

**Local Review Body**

**5 March 2014**

**Planning Application for Review**

**Ms M Whitehead**

**Change of use of house to a house and child minding operation for up to 10 children:**

**7 Fox Street, Greenock (13/0305/IC)**

**Contents**

- Planning Application and plans
- Site Photographs
- Report of Handling dated 21 November 2013
- Consultation Responses
- Decision Notice dated 25 November 2013
- Notice of Review Form dated 9 January 2014 together with supporting documents (NB Letters of Support and Scottish Government Appeal Decision Notice not included with the papers in accordance with the criteria set out in Section 43(B) of the Town & Country Planning (Scotland) Act 1997).
- Email dated 21 January 2014 from Blueprint Planning & Development Ltd on Letters of Support and Scottish Government Appeal Decision Notice
- Suggested condition should planning permission be granted on review

# PLANNING APPLICATION AND PLANS

# Inverclyde council

Municipal Buildings Clyde Square Greenock PA15 1LY

Tel: 01475 712 406

Fax: 01475 712 468

Email: [planning.dlm@inverclyde.gov.uk](mailto:planning.dlm@inverclyde.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE                      000072885-002

The online ref number 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: \*

We strongly recommend that you refer to the help text before you complete this section.

- 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)

Existing childminder applying for retrospective planning permission as amount of children looked after is now 10 (including applicants 2 children) - material change of use. Childminding commenced 4 years ago, however two years ago number of children approved by Care Inspectorate increased to maximum of 10 hence the retrospective planning approval is needed. Part of the house is used for childminding purposes, however no changes to the layout in the house have taken place.

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

Have the works already been started or completed? \*

No  Yes - Started  Yes - Completed

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

01/04/11

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

There has been no work done or required (apart from installing a MAINS operated fire alarms as requested by the fire officer) as I am using my house for the childminding. However the childminding has been in operation for the last two years with the number of children that requires the material change of use retrospective planning application. I was not aware of this requirement as no planning permission was required when I started 4 years ago.

## 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

## Applicant Details

Please enter Applicant details

Title: *	Mrs
Other Title:	
First Name: *	Maria
Last Name: *	Whitehead
Company/Organisation:	
Telephone Number: *	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	

You must enter a Building Name or Number, or both:\*

Building Name:	
Building Number:	7
Address 1 (Street): *	Fox street
Address 2:	
Town/City: *	Greenock
Country: *	UK
Postcode: *	PA16 8AT

## Site Address Details

Planning Authority: Inverclyde Council

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

Address 1:	7 Fox Street	Address 5:	
Address 2:	Greenock	Town/City/Settlement:	GREENOCK
Address 3:		Post Code:	PA16 8AT
Address 4:			

Please identify/describe the location of the site or sites.

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Northing 677329

Easting 227106

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details

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)

Mr Guy Phillips advised I need to apply for retrospective planning permission as the number of minded children has increased.

Title:	Mr	Other title:	
First Name:	Guy	Last Name:	Phillips
Correspondence Reference Number:		Date (dd/mm/yyyy):	19/09/13

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:

300.00

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)

A family house, of which a part is also used for chldminding.

## Access and Parking

Are you proposing a new or 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 changes to public paths, public rights of way or affecting any public rights 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? \*

4

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)? \*

4

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, cycle 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)

It is already in place

## 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

## 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 2008) \*

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 B – Town and Country Planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this 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 2008

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: Mrs Maria Whitehead

On behalf of:

Date: 08/10/2013

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 2008

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, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (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 County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

c) 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 2008, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

d) 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 2008) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

e) 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

f) 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.



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: Mrs Maria Whitehead  
Declaration Date: 08/10/2013  
Submission Date: 08/10/2013

### Payment Details

Cheque: Mr S & Mrs M Whitehead,

Created: 08/10/2013 13:32

# SITE PHOTOGRAPHS







**REPORT OF HANDLING DATED  
21 NOVEMBER 2013**

**REPORT OF HANDLING**

**Report By:** Guy Phillips

**Report No:**

13/0305/IC

**Local Application  
Development**

**Contact  
Officer:** 01475 712422

**Date:**

21st November 2013

**Subject:** Change of use of house to a house and child minding operation for up to 10 children (in retrospect) at  
7 Fox Street, Greenock

**SITE DESCRIPTION**

7 Fox Street is two and a half storey, semi-detached, Victorian property with an elevated ground floor. It is on the south east side of the street and located within the Greenock West End Conservation Area. The surrounding area is predominantly residential although a former car showroom at the nearby junction of Eldon Street and Fox Street is in the process of being converted to a convenience store.

**PROPOSAL**

The applicant operates a child minding business within the basement in association with her occupation of the house. The rear garden is also used for the child minding business. Hours of operation are from 08.00 to 17.30. As such, the planning application is in retrospect. A Care Inspectorate Certificate allows for up to 10 children to be cared for when the applicant is accompanied by an assistant.

**DEVELOPMENT PLAN POLICIES**

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

Local Plan Policy H9 - Non-Residential Development Proposals within Residential Areas

The introduction of new, or the extension of, non-residential uses in existing residential areas will be acceptable only where such uses are compatible with the character and amenity of the area and satisfy other relevant policies of the Local Plan.

**PROPOSED LOCAL DEVELOPMENT PLAN POLICIES**

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

## **CONSULTATIONS**

**Head of Environmental and Commercial Services** – no objections.

**Head of Safer and Inclusive Communities** – there are reservations about this application due to potential noise nuisance to other residential properties, both within the building, and adjacent properties. It would be very difficult to control the noise of children outside.

## **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**

No written representations have been received.

## **ASSESSMENT**

The material considerations in the determination of this planning application are the Local Plan, the proposed Local Development Plan and the consultation responses.

As development spreads west from Greenock town centre the character of the Greenock West End Conservation Area changes. Whereas closer to the town centre development density is higher and there is a greater mix of residential and business uses, the area surrounding the application site, with rare exception, is residential in character. Residents have a reasonable expectation that this residential character will be retained and that, excepting existing established businesses, non-residential uses will be resisted and only those compatible with safeguarding residential amenity and character will be permitted. This is reflected by Policies H1 and H9 of the Local Plan and RES1 of the proposed Local Development Plan.

In assessing this application against policies H1, H9 and RES1 it is necessary to examine whether permitting the change of use of a semi-detached house in a residential area to a house and child minding business with two members of staff and catering for up to 10 children safeguards the residential amenity of neighbours. In making my assessment I recognise that this business could operate with the resident licensed for up to 6 children, however I am obliged to consider this proposal which, due to the employment of a member of staff is a more intense and commercial operation.

This proposal will generate two impacts; coming and going as children are delivered and picked up and the consequential noise and activities associated with up to 10 pre-school children in the same premises.



Fox Street is a quiet residential street. While every building generates a degree of activity, the significant numbers of children and their carers, well in excess of what would be expected from what is currently a semi-detached house, will by consequence spread the disturbance beyond the application site as those dropping off and collecting will be forced to park away from the entrance door. While I accept that there are no objections from the Head of Environmental and Commercial Services on road safety grounds and that there is parking for 2 cars within the driveway, this application encourages the spread of parking and consequent disturbance. Overall, I consider vehicles arriving and departing and children being delivered and uplifted from early morning introduce a degree of noise, disturbance and intensity of activity untypical of a residential area and harmful to residential amenity and character.

The most significant impact from noise and disturbance is, I consider, from within the semi-detached house and is greatest upon others in the building. I consider that the impact of noise generation from up to 10 young children within the house, along with their use of the rear garden, is, inevitably, harmful to occupiers of the adjoining house at No 5, other neighbouring properties and residential amenity and character in the area. Nearby residents should, I consider, be able to enjoy private garden space free from disturbance from business premises. The Head of Safer and Inclusive Communities shares my concerns about impact from noise.

Although the numbers of children involved in this instance are less, the proposal is comparable with the refusal on appeal to the Scottish Ministers of the change of use of a basement flat to a childrens nursery at 72 Union Street in 1992. The Reporter advised that he had "no doubt that the noise which is likely to be generated by up to 23 young children would be quite capable of penetrating the adjoining flat – even with better insulation to the mutual wall. Similarly I consider that the noise of such numbers of children at play within the small garden area, would be likely to reach a level which could be a source of irritation to neighbours wishing to enjoy the privacy of their gardens."

This refusal is also consistent with the refusal of planning permission in November 2013 for the change of use of the ground floor flat at 18 Eldon to a childrens nursery. 18 Eldon Street is next door to the application site at 7 Fox Street. Planning permission was refused there as:

"The proposal shall introduce noise and activity between the hours of 07.30 and 18.00 in a predominantly residential area, to the detriment of nearby residents and the overall character of the area and contrary to policies H1 and H9 of the Local Plan and policy RES1 of the proposed Local Development Plan."

## **RECOMMENDATION**

That the application be refused.

### **Reason**

The proposal shall introduce noise and activity between the hours of 08.00 and 17.30 in a predominantly residential area, to the detriment of nearby residents and the overall character of the area and contrary to policies H1 and H9 of the Local Plan and policy RES1 of the proposed Local Development Plan.

Signed:

Case Officer: Guy Phillips

Stuart Jamieson  
Head of Regeneration and Planning

# CONSULTATION RESPONSES

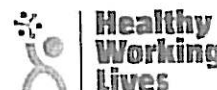
Memorandum Safer Communities Planning Application Consultation Response	
To: Planning Services For the Attention of Guy Phillips	
From: Safer and Inclusive Communities	Date of Issue to Planning: 30.10.13

Lead Officer: Jim Blair	
Tel: 01475 71 4305	Email: jim.blair@inverclyde.gov.uk

Safer Communities Reference (optional):	
Planning Application Reference:	13 / 0305 / IC
Planning Application Address:	7, FOX STREET, GREENOCK, PA16 8AT
Planning Application Proposal:	CHANGE OF USE OF A HOUSE TO A HOUSE AND A CHILD MINDING OPERATION FOR UP TO 10 CHILDREN (IN RETROSPECT)

Team	Officer	Date
Food & Health	Michael Lapsley	
Environment & Safety <i>Contaminated Land</i>	Sharon Lindsay Roslyn McIntosh	22.10
Public Health & Housing	Jim Blair	30.10.13
Environment and Enforcement	Stewart Mackenzie	21.10

*Amend table entries as appropriate and insert date when each officer review is completed.*



**Recommended Conditions:**

It is recommended that the undernoted conditions be placed on any consent the council may grant:

*Delete or amend as appropriate*

<b>Food &amp; Health</b>
No Comments
<b>Environment &amp; Safety</b>
No Comments
<b>Contaminated Land</b>
No Comments

<b>Public Health &amp; Housing</b>
No Comment.
<b>Environment and Enforcement</b>
1. The sound insulation should have regard to advice and standards contained in the current Scottish Building Regulations. Reason: To ensure that acceptable noise and vibration levels are not exceeded.
2. We would have some reservations about this application due to potential noise nuisance to other residential properties, both within the building, and adjacent properties. It would be very difficult for us to control the noise of children outside.

***Recommended Advisory Notes***

It is strongly recommended that the undernoted Advisory Notes be placed on any consent the Council may grant:

- i. **Consultation on Proposed Use:** It is strongly recommended that prior to the commencement of any works the applicant consults with Officers of Safer and Inclusive Communities to ensure structural compliance with legislation relating to;
  - a) Food Safety Legislation,
  - b) Health and Safety at Work etc. Act 1974,

## Guy Phillips

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**From:** Guy Phillips  
**Sent:** 10 December 2013 14:03  
**To:** 'David Innes'  
**Subject:** FW: 13/305/IC  
**Attachments:** 242.doc

David,

Please see the response from Environmental & Commercial Services below.

My records show that the consultation request was issued on 15th October.

Guy Phillips  
Senior Town Planner  
Inverclyde Council  
Dept Of Regeneration & Planning  
Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

01475 712422

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**From:** Donald Chisholm  
**Sent:** 10 December 2013 13:46  
**To:** Guy Phillips  
**Cc:** Mark Higginbotham  
**Subject:** 13/305/IC

Guy

Service not consulted on application, however as per our response on Eldon St, adequate parking in Fox St, therefore no objection.

Parking for staff should be provided if possible off road.

Donald A Chisholm  
Technician  
Environmental Services  
71 East Hamilton Street  
Greenock  
PA15 2UA  
01475 714841

**DECISION NOTICE DATED  
25 NOVEMBER 2013**



# DECISION NOTICE

Inverclyde  
council

## *Refusal of Planning Permission*

Issued under Delegated Powers

Regeneration and Planning  
Municipal Buildings  
Clyde Square  
Greenock PA15 1LY

Planning Ref: 13/0305/IC

Online Ref:000072885-002

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

Mrs Maria Whitehead  
7 Fox Street  
GREENOCK  
PA16 8AT

With reference to your application dated 8th October 2013 for planning permission under the above mentioned Act and Regulation for the following development:-

**Change of use of house to a house and child minding operation for up to 10 children (in retrospect) at**

**7 Fox Street, Greenock**

**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 reason for the Council's decision is:-

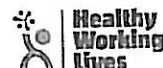
1. The proposal shall introduce noise and activity between the hours of 08.00 and 17.30 in a predominantly residential area, to the detriment of nearby residents and the overall character of the area and contrary to policies H1 and H9 of the Local Plan and policy RES1 of the proposed Local Development Plan.

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

Dated this 25th day of November 2013



Head of Regeneration and Planning



- 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:
CERT. OF REGISTRATION		16.08.2013
100028305		06.10.2013

**NOTICE OF REVIEW FORM AND  
SUPPORTING DOCUMENTATION**

# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN  
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.  
Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name   
 Address   
  
  
 Postcode   
 Contact Telephone 1   
 Contact Telephone 2   
 Fax No   
 E-mail\*

## Agent (if any)

Name   
 Address   
  
  
 Postcode   
 Contact Telephone 1   
 Contact Telephone 2   
 Fax No   
 E-mail\*

Mark this box to confirm all contact should be  
through this representative:

\* Do you agree to correspondence regarding your review being sent by e-mail? Yes  No

Planning authority   
 Planning authority's application reference number   
 Site address   
 Description of proposed development   
 Date of application  Date of decision (if any)

**Note.** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Additional written information clarifies issues raised in the Report of Handling relating to the application.

**Site inspection**

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

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Details set out in the accompanying Appeal Statement

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

New information has been submitted to the LRB to demonstrate that the reason for refusal is not valid.

**List of documents and evidence**

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.

LRB Statement and CD with document number BP1 through to BP

BP1 - Site Plan, BP2- Registration Certificate, BP3 - Decision Notice, BP4 - Inverclyde Policy, BP5 - Letters, BP6 - Appeal Decision

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

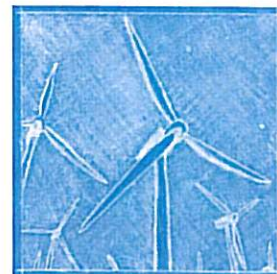
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed  Date 9 January 2014



Blueprint Planning & Development Ltd

# LRB Appeal Statement for 7 Fox Street, Greenock

7 Fox Street  
Greenock  
Inverclyde Council  
Planning Application Ref: 13/0305/IC



## Contents

Statement of Review for the Local Review Body	2
Introduction	2
Summary	2
Reason for Refusal	3
Comments on the Report of Handling (RoH)	3
Assessment	4
Conclusion	6

# Statement of Review for the Local Review Body

7 Fox Street, Greenock

Change of use of house to a house and child minding operation for up to 10 children (in retrospect)

## Introduction

1. 7 Fox Street is a semi-detached Victorian property, which is located in a predominantly residential area in the West End of Greenock Conservation Area. (See Site Plan Appended at BP1.) The only attached property is the other part of the semi-detached unit at no. 5. The site backs onto a parking area at the end of the garden and due to the layout of the site and buildings in the area, there are only two other properties with the potential to experience any disturbance and they are located on Eldon Street. Eldon Street is an A Class Road, which is a major thoroughfare and bus route. The junction of Eldon Street and Fox Street is considered to be a busy local environment. Fox Street is a wide tree-lined road, with ample parking space, that leads from Eldon Street to the Esplanade. There are a number of commercial properties in the area.
2. The child-minding operation has been ongoing for 5 years and was originally set up following consultation with Inverclyde Council as permitted development, which allows the care of up to 6 children without the need for planning permission. A family member was employed in 2011, who was replaced by an apprentice in 2012 and then was replaced by an Assistant in 2013. This allowed the number of children to increase to the maximum of 10 at any one time as allowed by the Registration Certificate. It should be noted that for most of the hours of operation there are still less than 6 children being minded on the premises. The hours of operation are from 08:00 to 17:30 Monday to Friday. The Registration Certificate states that there can only be one child under 1 year old at any one time and no more than 6 children under school age at any one time. (See Registration Certificate Appended at BP2.)
3. In order to regularise the current situation, Planning Application reference 13/0305/IC was submitted. It was validated on 8 October 2013.
4. The application was refused on 25 November 2013 on the basis that the change of use would introduce noise and activity between the hours of 08:00 and 17:30 in a predominantly residential area. (See Decision Notice Appended at BP3.)

## Summary

5. It is respectfully requested that planning permission should be granted for the following reasons:

- The application does not relate to a children's nursery, but to a child-minding service.
- The child-minding use has existed for 5 years with up to 10 children attending recently
- There were no objections to the planning application
- Neighbours support the proposal and there have been no complaints
- There will be no impact on the character of the area
- The residential amenity is not compromised by this development
- No Highways objections
- There is adequate street space to safely accommodate drop off/pick up parking
- A child-minding business can only take place in a residential property and therefore the proposal complies with Policy H1, H9 and RES1.
- Refusal of planning permission would result in the loss of employment for one employee and the loss of a placement for a student.

## Reason for Refusal

6. The Decision Notice sets out the reason for refusal:

*"The proposal shall introduce noise and activity between the hours of 08:00 and 17:30 in a predominantly residential area, to the detriment of nearby residents and the overall character of the area and contrary to policies H1 and H9 of the Local Plan and policy RES1 of the proposed Local Development Plan."*

7. Given that the child-minding service has operated successfully for 5 years, without a single complaint, it is clear that there is no noise or activity issue which would result in a loss of amenity to nearby residents.

## Comments on the Report of Handling (RoH)

### Inverclyde Local Plan 2005 Policies

#### Policy H1 - Safeguarding the Character and Amenity of Residential Areas

8. The main thrust of this policy is directed towards new residential development. This proposal relates to the use of part of a residential dwellinghouse as a child-minding service, so the only relevant part of the policy is the safeguarding of the character and amenity of the residential area. The addition of a child-minding operation within this residential area falls within the category mentioned in the policy preceding text which states: "The provision of non-residential uses, such as community facilities or neighbourhood shops will also normally complement housing and will be acceptable where they would have little detrimental impact on the amenity of the area." As is discussed in the following assessment, this proposal will not have a detrimental impact on local amenity, but supports the residential area by providing a community facility.

#### Policy H9 Non-Residential Development Proposals within Residential Areas

9. The proposal is clearly in accordance with the criteria set out by Policy H9. The preceding text to the policy states "non-residential uses in residential areas will complement housing and should be acceptable where they would have little detrimental impact on the amenity of the area. Where it can be demonstrated that this is the case then such proposals will be acceptable according to **Policy H9** and any other material considerations." The fact that this proposal has little detrimental impact on the amenity of the area is demonstrated by there being no complaints regarding the use, and no objections to the application.

#### Proposed Inverclyde Local Development Plan Policies

##### Policy RES1: Safeguarding the Character and Amenity of Residential Areas

10. Again, this policy is geared towards new residential development in residential areas, so the only relevant part is the safeguarding of the character of the amenity of the residential area. As this use does not have a detrimental impact on the character of the amenity of the area, it is in compliance with this policy.

##### Policy TCR 5 – Outer Area of Greenock Town Centre

11. This policy classifies the West End of Greenock as a Civic, Office and Residential Area and supports the use of Class 10 (non-residential) development where it can be demonstrated that there will be no adverse impact on the amenity of the area. (See Policies H1, H9, RES1 and TCR5 Appended at BP4.)

#### Assessment

12. This proposal would only contravene Policy H1 if the character or amenity of the residential area was not safeguarded by the child-minding operation. In 5 years of operation, there has not been a single complaint. Local residents have confirmed that the use is not noisy and they have no objection to the use continuing. The neighbour at No. 6 states "...its not noisier than any family with 2 or 3 kids..." whilst the neighbour at No. 5 states "There is no noise issue from within their property. We regularly sit in our garden and do not hear any noise coming from No. 7." (See Letters Appended at BP5.)
13. The application has been submitted to regularise an existing use, where the applicant has a Child-minding Registration Certificate for up to 10 children. The child-minding of 6 children can take place without the need for planning permission. The reason for refusal in the decision notice therefore relates to the addition of only 4 children. This would not be significant in terms of noise or activity in this area. The Council's Environmental Health Officer had some reservations on potential noise issues, but did not raise an objection to the application. Child-minding takes place in the basement of the property so is not adjacent to the bedrooms or living rooms of no 5. The Child-Minding Registration Certificate only allows a maximum of 6 children under school age, so during term time, there would be no more than 6 children during school hours (09:00 to 15:15). Under current

operations there are fewer than 6 children before school, so the only time when there are more than 6 children being minded is between 15:15 and 17:30.

14. The Report of Handling states that neighbouring residents should be able to enjoy their private garden space, free from disturbance. Child-minding takes place between the hours of 08:00 -17:30hours, which are hours of normal daytime activity. There would be no weekend, evening, or night time operation so during the hours when residents are most likely to be enjoying the amenities of their residences, there would be no activity or noise from the property. In any event, the sounds of children playing would be expected in a residential area. Given that there are buildings around the site and it backs onto a parking area, there are only three properties with the potential to be affected by garden noise, and two of these front Eldon Street, which is a noisy main road. The other property is the semi-detached neighbour at No. 5. The Report of Handling considers that the noise generated by up to 10 children within the house and rear garden will be harmful to the occupiers of that property. The occupiers of No. 5 are fully in support of the application and have written a letter stating that there is no issue with traffic and noise/disturbance levels as a result of the childminding business. They also stated that they have no noise issue from within their property, nor do they experience noise when they are sitting in their own garden, something which they do regularly. The letter is appended at BP5(F). It should also be noted that the children would be supervised at all times, so their noise and activity levels would be controllable.

15. In a recent appeal decision (reference: PPA-280-2014 Appended at BP6) for the Conversion of Former Car Showroom to Form a Retail Unit at 21 Eldon Street Greenock, a site which is just across the road from this application, the Reporter discussed Policy H1 and Policy H9 in relation to the introduction of a commercial shop into the residential area. He stated:

*"The small impact on local amenity in terms of increased noise and activity would not be significant enough to cause harm."* (Appeal Decision Notice Para 4)

The Reporter also states:

*"I have already concluded that potential movement of people and vehicles to the new use would not be harmful to the character or amenity of the area. The additional volume of activity being only a marginal difference to the current background level of activity."* (Appeal Decision Notice Para 11)

16. If a commercial business operating with unlimited hours, and all the activity associated with that use is acceptable under policies H1 and H9 within 100m of 7 Fox Street, then it follows that the child-minding operation proposed, which has significantly less activity, must comply with these policies. The child-minding activity would have an insignificant impact on local amenity in terms of increased noise and activity and as such the residential amenity of the area is safeguarded.

17. The child-minding operation at 7 Fox Street did not alter the exterior or interior of the building, therefore the character of this residential area, located within the Greenock West End Conservation Area, has not been affected.
18. The Report of Handling refers to increased disturbance from dropping off and picking up children. A number of the children are local, and their carers often walk to and from the property to deliver and collect them as evidenced in the letters appended at BP5. As the children are of different ages, some pre-school and some at school, there are staggered times for their attendance at the property. In addition, a number of the children are siblings, so one person arrives to collect two or three children at a time. It would never be the case that 10 vehicles would arrive at the property at the same time. The use has been ongoing for 5 years and there have been no complaints about parking issues or disturbance relating to the child-minding operation.
19. Any increase in traffic levels within the Fox Street area as a result of the additional 4 children will be insignificant and will not harm the amenity or safety of the area. The applicant has a large driveway, which is capable of holding two cars, and Fox Street is a wide tree lined road with ample parking space. Carers are able to park close to the property and therefore the 'spread of parking' is not an issue, as evidenced in their letters. Given that Eldon Street is very busy, the neighbouring residents are unlikely to be disturbed by the relatively few and intermittent traffic movements associated with the child-minding use in Fox Street. The Council's Highways Officer did not object to the application.
20. The Report of Handling refers to two previous decisions in the vicinity of Fox Street. The first was a decision on appeal and relates to 72 Union Street. It dates back to 1992 – 21 years ago. The proposed use was on a much larger scale - up to 23 children – and related to a flat. This is neither relevant to, nor comparable with, 7 Fox Street. The second decision relates to the refusal of planning permission at 18 Eldon Street. This application was for the change of use of a ground floor flat into a Children's Nursery. Although this application is more recent (November 2013), in terms of scale, again, it is not comparable with 7 Fox Street. The Nursery would have had 4 members of staff and up to 28 children within a flat. This would have been a much more intensive use in comparison with the child-minding operation for up to 10 children in a house.

## Conclusion

21. The application should be reconsidered by LRB members given that the child-minding operation safeguards the residential amenities of the local residents and is therefore in compliance with Adopted Local Plan Policies and emerging Local Development Plan policies. In Summary:

Inverclyde Local Plan (2005)

- Policy H1 – This application will be a non-residential use which will not impact on the character or on the amenity of the area but instead will provide a service for the local community.
- Policy H9 – The proposal is fully in compliance with this policy and meets the Council's requirements.

Proposed Local Development Plan

- Policy RES1- This proposal does not have a detrimental impact on the character or the amenity of the area
- Policy TCR5 – This proposal will not impact on the amenity of the Greenock West End Conservation Area so is in compliance with this policy.

22. It has been demonstrated that the degree of change of noise disturbance and activity for the child-minding operation for up to 10 children is not significant, and is so minor as to not cause any harm to the residential amenity and character of the area.
23. Neighbouring residents do not object to the child-minding operation and have not raised any complaints. In fact, they are supportive of this use.
24. There is adequate parking space in this area, for any parents who drive there to drop off and collect their children, either within the 2-car driveway or on Fox Street, which has ample room for car parking. Children will arrive and leave at different times intermittently, so there would be no disturbance to residents.
25. It has been demonstrated that there is potential to accommodate non-residential development within this area as has been seen with the appeal decision to allow a retail unit on Eldon Street. A shop will create significantly higher levels of noise and activity to the area than the proposed child-minding operation. The Reporter saw no conflict with policies H1 and H9 for the retail development, therefore, given the much lower activity and noise associated with this application, the child-minding operation can be accommodated within this residential area without compromising the local amenity or character. The Reporter also considered that there would be adequate parking, and traffic congestion would not be an issue in the area.
26. The addition of a further 4 children at this child-minding operation during daytime hours will not create unacceptable levels of noise, activity, or disturbance, therefore the character and the amenity of the residential area will be safeguarded. The child-minding operation complies with Local Plan policy and as such the delegated refusal of the application should be overturned by the Local Review Body and planning permission should be granted.

## LRB Appeal Document List

7 Fox Street, Greenock

<b>Number</b>	<b>Document</b>
<b>BP 1</b>	Site Plan
<b>BP 2</b>	Registration Certificate
<b>BP 3</b>	Decision Notice
<b>BP 4</b>	Extract of Policies Relevant to this Proposal
<b>BP 5</b>	Letters
<b>BP 6</b>	Appeal Decision Letter



# certificate of registration

This is to certify that the following care service has been registered by the Scottish Commission for the Regulation of Care, in accordance with Section 9 of the Regulation of Care (Scotland) Act 2001.

## Maria Whitehead

Manager	Registration Number	Date of Registration	Type of Care Service
N/A	CS2009231863	18/11/2009	Childminding

### Service Provider

Maria Whitehead  
7 Fox Street  
Greenock  
Inverclyde  
PA16 8AT

### Care Service

Maria Whitehead  
7 Fox Street  
Greenock  
Inverclyde  
PA16 8AT

Status under Part 4 of the Adults with Incapacity (Scotland) Act 2000

Not Applicable

### Conditions of Registration

1. To provide a care service to a maximum of 7 children at any one time under the age of 16, of whom a maximum of 6 will be under 12, of whom no more than 3 are not yet attending primary school and of whom no more than 1 is under 12 months. Numbers are inclusive of children of the childminder's family. Ms Margita Kurucova and Ms Anna Kullova are employed as assistants. When either Ms Kurucova or Ms Kullova are assisting the number of children who can be cared for shall be 10, of whom 6 are not yet attending primary school and of whom 1 shall be under 12 months.
2. Overnight service will not be provided.
3. The service will be provided at the address shown on the notice granting registration.

Signed: \_\_\_\_\_

(For the Care Commission)

Date: \_\_\_\_\_

25/2/11



Care Inspectorate  
Solway House, Dumfries Enterprise Park  
Tinwald Downs Road  
Dumfries DG1 3SJ  
tel: 01387 734980  
fax: 01387 734981

Chief Executive: Annette Bruton  
enquiries@careinspectorate.com  
www.careinspectorate.com

Maria Whitehead  
7 Fox Street  
Greenock  
PA16 8AT

14 August 2013  
2013317829

Dear Madam

**NOTICE OF DECISION TO GRANT APPLICATION TO ADD, VARY OR REMOVE CONDITION(S) OF REGISTRATION SECTION 70 PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010 ("the Act")**

This letter gives you notice that Social Care and Social Work Improvement Scotland (SCSWIS) has decided to grant your application for variation of the conditions on the registration of Whitehead, Maria, 7 Fox Street, Greenock, PA16 8AT, as detailed below.

1. To provide a care service to a maximum of 7 children at any one time under the age of 16, of whom a maximum of 6 will be under 12, of whom no more than 3 are not yet attending primary school and of whom no more than 1 is under 12 months. Numbers are inclusive of children of the childminder's family.

While working with an assistant the number of children who can be cared for shall be 10, of whom 6 are not yet attending primary school and of whom no more than 1 is under 12 months.

2. Minded children cannot be cared for by persons other than those named on the registration certificate.

Anna Kullova, Tatiana Zuberova and Lisa Bryce are employed as assistants.

3. Overnight care will not be provided.

# DECISION NOTICE

Inverclyde  
council

## *Refusal of Planning Permission*

Issued under Delegated Powers

Regeneration and Planning  
Municipal Buildings  
Clyde Square  
Greenock PA15 1LY

Planning Ref: 13/0305/IC

Online Ref:000072885-002

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

Mrs Maria Whitehead  
7 Fox Street  
GREENOCK  
PA16 8AT

With reference to your application dated 8th October 2013 for planning permission under the above mentioned Act and Regulation for the following development:-

**Change of use of house to a house and child minding operation for up to 10 children (in retrospect) at**

**7 Fox Street, Greenock**

**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.

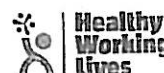
The reason for the Council's decision is:-

1. The proposal shall introduce noise and activity between the hours of 08.00 and 17.30 in a predominantly residential area, to the detriment of nearby residents and the overall character of the area and contrary to policies H1 and H9 of the Local Plan and policy RES1 of the proposed Local Development Plan.

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

**Dated this 25th day of November 2013**

**Head of Regeneration and Planning**



- 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:
CERT. OF REGISTRATION		16.08.2013
100028305		06.10.2013

## Extract of Planning Policies Relevant to this Proposal - BP4

### Inverclyde Local Plan 2005

#### **Safeguarding Residential Areas**

The Proposals Map identifies all areas within the settlements of Inverclyde that are primarily residential in character. Residential development will be acceptable, subject to other relevant Local Plan policies, within the settlement boundary. It is important to ensure that the character and amenity of residential areas is safeguarded and enhanced, where possible. **Policy H1** provides the means to deal with development proposals affecting these areas, although the Council may also apply other policies depending on the nature of the development.

New residential development will normally be acceptable in principle, subject to the normal development control criteria outlined in **Policy H8**, other relevant policies and the detailed advice noted in Chapter 18: 'Development Control Advice', as appropriate. The provision of non-residential uses, such as community facilities or neighbourhood shops will also normally complement housing and will be acceptable where they would have little detrimental impact on the amenity of the area. Where it can be demonstrated that this is the case then such proposals will be acceptable, subject to the development control framework noted in **Policy H10**, and any other material considerations

#### **Policy H1 Safeguarding the Character and Amenity of Residential Areas**

*The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.*

#### **Non-Residential Development within Residential Areas**

The provision of some non-residential uses in the areas identified as 'Residential' on the Proposals Map, such as community facilities or neighbourhood shops, will normally complement housing and should be acceptable where they would have little detrimental impact on the amenity of the area.

Where it can be demonstrated that this is the case then such proposals will be acceptable according to **Policy H9** and any other material considerations.

#### **Policy H9 Non-Residential Development Proposals within Residential Areas**

*The introduction of new, or the extension of, non-residential uses in existing residential areas will be acceptable only where such uses are compatible with the character and amenity of the area and satisfy other relevant policies of the Local Plan.*

### Inverclyde Local Development Plan – Proposed Plan 2013

#### **Safeguarding Residential Areas and Housing Development**

The LDP is concerned with safeguarding and improving, where practicable, the character and amenity of existing residential areas, as identified on the Proposals Map. All new development of housing in these areas will require to be built to a good standard and quality of design, and contribute to an improvement in the residential environment. **Policy RES1** outlines the criteria for assessment of residential development proposals on sites within the designated residential areas.

#### **Proposed LDP Policy RES 1**

#### **Policy RES1 : Safeguarding the Character and Amenity of Residential Areas**

*The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced.*

*Proposals for new residential development will be assessed against and have to satisfy the following criteria:*

- (a) compatibility with the character and amenity of the area;*
- (b) details of proposals for landscaping;*
- (c) proposals for the retention of existing landscape or townscape features of value on the site;*
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;*

- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

**Greenock Town Centre: Outer Area**

Greenock is the major shopping, employment, administrative and cultural centre of Inverclyde. As such, it is larger and more complex than the other Town Centres with a number of areas on the periphery of the Central Area, each with its own distinct characteristics and mix of land uses, meriting their designation as Town Centre. **Policy TCR5** seeks to have regard to the character and amenity of these areas and where possible, to enhance their diverse characters.

**POLICY TCR5 - Outer Area of Greenock Town Centre**

*Proposals for development in the five divisions of the Outer Area of Greenock Town Centre, as defined on the Proposals Map and above, should have regard to their respective roles, functions, character and amenity. The following uses will be encouraged and supported, subject to there being no adverse impact upon the amenity of the area:*

**A - WEST END (Civic, Office and Residential)**

*Use Class 2 (Financial, professional and other services)*

*Use Class 4 (Business)*

*Use Class 8 (Residential institutions)*

*Use Class 10 (Non-residential institutions)*

**B - CLARENCE STREET AREA (Mixed Use)**

*Use Class 3 (Food and drink)*

*Use Class 4 (Business)*

*Use Class 11 (Assembly and leisure)*

**C - WATERFRONT (Education and Leisure)**

*Use Class 3 (Food and drink)*

*Use Class 4 (Business)*

*Use Class 7 (Hotels and hostels)*

*Use Class 8 (Residential institutions)*

*Use Class 10 (Non-residential institutions)*

*Use Class 11 (Assembly and leisure)*

**Class 10 - Non residential institutions**

Crèche, day nursery, day centre, provision, provision of education Museum, exhibition hall, public library, display of art Public worship, religious instruction, social activities of a religious body

**EMAIL DATED 21 JANUARY 2014 ON  
LETTERS OF SUPPORT AND  
SCOTTISH GOVERNMENT APPEAL DECISION NOTICE  
SUBMITTED WITH NOTICE OF REVIEW**

## Rona McGhee

---

**From:** David Innes [david.innes@me.com]  
**Sent:** 21 January 2014 16:20  
**To:** Rona McGhee  
**Subject:** Re: Review of Decision to Refuse Planning Permission - 7 Fox Street, Greenock (13/0305/IC)

Hi Rona,

Further to your email below:

The case officer has wrongly assumed the potential for loss of amenity in the Report of Handling (RoH) and the supporting letters included confirm this. In the Assessment section reference is made to the impact of children being delivered and picked up and the consequential noise and activities associated with up to 10 pre-school children. The next paragraph in the RoH refers to traffic and noise that would be associated with the use.

The comments from the Roads Section and the Environmental Health officer do not support the case officer's assumptions.

To support our case and confirm the situation for LRB members we have collected letters from parents and neighbours that confirm that parking is not an issue in Fox Street and that noise is not an issue. It is particularly relevant that comments have been obtained from no5 which is the adjoining property.

The RoH wrongly assumes that the use is for 10 pre-school children (last sentence p2 of the RoH). The childminding license does not allow 10 pre-school children. Details of the license are included to demonstrate this.

The addition of the Appeal decision notice for the former car showroom could not have been included with the application as the applicant was under the impression that she was applying to regularise a situation. The 2013 appeal case is included to counter the very old appeal case that the case officer refers to, from 1992, which relates to a nursery rather than a childminding business and is not relevant to this application. The 1992 appeal site was a flat instead of a house and would not retain any residential element, as it was a full change of use. The number of children had been 23 not up to 10 as in this proposal - and given that no planning permission is required for a childminding use for 6 children it is the increase from 6 -10 that is being assessed and should have been assessed by the planning officer. (The childminding use has the ability to continue at Fox Street with permitted development rights for 6 children). The appeal decision we have appended is directly relevant to this application as it addresses the interpretation of policy relating to residential amenity.

Therefore we would hold that this information is relevant to the LRB panel members, and could not have been submitted during the application. i.e. the applicant was seeking to regularise a use that has existed for over 5 years and was not seeking to introduce a "new" use. This is a very different situation from the recently refused application for a new Nursery on Eldon street.

To redact the letters for LRB members is appropriate.

If you have any further queries please do not hesitate to contact me.

regards

David Innes  
[david.innes@blueprintplanning.co.uk](mailto:david.innes@blueprintplanning.co.uk)  
Blueprint Planning & Development Ltd  
0141 250 7269  
0770 2121 930



**From:** Rona McGhee <[Rona.McGhee@inverclyde.gov.uk](mailto:Rona.McGhee@inverclyde.gov.uk)>  
**Date:** 14 January 2014 11:24:07 GMT  
**To:** "[david.innes@blueprintplanning.co.uk](mailto:david.innes@blueprintplanning.co.uk)" <[david.innes@blueprintplanning.co.uk](mailto:david.innes@blueprintplanning.co.uk)>  
**Subject:** Review of Decision to Refuse Planning Permission - 7 Fox Street, Greenock (13/0305/IC)

Dear Mr Innes

I refer to Notice of Review that you served on Inverclyde Council's Local Review Body on 9 January 2014.

I acknowledge receipt of the Notice and supporting documentation. As you may be aware, Section 43B of the Town & Country Planning (Scotland) Act 1997 restricts the introduction of material which was not before the planning officer at the time of the determination now under review (or at the time of the expiry of the period of determination). New material will only be permitted where the applicant can demonstrate that it could not have been introduced earlier in the process, or that it arises as a consequence of exceptional circumstances. Having reviewed the material submitted with the Notice of Review, I would advise that the following information which has been submitted with the Notice of Review is new material:-

- (a) letters of support; and
- (b) Scottish Government Appeal Decision Notice.

In the circumstances, I should be obliged if you would either (i) demonstrate that the above material could not have been introduced earlier in the process, or (ii) that it arises as a consequence of exceptional circumstances. In this regard, I should be pleased to hear from you within 14 days of the date of this email.

Should the Local Review Body wish to consider the letters of support in their determination of the application for review of the refusal of planning permission, it would be my intention to remove personal information from the letters in addition to any signatures and, in this connection, I attach copies of the redacted letters for your information.

The Local Review Body is required to notify all those who submitted comment on the planning application, giving 14 days to make any further representation. Should any representations be received I shall write to you providing copy of any correspondence and allow you the opportunity to make comment.

I look forward to hearing from you.

Regards,  
Rona

Rona McGhee  
Senior Administration Officer  
Legal & Democratic Services

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<BP5 letters REDACTED.pdf>

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

**CHANGE OF USE OF HOUSE TO A HOUSE AND CHILD MINDING OPERATION  
FOR UP TO TEN CHILDREN, 7 FOX STREET, GREENOCK (13/0305/IC)**

**Suggested condition should planning permission be granted on review**

**Condition**

The child minding operation, hereby approved, shall not operate outwith the hours 08.00 to 17.30.

**Reason**

To prevent early morning and evening disturbance and to safeguard residential amenity and character.