treatments etc.

The current service only offers nails and brows.

The hours of operation are Monday to Friday 9.15 until 2.30 and currently two evenings per week 5-7. All appointments are made on line via a booking app and no walk in appointments are available.

The normal level of trade is 3 to 4 clients per day, each visit lasting between 45 minutes and one hour. Only one client is at the premises at any one time and there is a minimum of 15

minutes between each client leaving the premises and a new client arriving. This ensures that activity is kept to a minimum and enables the facility to be thoroughly cleaned between appointments.

An examination of the clients visiting the premises has established that around 90% are residents of Kilmacolm and of all clients visiting, 70% arrive by walking. Most of the clients are professional people living in the village who respect the area and adjacent resident's amenity.

For the few clients who do arrive at the premises by car there is adequate room in the driveway to provide off street parking for a single vehicle, so there is no impact on street parking or road use. As detailed above only one client is present at the premises at any one time.

There is absolutely no noise generated by the operations of the business. No machines are used in any of the treatments.

Comment

It is well known that many businesses are currently operating from domestic dwellings throughout Inverclyde, including Kilmacolm. The level of potential disturbance cause by the very restricted services provided by my client is extremely low and no worse than others within the village. Indeed, it is much less than the various childminding operations which do exist in the immediate vicinity.

It is submitted that use of this small area of the dwelling house to provide a minimal level of beauty treatments during restricted opening hours is completely acceptable in this residential area and, indeed, might be considered as being almost ancillary to the main use of the building as a residential unit.



GARAGE FRONTAGE WITH ROLLER SHUTTER RAISED



**GARAGE FRONTAGE SHOWING ROLLER SHUTTERS
CLOSED**

**3. APPOINTED OFFICER'S REPORT OF HANDLING
DATED 15 SEPTEMBER 2021**

REPORT OF HANDLING

Report By: David Sinclair

Report No: 21/0195/IC

**Local Application
Development**

**Contact
Officer:** 01475 712436

Date: 15th September 2021

Subject: Change of use of part of domestic garage to beauty salon (sui generis) at
4 Orchard Grove, Kilmacolm

SITE DESCRIPTION

The application site comprises a detached split level dwellinghouse, located in the south-east corner of the cul-de-sac at Orchard Grove, Kilmacolm. The dwellinghouse is finished with a grey concrete tile roof; white render walls with a buff brick frontage on the two-storey section of the building; white uPVC windows, door frames and fasciae; with a blue/grey uPVC front door, white uPVC French doors and a white garage door on the principal elevation. The single storey section of the dwellinghouse formerly contained a garage with no internal link to the rest of the dwellinghouse. This has recently been converted into a beauty salon which is being operated by the current owner.

The garage is contained underneath the main house roof and is raised by approximately 1 metre relative to the rest of the ground floor level of the building. The site contains a tarmac driveway in front of the garage with space for two cars, which is separated from the rest of the front garden by a grey timber fence. Boundary treatments include a 4 metre high hedge along the west side elevation towards the front and timber fencing along the front and remaining side elevations.

The remaining properties in the cul-de-sac are similar in design and scale, containing matching materials and finishes for the roofs and walls, with some variations to door finishes.

PROPOSAL

Planning permission is sought for a part change of use of the garage to be operated as a commercial beauty salon. The beauty salon is proposed to be run as a business, operated solely by the applicant. Proposed hours of operation are between 09:15 and 14:30 Monday to Friday inclusive, with two evening appointments per week between 17:00 and 19:00. The floor plans indicate that the beauty salon is to be self-contained with no internal link shown to the rest of the dwellinghouse.

The application is accompanied by a supporting statement. This includes a number of supporting letters, although these have not been submitted as representations.

ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out

in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 11 – Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 22 – Network of Centres Strategy

The preferred locations for the uses set out in Schedule 6 are within the network of town and local centres identified in Schedule 7. Proposals which accord with the role and function of the network of centres as set out in Schedule 7 and the opportunities identified in Schedule 8 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- a) there is not a suitable sequentially preferable opportunity;
- b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- c) there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

Policy 24 – Network of Centres Sui Generis Uses

Proposals for the Sui Generis uses listed in Schedule 6 will be assessed with regard to:

- a) whether there would be an unacceptable impact on the amenity and operation of existing and surrounding uses;
- b) whether the proposal will result in a concentration of a particular use or uses that would be to the detriment of the centre's vibrancy, vitality or viability, and the wellbeing of the community;
- c) the contribution the proposal would make to the vibrancy, vitality and viability of the centre by way of increasing footfall or making use of a vacant unit; and
- d) the availability and suitability of other locations within the centre.

PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 12 – Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards, including cycle parking standards. Developers

are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 20 – Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

Policy 23 – Network of Centres Strategy

The preferred locations for the uses set out in Schedule 5 are within the network of town and local centres identified in Schedule 6. Proposals which accord with the role and function of the network of centres as set out in Schedule 6 and the opportunities identified in Schedule 7 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- a) there is not a suitable sequentially preferable opportunity;
- b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- c) there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

Policy 24 – Network of Centres Sui Generis Uses

Proposals for the Sui Generis uses listed in Schedule 6 and any other Sui Generis uses proposed within the network of centres will be assessed with regard to:

- a) whether there would be an unacceptable impact on the amenity and operation of existing and surrounding uses;
- b) whether the proposal will result in a concentration of a particular use or uses that would be to the detriment of the centre's vibrancy, vitality or viability, and the wellbeing of the community;
- c) the contribution the proposal would make to the vibrancy, vitality and viability of the centre by way of increasing footfall or making use of a vacant unit; and
- d) the availability and suitability of other locations within the centre.

CONSULTATIONS

Head of Service – Roads and Transportation – Comments were made as follows:

- The new use as a beauty salon falls under Class 1 Shops which requires 2 spaces per 100sqm. The GFA of the building is approx. 10sqm therefore this requires 1 space.
- The existing dwelling has 3no. bedrooms which requires 2 parking spaces, therefore the total requirement for parking is 3 spaces.
- The applicant should show they can meet this requirement.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. One neutral representation was received from the Kilmacolm Civic Trust. The Trust stated that they had no objection in principle to the proposal, however raised concerns about the parking requirements, noting that Orchard

Grove is a very small cul-de-sac. If clients choose to park as close as possible (a Kilmacolm Trait) to the house the immediate neighbouring residents could be adversely affected by obstructions to their own driveway.

ASSESSMENT

The material considerations in determination of this application are the adopted Inverclyde Local Development Plan (LDP); the proposed Local Development Plan (LDP); the consultation response; and the representation received.

The application site is located within an established residential area where Policy 1 of the adopted LDP and Policies 1 and 20 of the proposed LDP apply. As the proposal is for a part change of use of the premises to a beauty salon (Sui Generis), which is identified under Schedule 6 of both LDPs as being a use which should be directed to the network of centres, Policies 22 and 24 of the adopted LDP and Policies 23 and 24 of the proposed LDP apply. Policy 11 of the adopted LDP and Policy 12 of the proposed LDP are also applicable as the application introduces a new use into the area, which has the potential to impact on traffic and parking on the surrounding road network.

Policy 22 of the adopted LDP and proposed LDP Policy 23 state that proposals which accord with the role and function of the network of centres as set out in Schedule 7 and the opportunities identified in Schedule 8 will be supported. Schedule 7 states that proposals for new Schedule 6 uses outwith the town and local centres shall not exceed 250 square metres in total. As the premises in question has a floor space of approximately 10 square metres, it can be considered an acceptable scale for a site outwith the recognised town and local centres. As the proposal is outwith the network of centres, it requires to be justified against the following criteria: (a) there is not a suitable sequentially preferable opportunity; (b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and (c) there are clear community or economic benefits that can be best achieved at the proposed location.

Policy 24 of both LDPs indicates that proposals for sui generis uses identified in Schedule 6 require to be assessed against and have to satisfy, where appropriate, the following criteria: (a) whether there would be an unacceptable impact on the amenity and operation of existing and surrounding uses; (b) whether the proposal will result in a concentration of a particular use or uses that would be to the detriment of the centre's vibrancy, vitality or viability, and the wellbeing of the community; (c) the contribution the proposal would make to the vibrancy, vitality and viability of the centre by way of increasing footfall or making use of a vacant unit; and (d) the availability and suitability of other locations within the centre.

Policy 1 of both LDPs requires development to have regard to the six qualities of successful places and the relevant Planning Application Advice Notes Supplementary Guidance. There are no guidance notes relevant to this proposal. The relevant qualities in both Policy 1's are being 'Safe and Pleasant' by avoiding conflict with adjacent uses and minimising the impact of traffic and parking on the street scene and 'Welcoming' through integrating new development into existing communities and making buildings legible and easy to access. Policy 20 requires the proposal to be assessed with regard to its potential impacts on the amenity, character and appearance of the area.

In considering the impact on the effective operation of existing and surrounding uses (criterion (a) of Policy 24) and the impact on traffic and parking on the street scene, I note the concerns raised over potential parking conflicts in the representation received. In assessing this, I turn to the consultation response received from the Head of Service – Roads and Transportation. She has identified that the proposal would require an increase in the number of off-street parking spaces in the site from 2 to 3. The applicant advises that this increase is not able to be met within the site, however, states that around 70% of customers visit on foot and that space would be made available for those who may travel by car to park on the driveway within the site. Whilst this may lessen the impact of the proposal on traffic and parking on Orchard Grove, this solution is considered as unacceptable by the Head of Service – Roads and Transportation in terms of having an acceptable impact on traffic and parking on the street scene. As the

proposal fails to meet the required parking standards, it stands to be contrary to Policy 11 of the adopted LDP and Policy 12 of the proposed LDP and fails to meet the quality of being 'Safe and Pleasant' in this regard.

In assessing the impact of the proposal on the vibrancy, vitality and viability of nearby established town and local centres (criterion (b) of adopted LDP Policy 22, criterion (b) of proposed LDP Policy 23, and criteria (b) and (c) of Policy 24 of both LDPs), the proposal is sited within a residential area outwith any town and local centres and does not result in a concentration of a particular use or uses that would be detrimental to the nearby town centres, therefore it does not conflict with criterion (b) in any of the above Policies. Regarding criterion (c) of Policy 24, the proposal cannot be considered to make a positive contribution to the vibrancy, vitality and viability of nearby town centres as it would encourage customers using the beauty salon away from the nearby town centres, negatively impacting on footfall. The proposal also does not make use of a vacant unit within a town or local centre, therefore I consider the proposal fails to meet criterion (c) in Policy 24 of both LDPs. In terms of availability and suitability of other locations within the centre (criterion (a) of adopted LDP Policy 22, criterion (a) of proposed LDP Policy 23, and criterion (d) of Policy 24), I note the applicant's supporting statement, which acknowledges that the business previously operated in Kilmacolm town centre with two members of staff. Due to the outbreak of Covid and lockdowns the other staff left the business and it became no longer viable for the applicant to operate from the town centre unit. Whilst acknowledging the challenging circumstances which have resulted in a need to downsize the business, I note that the applicant has not provided any evidence that there is not a suitably sequentially preferable opportunity available in the nearby town centre which could accommodate a downsized version of the business. As the proposal is for a Schedule 6 use which is located outwith the network of centres, it conflicts with the requirements of criterion (a) of both adopted Plan Policy 22 and proposed Plan Policy 23.

In considering Policy 20 of the proposed LDP, the proposal has only resulted in internal works being carried out to the dwellinghouse, therefore the proposal raises no concerns in terms of visual impact on the appearance or character of the area. In considering neighbouring amenity, I note that the statement advises that the applicant operates as a sole trader and having visited the premises, I am satisfied that no other parties will be working from within the premises. Notwithstanding this, the beauty salon business will generate a level of commercial activity from visiting customers, extending into the evening on certain days, which is not normally to be expected within a residential curtilage situated within a wider residential area. I consider that the use of the garage as a beauty salon which can, in effect, operate independently from the dwellinghouse, could bring a level of activity not typically associated with a dwellinghouse and could result in an unexpected feature within a residential curtilage and accordingly has the potential to cause undue disturbance to neighbouring amenity. Furthermore, once a permission for a part change of use is established there would be no control on the intensity level of the business or who was operating it. The use of the garage as a beauty salon cannot therefore be considered to fully accord with Policy 20 of the proposed LDP.

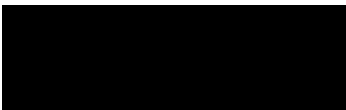
In conclusion, the use of the outbuilding as a beauty salon conflicts with Policies 11, 22 and 24 of the adopted LDP and Policies 12, 20, 23 and 24 of the proposed LDP. Whilst I note the applicant's wish to operate the business in a way that suits family life, this cannot be at the expense of neighbouring residential amenity. The premises has extensive opening hours and there is nothing to suggest why it cannot operate from a suitable small town or local centre location. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Local Development Plan unless material considerations indicate otherwise. Whilst I am mindful of the supporting statement, inclusive of letters of support, there are no material planning considerations which suggest that planning permission should be granted contrary to the relevant policies in the adopted and proposed Local Development Plans. As such I am unable to support the application.

RECOMMENDATION

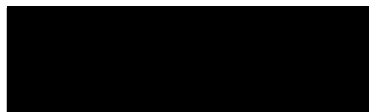
That the application be refused for the following reasons:

1. The proposal conflicts with criterion (c) in Policy 24 of the Inverclyde Local Development Plan, as it would encourage customers using the beauty salon away from nearby town centres, negatively impacting on footfall and it does not make use of a vacant unit within the town centre.
2. The proposal fails to demonstrate that there are no suitable sequentially preferable opportunities available in the nearby town and local centres, therefore it fails to meet the requirements of Policy 22 of the Inverclyde Local Development Plan and Policy 23 of the proposed Inverclyde Local Development Plan.
3. The proposal fails to provide the required number of parking spaces required to meet the Council's roads parking standards and therefore is contrary to Policy 11 of the Inverclyde Local Development Plan and Policy 12 of the proposed Inverclyde Local Development Plan.
4. The proposal would result in a commercial facility operating within the heart of a residential area with customer movements above and beyond those associated with the normal movements associated with a dwellinghouse which could be detrimental to residential amenity and the proposal is thus contrary to Policy 20 of the proposed Inverclyde Local Development Plan.

Signed:



David Sinclair
Case Officer



Mr Stuart W Jamieson
Interim Service Director
Environment & Economic Recovery

4. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019 POLICY EXTRACTS

3.0 CREATING SUCCESSFUL PLACES

Introduction

3.1 Inverclyde has many fantastic and unique places. Examples include the Free French Memorial and Lyle Hill, which offer panoramic views over the Firth of Clyde; Quarriers Village, built in the 19th century as an orphans' village and filled with individually designed homes of that period; the A-listed Edwardian Wemyss Bay railway station; and the grid-pattern Greenock West End conservation area, which is contained to the north by the popular Greenock Esplanade. These, and other places, have stood the test of time and remain places where people want to live and visit.

3.2 The Council is keen to have more successful places in Inverclyde, and all new development will be expected to contribute to creating successful places. This is particularly important in relation to the Plan's Priority Projects and Priority Places, which reflect major Council investments and the larger scale regeneration opportunities in Inverclyde.

Creating Successful Places

3.3 The Council is keen that all development contributes to making Inverclyde a better place to live, work, study, visit and invest. To differing degrees, all scales and types of development have the potential to make an impact on the surrounding environment and community. It is important to the Council that this impact is a positive one. To this end, the Council will have regard to the six qualities of a successful place when considering all development proposals.

Distinctive

Adaptable

Resource Efficient

Easy to Move Around

Safe and Pleasant

Welcoming

3.4 **Figure 3** illustrates the factors that contribute to the six qualities of a successful place. Not all will be relevant to every development proposal and planning application, but where they are, the Council will expect development proposals to have taken account of them, and it will have regard to them in the assessment of planning applications.



Quarriers Village

POLICY 1 – CREATING SUCCESSFUL PLACES

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.



Wemyss Bay Railway Station

FIGURE 3: Factors Contributing to Successful Places



Managing the Impact of Development on the Transport Network

5.7 Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. In order to identify any potential capacity issues on the strategic road network (i.e. A8 & A78), the Council consulted Transport Scotland on the development opportunities identified in the Plan. The Council subsequently completed a high level impact appraisal of several large scale development proposals along the A78 in consultation with Transport Scotland, which concluded there will not be a significant cumulative impact on the trunk road network as a result of the Plan's proposals. Mitigation measures may still be required, including for the rail network, as a result of individual developments coming forward and these can be determined through the Transport Assessment process.

5.8 To ensure that the road network continues to operate efficiently, the Council has standards in place for road development and parking, which new development is expected to comply with. This may require additional improvements to the transport network outwith the actual development site. Where this is the case, developers will be required to meet these costs.

POLICY 11 – MANAGING IMPACT OF DEVELOPMENT ON THE TRANSPORT NETWORK

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

Air Quality

5.9 As at 2018, Inverclyde does not have any Air Quality Management Areas or an air pollution reduction strategy. It does have busy transport corridors that can occasionally be congested where air quality is monitored. Some developments can directly affect air quality or change travel patterns in such a way that air quality is affected. In these instances the Council will expect an Air Quality Assessment to be undertaken and mitigation measures to be implemented.

POLICY 12 – AIR QUALITY

Development that could have a detrimental impact on air quality, or would introduce a sensitive receptor to an area with poor air quality, will be required to be accompanied by an Air Quality Assessment, which identifies the likely impacts and sets out how these will be mitigated to an acceptable level.

Communications Infrastructure

5.10 Inverclyde has good digital connectivity, with 4G mobile and superfast broadband coverage available across the majority of the area. This is of benefit to the economy and social networks and contributes towards it being an attractive place to live and invest.

POLICY 13 – COMMUNICATIONS INFRASTRUCTURE

The Council will support new digital communication infrastructure where it is sited to avoid adverse impact on: the streetscape; the amenity and operations of existing and adjacent uses; our natural and open spaces; and historic buildings and places.



Western Ferry, Gourock

8.0 OUR TOWN AND LOCAL CENTRES

Introduction

8.1 Inverclyde is well served by a network of town and local centres offering a range of shops and services in easily accessible locations. These centres also serve important civic, cultural, commercial and leisure functions, and are important employment locations.

8.2 Greenock is the largest town centre drawing visitors from across the authority area and beyond. It is identified as a Strategic Centre in the Clydeplan Strategic Development Plan. It offers Inverclyde's largest concentration and selection of food and non-food shopping, and a wide range of non-retail services and businesses such as a cinema, the Waterfront Leisure Centre, the McLean Museum and Art Gallery, the Beacon Arts Centre, the Greenock West College Scotland campus and a number of restaurants, pubs and nightclubs that provide evening activity. It is also an important employment hub, with a number of large offices located there. In this and previous Plans, Greenock is recognised as having a Central Area, which is the main focus for shopping activity, and an Outer Area, which is more service orientated.

8.3 Port Glasgow town centre's role has changed in recent years from mainly convenience shopping for the town's residents to offering large format food and non-food shopping that draws shoppers from across Inverclyde.

8.4 Gourock serves as a convenient centre for the residents of the town and to travellers and commuters making use of the ferry connections to Argyll and Bute. Its waterfront location, traditional format and concentration of independent shops and cafes mean that it also attracts day visitors from across Inverclyde and beyond. It has benefitted from recent investment in its railway station, road network and parking facilities, and from environmental improvements along the waterfront and at the pierhead.

8.5 Local centres range from the traditional village centre of Kilmacolm, which has an attractive mix of independent traders, to the modern purpose-built local centre in Inverkip. All local centres have an important role in providing convenient services and a community focus.

Network of Centres Strategy

8.6 Together, our town and local centres form a network with each centre serving a specific purpose and community. The Plan seeks to manage development within and outwith these centres so that they continue to complement each other for the benefit of the whole area, whilst offering healthy competition for the benefit of customers. It does this by directing appropriate uses to the network of centres in preference to other locations and by controlling development that would have an unacceptable impact on centres within the network. This is consistent with the 'sequential approach' set out in paragraph 68 of Scottish Planning Policy. The Plan recognises and seeks to safeguard Greenock as the main town centre within Inverclyde. Residential development is encouraged within the network of centres as it contributes to footfall, activity and security.

POLICY 22 – NETWORK OF CENTRES STRATEGY

The preferred locations for the uses set out in Schedule 6 are within the network of town and local centres identified in Schedule 7. Proposals which accord with the role and function of the network of centres as set out in Schedule 7 and the opportunities identified in Schedule 8 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- a) there is not a suitable sequentially preferable opportunity;
- b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- c) there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

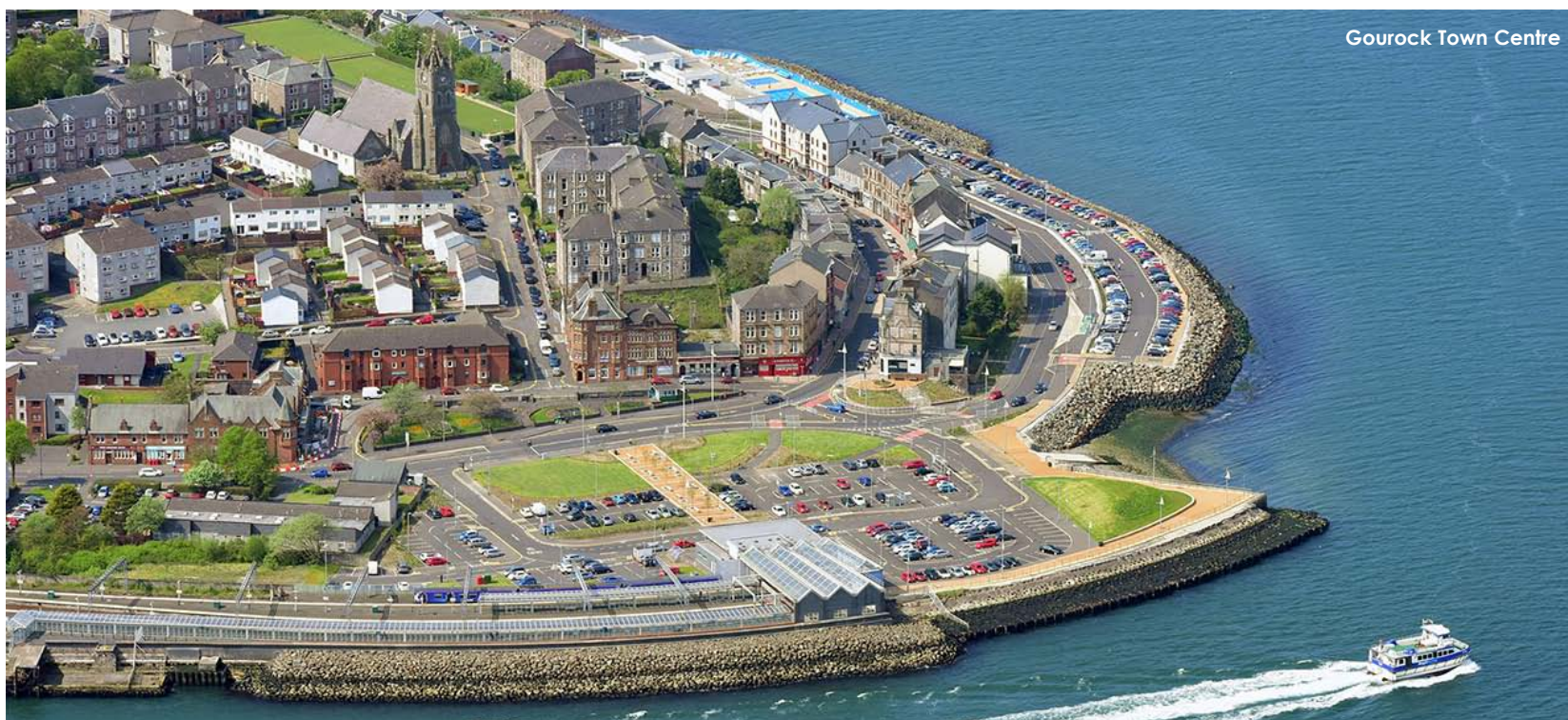
Network of Centres Sui Generis uses

8.8 Inverclyde's town and local centres are home to a wide variety of uses. Their central locations and high level of passing trade make them an obvious place for commercial businesses to locate. The Use Class Order (1997) divides different types of land and property uses into different classes, and sets out when planning permission is needed to allow changes of use between the different classes. Some of the Use Classes relate to uses that would normally be found in town and local centres, such as Shops and Food & Drink. Other uses are known as *sui generis* (meaning 'of its own kind') and do not sit within a particular Use Class. These are often uses which the planning system seeks to keep a tighter control on for reasons of amenity or well-being.

POLICY 24 – NETWORK OF CENTRES SUI GENERIS USES

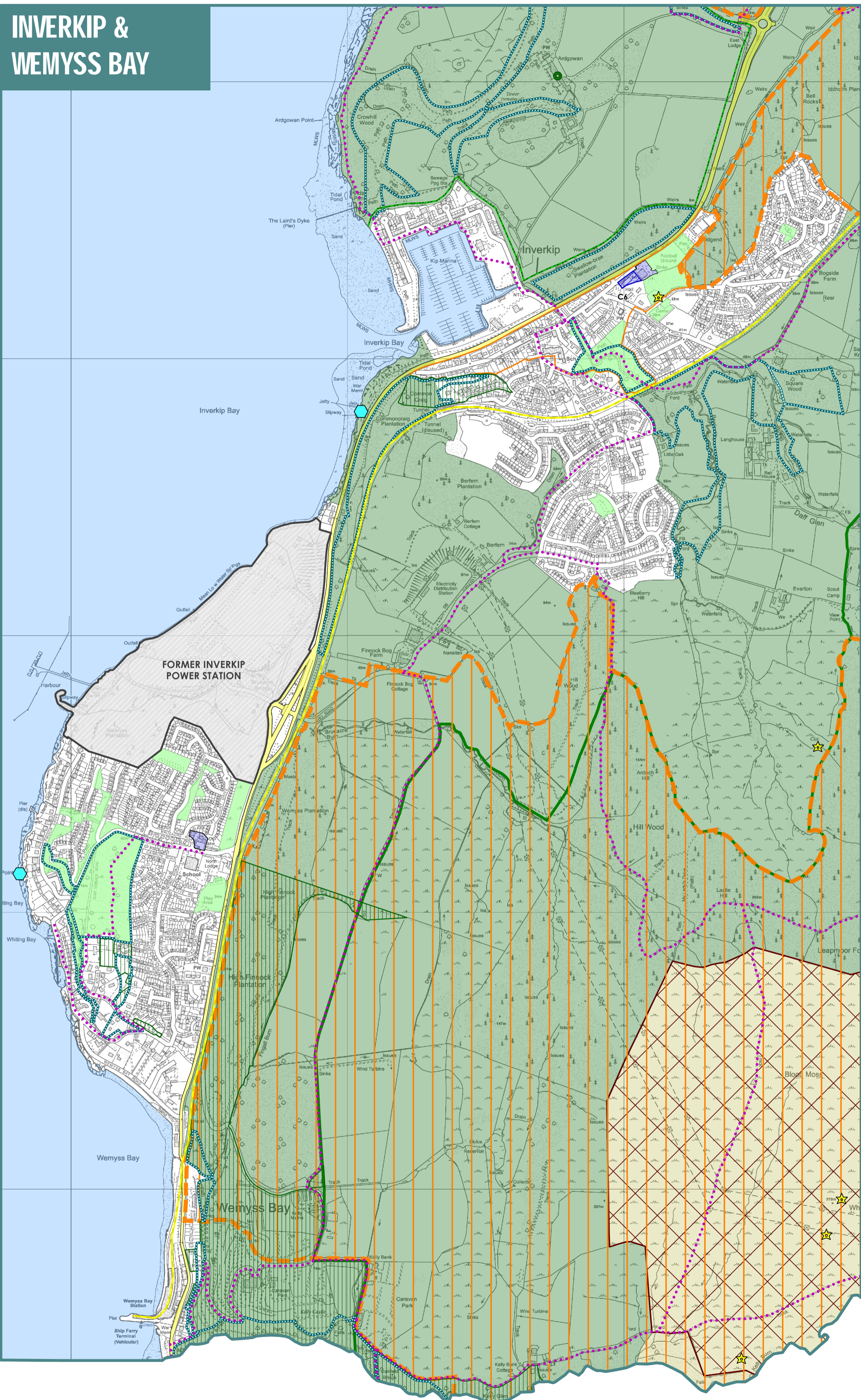
Proposals for the Sui Generis uses listed in Schedule 6 will be assessed with regard to:

- a) whether there would be an unacceptable impact on the amenity and operation of existing and surrounding uses;
- b) whether the proposal will result in a concentration of a particular use or uses that would be to the detriment of the centre's vibrancy, vitality or viability, and the wellbeing of the community;
- c) the contribution the proposal would make to the vibrancy, vitality and viability of the centre by way of increasing footfall or making use of a vacant unit; and
- d) the availability and suitability of other locations within the centre.



5. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019 MAP EXTRACT

INVERKIP & WEMYSS BAY



KEY

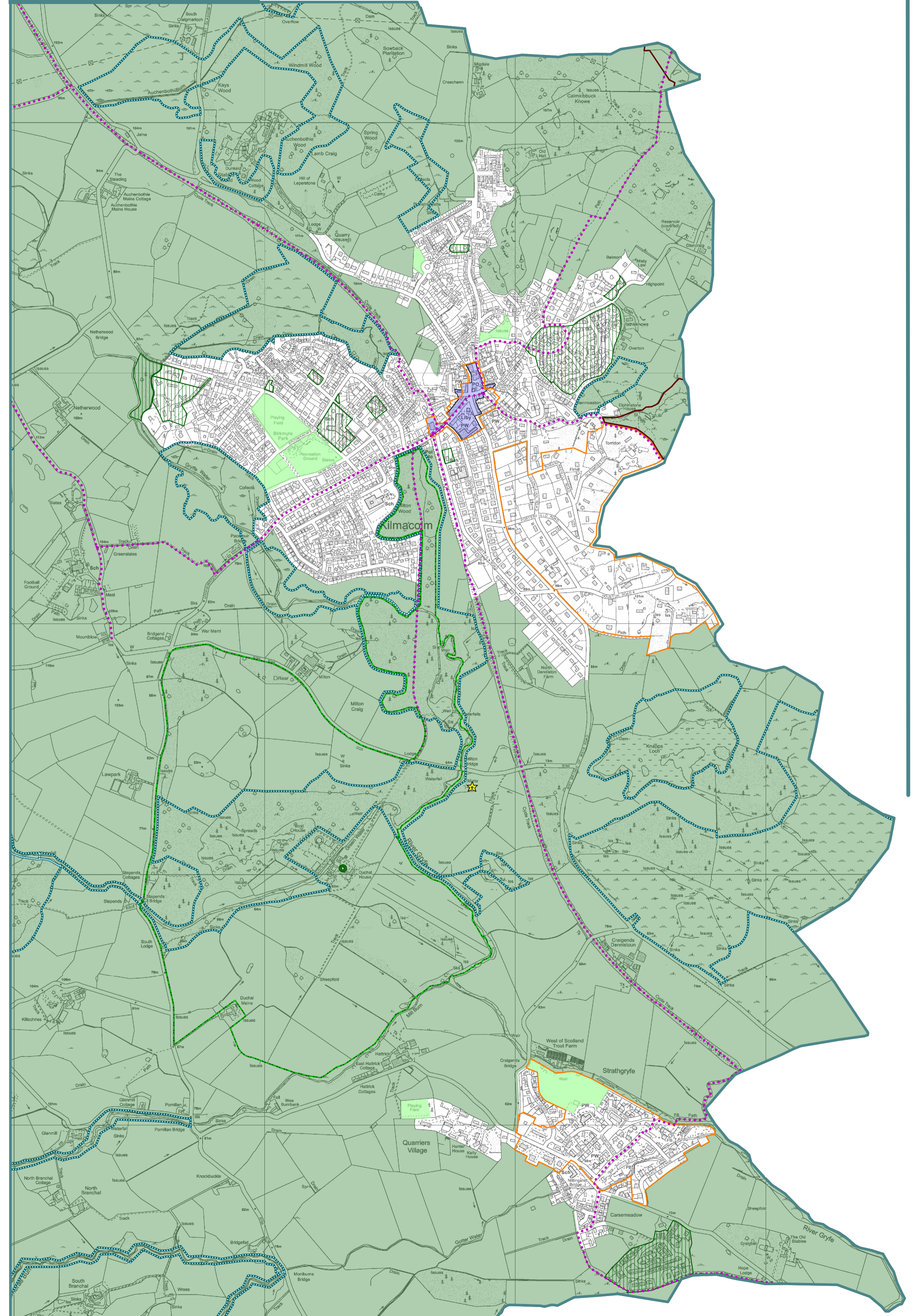
- SUSTAINABLE DEVELOPMENT STRATEGY**
- Priority Place POLICY 3
- CONNECTING PEOPLE AND PLACES**
- Trunk Road POLICY 11
- Railway POLICY 11
- SPATIAL DEVELOPMENT STRATEGY**
- Green Belt POLICIES 14 & 19
- Countryside POLICIES 14 & 19
- OUR TOWN AND LOCAL CENTRES**
- Town Centre / Local Centre POLICY 22
- Network of Centres Opportunity POLICY 22
- OUR JOBS AND BUSINESSES**
- Business & Industrial Area POLICY 25
- Business & Industrial Development Opportunity POLICY 26
- OUR HISTORIC BUILDINGS AND PLACES**
- Conservation Area POLICY 28
- Scheduled Monument POLICY 31
- Gardens & Designed Landscapes POLICY 32
- OUR NATURAL AND OPEN SPACES**
- Special Protection Area / Ramsar Site POLICY 33
- Site of Special Scientific Interest POLICY 33
- Local Nature Conservation Site POLICY 33
- Local Nature Conservation Site (Geological) POLICY 33
- West Renfrew Hills Local Landscape Area POLICY 33
- Tree Preservation Order POLICY 34
- Open Space POLICY 35
- Clyde Muirshiel Regional Park POLICY 37
- Core Path POLICY 38
- River Clyde / Firth of Clyde

Inverclyde council SCALE 1:10,000

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KILMACOLM & QUARRIERS VILLAGE



6. REPRESENTATION IN RELATION TO PLANNING APPLICATION

Laura Graham

From: David Sinclair
Sent: 28 July 2021 16:58
To: Laura Graham
Subject: FW: (No Classification) Planning Application 21/0195/IC: Kilmacolm Civic Trust Comment

Classification: No Classification

From: Nicol Cameron [REDACTED]
Sent: 26 July 2021 09:58
To: Stuart Jamieson <Stuart.Jamieson@inverclyde.gov.uk>; Devcont Planning <devcont.planning@inverclyde.gov.uk>
Subject: Planning Application 21/0195/IC: Kilmacolm Civic Trust Comment

From: Mr R.N. Cameron (Chairman Kilmacolm Civic Trust)

To: Mr Stuart Jamieson (Head of Regeneration and Planning)

Dear Mr Jamieson.

KILMACOLM CIVIC TRUST COMMENT ON

PLANNING APPLICATION 21/0195/IC - 4 ORCHARD GROVE, KILMACOLM

The 15 members of the Kilmacolm Civic Trust Executive Committee have considered this application.

COMMENT

- **NO OBJECTION in principle**
- **However,**
 - We are concerned about the parking arrangements.
 - Orchard Grove is a very small Cul-de-Sac. If clients choose to park as close as possible (a Kilmacolm Trait) to the house the immediate neighbouring residents will be very put-out if they or their visitors are blocked from parking in their own driveway.
 - The solution would be:
 - **Either,** that a very clearly designated space is made in the 4 Orchard Grove driveway for business clients. But that would prevent genuine private visitors to 4 Orchard Grove from parking in the driveway.
 - **Or, better,** that an agreement is made with clients that they do not park within the cup-de-sac. Carruth Drive is not a busy road and offers ample opportunity for clients to park their cars. It is only a very short walk from there to 4 Orchard Grove.

Yours Sincerely,

Nicol Cameron

(Mr R.N. Cameron - Chairman Kilmacolm Civic Trust)

**7. DECISION NOTICE DATED 22 OCTOBER 2021
ISSUED BY HEAD OF REGENERATION &
PLANNING**

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

**Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY**

Planning Ref: 21/0195/IC

Online Ref: 100433718-001

***TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013***

**Ms Claire Clarke
4 Orchard Grove
KILMACOLM
PA13 4HQ**

**Bryce Boyd Planning Solutions
Bryce Boyd
Ellersleigh
Castlehill Road
KILMACOLM
PA13 4EL**

With reference to your application dated 1st July 2021 for planning permission under the above mentioned Act and Regulation for the following development:-

Change of use of part of domestic garage to beauty salon (sui generis) at

4 Orchard Grove, Kilmacolm.

Category of Application: Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The proposal conflicts with criterion (c) in Policy 24 of the Inverclyde Local Development Plan, as it would encourage customers using the beauty salon away from nearby town centres, negatively impacting on footfall and it does not make use of a vacant unit within the town centre.
2. The proposal fails to demonstrate that there are no suitable sequentially preferable opportunities available in the nearby town and local centres, therefore it fails to meet the requirements of Policy 22 of the Inverclyde Local Development Plan and Policy 23 of the proposed Inverclyde Local Development Plan.
3. The proposal fails to provide the required number of parking spaces required to meet the Council's roads parking standards and therefore is contrary to Policy 11 of the Inverclyde Local Development Plan and Policy 12 of the proposed Inverclyde Local Development Plan.
4. The proposal would result in a commercial facility operating within the heart of a residential area with customer movements above and beyond those associated with the normal movements associated with a dwellinghouse which could be detrimental to residential amenity and the proposal is thus contrary to Policy 20 of the proposed Inverclyde Local Development Plan.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 22nd day of October 2021



Mr Stuart W. Jamieson
Interim Service Director
Environment and Economic Recovery

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.
- 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
100054135		23.06.2021
01 PL		
Photo		

**8. NOTICE OF REVIEW FORM DATED 12 JANUARY
2022 WITH SUPPORTING STATEMENT FROM
BRYCE BOYD PLANNING SOLUTIONS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100519921-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	bryce boyd planning solutions		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	bryce	Building Name:	ellersleigh
Last Name: *	boyd	Building Number:	
Telephone Number: *	01505874489	Address 1 (Street): *	castlehill road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	kilmacolm
Fax Number:		Country: *	UK
		Postcode: *	pa13 4el
Email Address: *	bboydplanning@aol.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="claire"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="clarke"/>	Address 1 (Street): *	<input type="text" value="orchard grove"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="kilmacolm"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="uk"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="pa13 4hq"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Inverclyde Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="4 ORCHARD GROVE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KILMACOLM"/>
Post Code:	<input type="text" value="PA13 4HQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="669855"/>	Easting	<input type="text" value="235473"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

change of use of part of domestic garage to beauty salon (sui generis)

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

see attached grounds of appeal

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

grounds of appeal plus productions 1-6

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/0195/IC

What date was the application submitted to the planning authority? *

01/07/2021

What date was the decision issued by the planning authority? *

22/10/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr bryce boyd

Declaration Date: 12/01/2022



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

GROUNDS OF APPEAL

SUBMISSION AGAINST REFUSAL OF PLANNING PERMISSION BY INVERCLYDE COUNCIL FOR CHANGE OF USE OF PART OF DOMESTIC GARAGE TO BEAUTY SALON (SUI GENERIS) AT 4 ORCHARD GROVE KILMACOLM

PLANNING REF: 21/0195/IC

1.0 INTRODUCTION

- 1.1 In July 2021 a Planning Application was submitted to Inverclyde Council for Planning Permission for the change of use of part of a domestic garage to a beauty salon at 4 Orchard Grove, Kilmacolm.
- 1.2 The Planning Application was accompanied by a Supporting Statement outlining the history of the business and the background to the Planning Application including the exceptional circumstances leading to the use of the garage area for the provision of beauty services. The Application was also accompanied by a number of letters of support pertaining to the Planning Application.

Production 1 - Supporting Statement

Production 2 - Letters of Support 1

Production 3 - Letters of Support 2

- 1.3 On 22 October 2021 Inverclyde Council issued a Decision Notice in respect of the Planning Application refusing planning permission on the following grounds.
 1. The proposal conflicts with criterion (c) in Policy 24 of the Inverclyde Local Development Plan, as it would encourage customers using the beauty salon away from nearby town centres, negatively impacting on footfall and it does not make use of a vacant unit within the town centre.
 2. The proposal fails to demonstrate that there are no suitable sequentially preferable opportunities available in the nearby town and local centres, therefore it fails to meet the requirements of Policy 22 of the Inverclyde Local Development Plan and Policy 23 of the proposed Inverclyde Local Development Plan.

3. The proposal fails to provide the required number of parking spaces required to meet the Council's road parking standards and therefore contrary to Policy 11 of the Inverclyde Local Development Plan and Policy 12 of the proposed Inverclyde Local Development Plan.
4. The proposal would result in a commercial facility operating in the heart of a residential area with customer movements above and beyond those associated with the normal movements associated with a dwellinghouse which could be detrimental to residential amenity and the proposal is thus contrary to Policy 20 of the proposed Inverclyde Local Development Plan

Production 4 – Decision Notice

- 1.4 The Decision Notice was accompanied by the Report of Handling prepared in respect of the Planning Application which outlines the justification for the Refusal of Planning Permission.

Production 5 – Report of Handling

2.0 HISTORY

- 2.1 The background and history to this Planning Application was detailed in the Supporting Statement submitted together with the Application, see Production 1.
- 2.2 The Statement outlined that the Applicant had in fact operated a beauty salon business, Beautique, in the village centre of Kilmacolm since 2007. The shop unit was located in the centre of the village on Lochwinnoch Road and employed two members of staff in addition to the Applicant.
- 2.3 With the outbreak of Covid in early 2020 and trade closing down for some months, the two staff members were lost to the business. In September 2020, the Applicant restarted the business on her own under all the new regulations and operated on this much reduced basis until the second lockdown in December. During all of this time rental had to be paid on the property and with the second lockdown, it became completely unviable to continue with the business at these premises.
- 2.4 The clientele of the salon are almost all from the local area and are former clients of the shop premises. Considerable support for the current operation exists amongst these clients from the local community as is demonstrated in the letters of support submitted with the Planning Application (See Productions 1 & 2)

3.0 THE APPEAL SITE AND PROPOSED DEVELOPMENT

- 3.1 The Appeal site is located at the end of a short cul-de-sac and comprises part of the former garage of the dwelling which is integral to the dwelling. There is no internal link between the dwelling and the former garage area. In addition to the former garage, two additional parking spaces are available on the driveway leading to the house.
- 3.2 Part of the former garage has been converted to provide a bespoke area where limited beauty treatment may be carried out safely and in compliance with Covid 19 regulations.
- 3.3 The hours of operation are Monday to Friday 9.15 until 14.30 and two evenings per week between 17.00 and 19.00. All appointments are made on line and no walk in appointments are available. There is a one-in/one-out system in place and never more than one client on the premises at any one time. The vast majority of the clients arrive at the premises on foot. Off street parking provision is available for the few clients arriving by car.
- 3.4 Although the hours of operation are as detailed above the normal level of trade is 3 to 4 clients per day each lasting between 45 minutes and one hour and there is a minimum of 15 minutes between appointments to enable the area to be cleaned and sanitised prior to the next appointment.

4.0 GROUNDS OF APPEAL

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 In refusing planning permission, the Interim Service Director, Environment and Economic Recovery has indicated that proposal is contrary to a number of the Policies of the Inverclyde Local Development Plan.
- 4.3 It is submitted that the Supporting Statement, Production 1, submitted together with the Planning Application, clearly outlined the Material Considerations pertaining to this Application which provides more than ample justification, given the extenuating circumstances, for granting Planning Permission in this instance in terms of Section 25 of the Planning Act referred to above.

5.0 ANALYSIS OF GROUNDS OF REFUSAL IN RESPECT OF THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

- 5.1 As outlined above, the Planning Authority has indicated that the reason for refusing planning permission is based on the fact that the proposal is in respect

of a commercial operation in a residential area and that such uses should be based in the village centre. The reasons for refusal go on to indicate that the business will generate additional activity in the residential area and will detract from the amenity of the area by introducing this additional activity. Lastly, it is suggested by the Planning Authority that there is a lack of off street parking facilities and as such may lead to problems with residential parking in this area.

- 5.2 As outlined in the Supporting Statement, Production 1, which accompanied the Planning Application the Appellant operated a Beauty Salon from a shop in the centre of Kilmacolm since 2007, some thirteen years before the pandemic struck. After the first lockdown, the business was re-started from the shop; however with the second lockdown in December 2020 it became financially unviable to continue to operate from these rented premises.
- 5.3 The decision to commence the operation offering a much reduced service from the former garage area was started, very much as a result of requests from former clients from the provision of such a service for the residents of Kilmacolm. As outlined above, and detailed in the supporting statement 90% of the clients of the business are residents of Kilmacolm. This indicates a strong support and trust for the service provided by the Appellant from the local community (See Productions 1 & 2).
- 5.4 As outlined in the original Planning Application, the current service provided by the business is at a much reduced level to that which was previously provided from the shop premises in the village centre. The shop provided a full service of beauty treatments including body massage, body treatments, facial treatments, lash treatments, spray tanning, nails waxing etc.
- 5.5 The very modest service provided from the current premises is restricted to nail and brow treatments. The current premises comprise part of the former garage area of the house, the total area being only some 10 square metres. This equates to the size of a small bedroom.
- 5.6 As detailed above some, 90% of the clients visiting the premises live in Kilmacolm and the vast majority of these clients arrive at the premises by foot, some 70% (see Production 1). Almost all of these clients are long established customers of the beauty salon and have been making use of the facilities offered over a period extending back over ten years.
- 5.7 It is further worth noting that it was these clients who requested that the Appellant continued to provide this type of service within the village, after having been forced to close owing to the Covid outbreak, to save them having to travel some distance to access similar facilities and continue to support a trusted local business during these very challenging times for locally owned and operated businesses.
- 5.8 The first ground of refusal indicates that the proposal encourages to customers using the beauty facilities away from the nearby centre and has a negative

- impact on footfall at the town centre and does not make use of a vacant unit in the town centre.
- 5.9 As detailed above, the service offered by the Appellant is not a full beauty salon service and is now restricted to nails and brows. The number of people making use of this facility is very modest, on average only twenty per week. This can hardly be judged as having a negative impact on the viability of the village centre.
- 5.10 Additionally, to my client's knowledge, and from investigating the availability of commercial premises within the village centre, there are no retail units of 10 sq. metres on the market, this being the area currently used by my client in her garage area.
- 5.11 The second ground of refusal indicates that the Applicant has failed to demonstrate that there are no suitable opportunities available in nearby town centres and local centres for the provision of this service.
- 5.12 In response, the Appellant was at no time requested by the planning officials to provide this information to the Planning Authority to support her Planning Application. Had she been asked to do so then it would have been very swiftly established that there are no commercial premises of some 10 sq. metres available in the village to provide the service currently provided.
- 5.13 The third reason for refusal relates to the number of parking spaces required to meet the Roads Sections requirements in terms of off street car parking, the roads officials having indicated that 2 spaces are required for the dwelling and 1 space for the business.
- 5.14 The Appellant was asked to clarify the parking arrangements in respect of the proposal by the planning officials and her response, which I submitted on her behalf was as follows:

"I have now heard back from my client in respect of your recent email.

She confirms that the driveway at the house can accommodate only two parked vehicles, and additionally has asked me to confirm to the Council that the arrangements for parking at the premises are detailed in the Supporting Statement submitted with the application.

The Statement indicated that the vast majority, some 70% of her clients, arrive at the premises by foot. For the limited number who arrive by car there is always room in the driveway for parking as the only car parked there during the week days is her own car. On the limited occasion when she is working in the evenings her partner leaves his car at his business address and is therefore not in the driveway.

I trust that the above clarifies the situation in respect of the comments from your colleagues in the Roads Section."

- 5.15 As can be seen clearly from the above statement, the vast majority of clients arrive at the premises by foot and for the few who do arrive by car, there is adequate off-street parking available for their use.
- 5.16 The final reason for refusal indicates that the commercial facility operating within a residential area would lead to customer movements above and beyond those associated with a dwelling house and be detrimental to residential amenity.
- 5.17 As has previously been detailed above, the very limited operation at the premises generates an extremely modest level of additional movements within the residential area owing to the restricted service being offered and the fact this it is offered on a one to one basis. The nature of the business also ensures that there is no issue of any noise or disturbance emanating from the premises.
- 5.18 It is also worth noting, in regard to this ground of refusal, that the activity generated by the Appellant's business is far less than the two pre and after school clubs which operate from residential properties with this general area and the dog grooming business which again is operating from a residential property in this part of Kilmacolm.
- 5.19 It is submitted that these other business activities cause a far greater degree of disturbance and loss of amenity to the residential area, caused by volume of movements and noise, than the Appellant's business.
- 5.20 It should also be noted that some aspects of the analysis of the proposal contained in the Assessment Section of the Report of handling, Production 5 do not reflect the reality of the options open to the Planning Authority in dealing with this Planning Application.
- 5.21 In his analysis of the proposed development in terms of Policy 20 of the Proposed Local Development Plan, the Interim Service Director Environment & Economic Recovery indicates that:
- "Furthermore, once a permission for a part change of use is established there would be no control on the intensity level of the business or who was operating it."*
- 5.22 It is submitted that this analysis of the powers available to the Planning Authority is to say the least, misleading and not entirely accurate.
- 5.23 The intensity of the level of use of the activity at the site is controlled by the size of the facility available. As outlined above the treatment area covers on area of only 10 sq. metres and any increase in this area to provide additional facilities would require the benefit of the approval of a further Planning Application.
- 5.24 Also, as outlined above, it is clearly stated in the Supporting Statement, Production 1, that only one person is permitted at the premises at any one

time. This aspect could, if required, be enforced by the Planning Authority by the use of a condition.

- 5.25 Additionally, if the Planning Authority has concerns in respect of the intensity of the business, this could be controlled further by the use of a condition restricting the hours of operation of the business to ensure that the amenity of the surrounding residential area was not compromised.
- 5.26 Lastly, in regard to the statement that there would be no control in respect of who was operating the business, it would be completely in accord with National Advice for the Planning Authority to impose a further condition restricting the use of the premises to the Applicant. The Planning Permission would therefore be a personal condition and only be valid for the use of the Applicant.
- 5.27 The advice provided in respect of personal permissions indicates that such permissions are acceptable on compassionate or personal grounds and it is submitted that the current Covid 19 crisis provides justification for the use of such a condition in this instance, given the background to this Planning Application.

***Production 6 – Extract from Circular 4/1998
The Use of Conditions in Planning Permissions***

6.0 THIRD PARTY AND COMMUNITY COUNCIL REPRESENTATIONS

- 6.1 It should be noted that, as a result of Neighbour Notification, no objections to the Planning Application were received by the Planning Authority which suggests that the immediate neighbours do not have any concerns in respect of the operation of the business nor concerns in respect of loss of amenity. Indeed, letters of support were submitted with the Planning Application, indicating strong local support for the business.
- 6.2 Kilmacolm Civic Trust indicated that it had no objections in Principle to the Application but did raise concerns about parking requirements. The parking arrangements in respect of the very limited use of the business by patrons using their cars is all detailed above, demonstrating that off street parking is always available.

7.0 CONCLUSIONS

- 7.1 The proposal before the Review Body is for the use of a portion of a garage to provide a very limited beauty service to the residents of Kilmacolm.
- 7.2 The Appellant has operated in the Kilmacolm area for in excess to fourteen years and was forced to close her former shop premises in the centre of Kilmacolm following lockdowns imposed by government in response to the Covid pandemic.

- 7.3 The very limited service provided from the current premises was commenced wholly at the behest of former clients asking that a trusted local service remained in the village.
- 7.4 The Appellant has taken vigorous steps to ensure that the service is limited and only one client at a time is permitted to visit the premises, all protocols are followed in respect of cleaning and sanitation between clients and that off street parking is provided for the very limited number of clients who choose to arrive at the premises by car.
- 7.5 Given the ongoing Covid pandemic, which has severely disrupted the provision of services throughout Inverclyde and with no end yet in sight, it is submitted that this facility should be retained for local residents.
- 7.6 For all of the reasons outlined above it is requested that this Appeal be upheld and planning permission granted for the change of use of part of a domestic garage to a beauty salon at 4 Orchard Grove, Kilmacolm.

Evelyn Chalk
Director
6 Orchard Grove
Kilmacolm
Renfrewshire
PA13 4HQ

Dear Sir/Madam

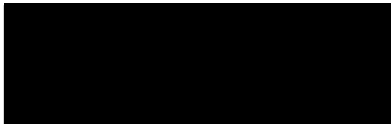
Mrs Claire Clarke, 4 Orchard Grove, Kilmacolm, PA13 4HQ

With reference to Claire's nail business being sited at her home, I would like to state that as a neighbour I have found absolutely no disruption or increased traffic in our cul-de-sac.

I can vouch that Claire is a consummate professional in the way she conducts her business – I have been a client of her salon for over 10 years. I am also Director for Scotland for a Health Tech company supplying solutions and software to the NHS in Scotland and therefore feel qualified to make that statement.

I see no reason why she should not be allowed to continue with her business. As we all know, the COVID 19 pandemic has caused much hardship and personal loss. Claire is trying to ensure she keeps a roof over her family's head in the only way she can under the circumstances and has made every effort to ensure there is no disruption to her neighbours.

Yours faithfully,

A solid black rectangular box used to redact the signature of Evelyn Chalk.

Evelyn Chalk

Dr. Alison E Balfour

The Hermitage

Burndale Lane

Kilmacolm

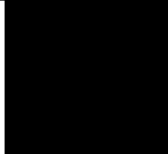
15 June 2021

To whom it may concern

I have been a client of Beautique (Kilmacolm) Ltd for over 10 years. During that time the owner Mrs Claire Clarke has always been reliable, professional and business like. She has impressed me with her ability to manage health and safety regulations and to safely navigate customers through COVID regulations. I am happy to be contacted if her suitability as a business owner requires to be discussed further.

Yours sincerely


Alison E Balfour

BSc, MB, ChB, FRCPath


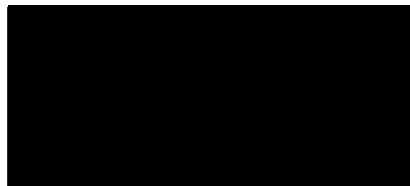
"Cramond"
1 Orchard Grove
Kilmacolm
Renfrewshire
PA13 4HQ

9/6/21

Dear Sir / Madam

I am writing to confirm that since Mrs Claire Clarke has converted her garage into a beauty salon that we feel that she has been respectful and sensitive to us with regards to client parking and noise. Mrs Clarke informed us that her working hours are only during school hours ie 9am to 3pm. We feel this has not had a detrimental affect on our cul-de-sac, and wish her well with her business.

Yours sincerely



Signed: J. Craig

From: [REDACTED]

To: bboydplanning@aol.com,

Date: Tue, 22 Jun 2021 9:50

Dear Mr Boyd

Regarding the Beauty Salon in Orchard Grove, Kilmacolm. My neighbour Mrs Claire Clark has contacted me to confirm that she does at present also work a few evenings from 5 to 7pm. In my previous letter to you I had only referred to the hours of 9am to 3pm. I can confirm that I have not found the evening work to cause any undue disruption to myself within our cul de sac either.

Yours sincerely

J.Craig.

--

Sent from myMail for Android

From: [REDACTED]**To:** bboydplanning@aol.com,**Subject:** Fwd: FAO Mr Boyd**Date:** Mon, 21 Jun 2021 21:13

Sent from my iPhone

Begin forwarded message:

From: Erika <[REDACTED]>
Date: 16 June 2021 at 15:15:08 BST
To: claire clarke <[REDACTED]>
Subject: FAO Mr Boyd

Dear Mr Boyd

I am writing to strongly support Claire's application to run her business, Beautique, from her home. In fact, I am surprised that she is having to apply for this in the first place!

I have been going to Beautique for ten years. During Covid, many businesses shut down and others suffered huge financial losses. Claire was not able to open her salon due to restrictions but still had to pay rent for her premises thus incurring financial losses.

I was delighted when I heard that Beautique was going to open up from Claire's home. She has transformed her garage into a beautiful salon. This is a professional salon and has the same feeling and exemplary standards that she had when she had Beautique in her original premises. The space has been renovated professionally and she runs it with the same professional manner as she did before.

Since she has been able to see clients from her new premises, I have never been waiting for someone else to leave and I have not seen anyone waiting when I have left. I walk to the new premises as I, along with other clients, am conscientious of neighbours. Claire maintains her professional manner throughout and meets all Covid safety protocols. I pay by contactless card and book my appointments online which is so handy as a customer.

In fact, the world has had to adapt to home working. So many other businesses have been working from home since March 2020 so I am puzzled why Claire is having to apply for permission for her to do the same. It is a professional business, I have seen no disruption in the road or with parking. Businesses are having to adapt to the new way of working and Claire has done it brilliantly.

If you require any further information, please do not hesitate to contact me. Otherwise, I fully support this application.

Kind regards

Dr Erika Letson
General Practitioner

Sent from my iPhone

From: [REDACTED]**To:** bboydplanning@aol.com,**CC:** [REDACTED]**Subject:** Planning application Claire Clarke**Date:** Mon, 21 Jun 2021 22:00

I am writing in relation to the planning application made by Claire Clarke of Kilmacolm.

I have been a client of Claire since she opened her business in Kilmzcolm Village. Claire has since moved to her new premises which enables her to continue to offer the very high standard of service which she has always been known for.

I work in a professional capacity as a manager with Renfrewshire Council and the standard of service Claire provides allows me to have a calm quiet service in a very quiet and calm setting.

I realise Claire has relocated to premises at her home. I have taken great respect of her neighbours, always walk to her salon avoiding any excess traffic around her address, and I know other clients are also taking the same approach, respecting the peace of the neighbourhood.

Claire has always taken a very responsible approach to her business, ensuring a very high quality of service and the current business allows her to operate in a very quiet, calm and tranquil setting.

I regard the current business offered by Claire to be of the highest standard and delivered in a professional and responsible manner suiting the clients who attend.

If I can offer any other support to Claire's planning application, please do get in touch.

Regards,Dorothy MacKillop

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Planning Circular 4/1998: the us...

not normally be material changes of use involving development. Conditions of this kind can be burdensome to some technologically advanced industries. They may have a need for higher than normal levels of ancillary office, research or storage uses, or for short-term changes in uses or the balance of uses. Such conditions should, therefore, not normally be imposed on permissions for manufacturing or service industry, except where they are designed to preclude or regulate activities giving rise to hazard, noise or offensive emissions.

Conditions restricting the occupancy of buildings and land

Occupancy: general considerations

91. Since planning controls are concerned with the use of land rather than the identity of the user, the question of who is to occupy premises for which permission is to be granted will normally be irrelevant. Conditions restricting occupancy to a particular occupier or class of occupier should only be used when special planning grounds can be demonstrated and where the alternative would normally be refusal of permission.

Personal permissions

92. Unless the permission otherwise provides, planning permission runs with the land and it is seldom desirable to provide otherwise. There are occasions relating, for example, to strong compassionate or other personal grounds, where the planning authority is minded to grant permission for the use of a building or land for some purpose which would not normally be allowed. In such a case the permission may be made subject to a condition that it shall enure only for the benefit of a named person- usually the applicant. A permission personal to a company is generally inappropriate. Conditions of this type will scarcely ever be justified in the case of a permission for the erection of a permanent building.

General undesirability of commercial and industrial occupancy conditions

93. Conditions are sometimes imposed to confine the occupation of commercial or industrial premises to local firms. Such conditions can act- undesirably- to protect local businesses against fair competition and may hinder the movement of industry in response to economic demand. If a service, or the employment it generates, is needed in an area, there is no planning reason why it should be provided by one firm rather than another. Commercial and industrial buildings in an area of open countryside will not become more acceptable because their occupancy is restricted, nor will the expansion of a local firm necessarily lead to less pressure for further development (eg housing) than the arrival of a firm from outside. The Secretary of State therefore regards such conditions as undesirable in principle.

Conditions governing size of unit occupied

94. Conditions requiring that a large commercial or industrial building should be occupied either only as a single unit or, alternatively, only in suites not exceeding a certain area or floorspace, represent a significant interference with property rights which is likely to inhibit or delay the productive use of the buildings affected. Such conditions should, therefore, normally be avoided.

**9. SUGGESTED CONDITION SHOULD PLANNING
PERMISSION BE GRANTED ON REVIEW**

21/0195/IC - Review - Suggested Condition

Should planning permission in principle be granted on review the following condition is suggested.

Condition:

1. This permission hereby granted shall enure solely for the benefit of the applicant.

Reason:

1. In the interests of preserving the residential amenity of houses adjoining the site.