

Local Review Body

5 March 2014

Planning Application for Review

Ms P McCluskey

**Change of use from residential flat (Class 9) to children's nursery (Class 10):
18 Eldon Street, Greenock (13/0242/IC)**

Contents

- Planning Application and plans
- Site Photographs
- Report of Handling dated 15 November 2013
- Consultation Responses
- Representation
- Decision Notice dated 19 November 2013
- Letter dated 15 January 2014 from Canata & Seggie, Chartered Architects, enclosing Notice of Review Form and plans (plans circulated separately)
(NB Comments on page 2 of letter under heading "Local Demographics/Additional Information" deleted in accordance with the criteria set out in Section 43B of the Town & Country Planning (Scotland) Act 1997)
- Email dated 28 January 2014 from Canata & Seggie, Chartered Architects, on comments deleted from letter
- Suggested condition should planning permission be granted on review

PLANNING APPLICATION AND PLANS

Head of Regeneration and Planning
 Municipal Buildings
 Clyde Square
 Greenock PA15 1LY

1372

GP

FOR OFFICIAL USE ONLY

Reference No. 13/0242/1C
 Date of Receipt 26/08/13
 Fee Paid £392.00
 Date Fee Received 26/08/13
 Date Valid

PLANNING APPLICATION

Town & Country Planning (Scotland) Acts

The undersigned applicant hereby makes application for Planning Permission for the development described on this form and the accompanying plans.

see note 1

1. Particulars of Applicant	Particulars of Agent (if any) acting on applicants behalf:
Name <u>FAUKNE MCCUSKEY</u>	Name <u>CANATA & SERRIE</u>
Address <u>9 FOX STREET,</u> <u>GREENOCK</u> Postcode <u>PA16 8AT</u>	Address <u>7 UNION STREET,</u> <u>GREENOCK</u> Postcode <u>PA16 8BH</u>
Telephone Number	Telephone Number <u>0175 784 517</u>
	Profession <u>CHARTERED ARCHITECTS</u>

see note 2

2. Description of Development	
<u>PROPOSED CHANGE OF USE FROM RESIDENTIAL</u> <u>DWELLING HOUSE TO CHILDRENS NURSERY</u> <u>CLASS 9 TO CLASS 10</u>	
Site Location <u>18 ELDON STREET, GREENOCK, PA16 7UE</u>	
Site Area (hectares) <u>N/A</u>	Number of dwellinghouses proposed <u>N/A</u>
	New gross floorspace (sq. metres) <u>N/A</u>

see note 3

3. Application Type (Tick appropriate box/es)	
(a) Permission in Principle <input type="checkbox"/>	(c) Detailed Permission <input checked="" type="checkbox"/>
(b) Approval of Matters specified by conditions <input type="checkbox"/>	(d) Change of Use of land/buildings <input checked="" type="checkbox"/>
(e) Other (please specify)	

see note 4

4. Applicants interest in site (Tick appropriate box)	
(a) Owner <input type="checkbox"/>	(c) Tenant <input type="checkbox"/>
(b) Lessee <input type="checkbox"/>	(d) Prospective Purchaser <input checked="" type="checkbox"/>
(e) Other (please specify)	

see note 5

5. Existing Uses

(a) Please state the existing use(s) of the land/buildings: RESIDENCIAL HOUSE

(b) Was the original building erected before 1st July 1948? Yes / ~~No~~

Has the original building been altered or extended Yes / No

If yes, please indicate nature of alteration / extension and if possible approximate dates..... N/A

If the land / buildings are vacant, please state last known use..... N/A

see note 6

6. Access Arrangements and Parking (Tick appropriate box/es)

(a) Not Applicable (e) Number of existing on site parking places

(b) New vehicular access proposed (f) Number of proposed on site parking places

(c) Existing vehicular access to be altered / improved (g) Detail of any available off site parking

(d) Separate pedestrian access proposed

see note 7

7. Drainage Arrangements (Tick appropriate box/es)

(a) Not Applicable (c) Connection to existing public sewer

(b) Public Sewer (d) Septic Tank

If (d), indicate method of disposal of effluent (e.g. soakaway, watercourse etc).....

see note 8

8. Water Supply (Tick appropriate box/es)

(a) Not Applicable (c) Existing private supply

(b) Public Main (d) Proposed private supply

If (c) or (d), please specify nature of supply source and proposed storage arrangements.....

see note 9

9. Building Materials (Complete as appropriate)

(a) Not Applicable

(b) Outside Walls Material.....
Colour.....

(c) Roof Covering Material.....
Colour.....

(d) Windows Material.....
Colour.....

(e) Boundary Treatment Material.....
Colour.....

see note 10

10. Landscaping

Is a landscaping/tree planting scheme proposed?

Yes No

Are any trees/shrubs to be cleared on site?

Yes No

If yes, please show details of scheme on a SITE PLAN

see note 11

11. Costings

What is the estimated costs of any works to be carried out?

£5,000.00

see note 12

12. Confirmation

Signature of applicant/agent.....

(KAVATA & SEGGIE)

on behalf of PAULINE McCLUSKEY

Date 23RD AUGUST 2013

see note 13

**CERTIFICATES UNDER ARTICLE 15 OF THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE)(SCOTLAND) REGULATIONS 2008**

Either certificate A, B or C must be completed together with certificate D

CERTIFICATE A (To be completed where the applicant is owner of the whole application site including any access visibility splays and land required for drainage systems or water connections)

I hereby certify that:

No person other than * myself/the applicant was an owner (refer to note (a)) 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

CERTIFICATE B (To be completed where the applicant does not own the whole application site including any access visibility splays and land required for drainage systems or water connections)

I further certify that:

* I have/the applicant has given the requisite notice (Notice No.1) to all persons other than * myself / the applicant who at the beginning of the period of 21 days ending with the date of the accompanying application were (refer to note (a)) owners of any part of the land to which the application relates.

Name(s) of Owner

Address(es)

Date of Service of Notice(s)

ARLENE & MICHAEL

18 ELDON STREET,

DEVENKY

GREENOCK

23/08/13

.....

PAIG TUE

.....

* Delete whichever is inappropriate

NOTE (a) Any person who in respect of any part of the land is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 7 years remains unexpired.

CERTIFICATE C (To be completed in EVERY CASE)

I further certify that:

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

* (2) I have/the applicant has given the requisite notice to every person other than myself/himself who at the beginning of the period of 21 days ending with the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates

These persons are:

Name(s)	Address(es)	Date of Service of Notice(s)
.....
.....
.....

CERTIFICATED

I confirm that I have been unable to notify all parties under Certificates A, B and C

* Delete whichever is inappropriate

Signature of Applicant/Agent (CANATA & SEGGIE)
On behalf of PAULINE MCCUSKEY
Date 23RD AUGUST 2015

see note 15

CHECKLIST - The following documentation should be submitted:

please tick all boxes

- | | |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> TWO APPLICATION FORMS | <input checked="" type="checkbox"/> DESIGN & ACCESS STATEMENT
(National and Major applications only) |
| <input checked="" type="checkbox"/> TWO SETS OF PLANS | <input checked="" type="checkbox"/> PRE-APPLICATION CONSULTATION REPORT
(National and Major applications only) |
| <input checked="" type="checkbox"/> FEE (Where appropriate) | |

WARNING

If any person issues a certificate which purports to comply with the requirements of Section 35 of The Town and Country Planning (Scotland) Acts, and contains a statement which he knows to be false or misleading in a material particular or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revision 'A' - November 2008
Revision 'B' - December 2008
Revision 'C' - July 2009
Revision 'D' - October 2009
Revision 'E' - October 2011

SITE PHOTOGRAPHS



**REPORT OF HANDLING DATED
15 NOVEMBER 2013**

REPORT OF HANDLING

Report By: Guy Phillips

Report No:

13/0242/IC

**Local Application
Development**

**Contact
Officer:** 01475 712422

Date:

15th November 2013

Subject: Change of Use from residential flat (Class 9) to childrens nursery (Class 10) at
18 Eldon Street, Greenock

SITE DESCRIPTION

18 Eldon Street is the ground floor of a three storey Victorian property which contains three flats. Situated within the Greenock West End Conservation Area, it is positioned on the south east-corner of the junction with Fox Street. The surrounding area is predominantly residential although a former car showroom, which lies diagonally opposite on Eldon Street, is in the process of being converted to a convenience store.

PROPOSAL

It is proposed to change the use of the ground floor flat to a children's nursery. In pre-application correspondence the applicant informed that the proposed nursery shall have four staff and a capacity of between 24 and 28 children on a part-time and full-time basis, although as submitted plans indicate one room for up to 4 children under the age of 2, and two rooms to accommodate a total of 17 children aged 2-3. Pre application correspondence also indicated operating hours between 7.30am and 6pm Monday to Friday.

The applicant has submitted a letter of support with the application. It considers that planning permission should be granted as:

- the presence of an existing nursery at the neighbouring 7 Fox Street creates a precedent for nursery uses in the area.
- there is sufficient on-street access at Eldon Street for pick up and drop off.
- there are established nurseries elsewhere in Madeira Street and Fox Street.
- the applicant owns the first floor flat above the ground floor.
- the applicant's garden runs between that of the proposed nursery and the garden ground of the attic flat.

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.

Local Plan Policy HR11 - Development Within and Adjacent to Conservation Areas

Development proposals both within and adjacent to conservation areas will be acceptable where they are sympathetic to the existing character, pattern of development and appearance of the area and the following matters are satisfactorily addressed, as appropriate:

- (a) siting and orientation of new buildings;
- (b) overall design and style;
- (c) scale of building, extension or alteration;
- (d) design details;
- (e) finishing materials; and
- (f) landscaping and boundary materials.

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.

Policy HER1 - Development which Affects the Character of Conservation Areas

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Scotland's SHEP and 'Managing Change in the Historic Environment' guidance note series.

CONSULTATIONS

Head of Environmental and Commercial Services - No objections

Head of Safer and Inclusive Communities - reservations due to potential noise nuisance to other residential properties, both within the building and in adjacent properties. It would be very difficult to control the noise of children outside.

PUBLICITY

The application was advertised as a Schedule 3 development.

SITE NOTICES

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

PUBLIC PARTICIPATION

One objection has been received. The objector is concerned that additional traffic generated by this development shall adversely impact upon traffic congestion and road safety.

ASSESSMENT

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

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.

The applicant cites examples of the use of the neighbouring property at 7 Fox Street as a child minding facility (currently the subject of a retrospective application for planning permission) and the Madeira Street Nursery (14 Newark Street) which was granted planning permission in 1986 as setting a precedent. There are clearly differences between these developments and this application; 7 Fox Street is not flatted and the principle use remains as a house with no staff employed, and the Madeira Street Nursery operates within a substantial detached villa in large grounds. These highlight that each case has to be considered on individual merit and that with such differences, they provide no justification in themselves to grant planning permission. More comparable is 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 which I shall refer to later in this assessment.

In assessing this application against policies H1, H9 and RES1 it is necessary to examine whether permitting the change of use of a 2 bedroom ground floor flat, with 2 residential flats above and in a residential area to a nursery employing 4 staff and accommodating in excess of 20 children safeguards the residential amenity of neighbours.

This proposal will generate two impacts; coming and going as children are delivered and picked up and the consequential noise and activities associated with in excess of 20 pre-school children in the same premises.

Although Eldon Street is one of the principal traffic routes through Greenock and encounters traffic noise, Fox Street is quiet by comparison. The ground floor flat, subject of the planning application, has its own entrance off Eldon Street and the first floor and attic flats share an access from Fox Street. Comings and goings, therefore, would be via the Eldon Street entrance. 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 2 bedroom flat, 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 elsewhere on Eldon Street and onto Fox Street. While I accept that there are no objections from the Head of Environmental and Commercial Services on road safety grounds and that there is scope for on street parking, this proposal will inevitably result in a spread of parking and consequent disturbance, which will be further widened by staff parking on street and by users of the soon to open retail unit across Eldon Street. Overall, I consider vehicles arriving and departing and children being delivered and uplifted from early morning would

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 potential impact from noise and disturbance is, I consider, from within the flat and is greatest upon others in the building. While the first floor flat is presently under the control of the applicant, ownership can change and is a matter beyond planning control. I consider that the impact of noise generation from in excess of 20 young children within the ground floor flat, along with their use of the rear garden, would, inevitably, be harmful to the residents in the building, adjoining properties and residential amenity and character in the area. While the submitted plans detail that the rear garden has appointed sections for each of the three flats within the building, noise carries and I consider that within a residential area, nearby residents should 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. I am further influenced by the findings of the Reporter in the Union Street appeal. 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."

RECOMMENDATION

That the application be refused

Reason

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.

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: 2013

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

Safer Communities Reference (optional):	
Planning Application Reference:	13/0242/IC
Planning Application Address:	18 Eldon Street Greenock
Planning Application Proposal:	Change of use from residential to children's nursery

Team	Officer	Date
Food & Health	Michael Lapsley	
Environment & Safety <i>Contaminated Land</i>	Sharon Lindsay Roslyn McIntosh	13.11.13 15.10.13
Public Health & Housing	Jim Blair	14.10.13
Environment and Enforcement	Stewart Mackenzie	14.11.13

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



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Lives



Recommended Conditions:

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

Delete or amend as appropriate

Food & Health
No Comments
Environment & Safety
No Comments
Contaminated Land
No comments.

Public Health & Housing
No comments.
Environment and Enforcement
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. The applicant should be fully aware of the **Construction (Design & Management) Regulations 2007 (CDM 2007)** and its implications on client duties etc.
- ii. **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,

REPRESENTATION

Personal Details

First Name John
Surname Fisher
Address 1 5 Fox Street
Address 2
Address 3
Town/City Greenock
PostCode PA16 8AT
Tel. No.
Email
Address

Your Comments

Application Ref. 13/0242/IC
Address 18 Eldon Street Greenock
Stance Object

Comments

There is already a nursery/large child minder provider in the adjacent building to this as well as a commercial property being built diagonally across from this building. With 2 businesses here already there is a substantial amount of traffic coming and going from the area and there are at least 15 children including my own under the age of 12 who play in and around the immediate vicinity. Therefore, I think any addition to traffic congestion would increase the likelihood of an accident to a young child.

**DECISION NOTICE DATED
19 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: 13/0242/IC

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

Pauline McCluskey
9 Fox Street
Greenock
PA16 8AT

Canata And Seggie
Chartered Architects
7 Union Street
GREENOCK
PA16 8JH

With reference to your application dated 20th August 2013 for planning permission under the above mentioned Act and Regulation for the following development:-

Change of Use from residential flat (Class 9) to childrens nursery (Class 10) at

18 Eldon 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 reasons for the Council's decision are:-

1. 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.

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

Dated this 19th 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:
2333 D.001	Rev A	30.08.2013
2333 D.002	Rev B	19.09.2013

**LETTER DATED 15 JANUARY 2014 ENCLOSING
NOTICE OF REVIEW FORM**

2333/VAC

THE HEAD OF LEGAL ADMINISTRATION
INVERCLYDE COUNCIL
MUNICIPAL BUILDINGS
GREENOCK
PA15 1LY

15th January 2014

Dear Sir,



**PROPOSED CHANGE OF USE FROM RESIDENTIAL DWELLINGHOUSE TO CHILDRENS NURSERY
(CLASS 9 TO CLASS 10) AT 18 ELDON STREET, GREENOCK, PA16 7UE.**

With reference to the above project our clients wish to seek a review of the refusal of Planning Permission dated the 19th of November 2013 Ref No 13/0242/IC

We attach in connection with this the following documentation:

1. A copy of the refusal notice
2. A completed Notice of Review form
3. A copy of our drawings Nos 2333_D.001 and 002

The Application was refused on the following grounds:

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 Plan.

In response to the above reasons for refusal the applicant has asked that we draw the following information in support of the application to the attention of the Review Board.

- There is already a nursery adjoining to the rear of the property at no. 7 Fox Street. A precedent for the application has therefore been set.
- There is sufficient on street parking at Eldon Street for pick up and drop off to the proposed nursery.
- There are two established nurseries within the local catchment area on Maderia Street & Fox Street. Our clients have established that despite this there is still a considerable short- fall in nursery places.
- The applicant is in ownership of and occupies the first floor flat. This will give good separation between the proposed nursery and the attic flat. Both of these flats have a completely separate access from Fox Street.
- 18 Eldon Street is the spacious ground floor of a substantial villa.
- The applicants garden ground runs between that of the proposed nursery and the private garden of the attic flat thereby providing a buffer.

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

- There are no proposals to alter the exterior of the property
- There are no directly adjoining properties other than the applicants
- The opening hours of 7:30 to 18:00 Mon-Fri are not unsociable



INVESTOR IN PEOPLE

e-mail: info@canseg.co.uk

INTERIOR DESIGNERS • PROJECT MANAGERS • CDM CO-ORDINATORS

Canata and Seggie Chartered Architects is the trading name of Canseg Ltd. Registered in Scotland No 251859

web: www.canseg.co.uk



- A large retail unit located diagonally across from the property with illuminated signage has recently been granted Planning Consent. This unit operating from early morning until late at night, seven days a week, will generate a great deal of pedestrian and vehicular movements and will be much more intrusive and an irritation to the adjoining residents than a small nursery catering for 21 children from babies to three year olds.
- In addition schools with hundreds of pupils generate a great deal of activity and are normally set within established residential areas and accepted as a community facility similar to children's nursery provision.
- Although there may be a degree of noise generated by children at the nursery, this would not be considered particularly intrusive and would not take place during unsociable hours or at weekends. Furthermore, given that a major proportion of the children would be very young, it is likely that for most summer days they would not be playing outside.
- Proposed signage would be understated i.e. a brass plaque and no window displays
- Concerns over traffic noise were not supported by Head of Environmental Services
- A former garage, hotel and gas showroom within a block of the property were deemed as acceptable.
- No objections were received in relation to noise disturbance or restricted amenity. Only one objection was received and was in relation to traffic congestion and road safety. This was not supported by the Head of Environmental and Commercial Services.
- No complaints have been received in relation to noise from the existing Childcare facility which has an adjacent garden and has been in operation since 2008.
- Whilst 7 Fox Street isn't flatted, it is semi-detached

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

Inverclyde Local Development Plan Section 6.44 – “Most community facilities by definition are located either within town and local centres or residential areas and are acceptable neighbouring land uses”

We consider that a Children's Day Nursery should be regarded as a community facility.

Local Plan Policy RES1 – Development Within and Adjacent to Conservation Areas

As no exterior alterations are involved in the application, the appearance of the property will remain sympathetic and compatible to the existing character and amenity to the area.

Local Demographics/Additional Information

- New housing developments e.g. at Inverkip and Wemyss Bay are creating demand for additional pre-school childcare
- With the introduction by the government of free provision of 600 hours of childcare, private nurseries will be necessary to alleviate pressure on Council by working in partnership with them to meet government standards out-with school hours.
-
- Baby places are only provided by a limited number of Day Nurseries in Inverclyde
- As a new local business it will create new jobs
- The proposal will provide high quality care and education
- The recent approval of investment in local community facilities directed at children, recognises the need for an infrastructure directed at young families e.g. £180k for Fox Street 'Park Nursery'.

In summary we suspect that this proposal, if granted, would not be a cause of irritation and would operate virtually unnoticed by the local residents.

We trust that you find everything in order to allow you to submit the application to the Review Board and look forward to a favourable hearing.

Yours faithfully,

V. A. CANATA. Dip Arch. ARIAS. RIBA. (on behalf of Pauline McCluskey)

\\heserve\projects\2300-2349\2333 - pauline mccluskey - proposed kid's nursery, eldon street, greenock\letters\appeal letter.doc

DECISION NOTICE

Inverclyde
council

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 13/0242/IC

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

Pauline McCluskey
9 Fox Street
Greenock
PA16 8AT

Canata And Seggie
Chartered Architects
7 Union Street
GREENOCK
PA16 8JH

With reference to your application dated 20th August 2013 for planning permission under the above mentioned Act and Regulation for the following development:-

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The reasons for the Council's decision are:-

1. 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.

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

Dated this 19th day of November 2013

Head of Regeneration and Planning

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Lives



- 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:
2333 D.001	Rev A	30.08.2013
2333 D.002	Rev B	19.09.2013

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)	Agent (if any)
Name <input type="text" value="PAULINE MCCUSKEY"/>	Name <input type="text" value="CAMILA & STEGIE ARCH."/>
Address <input type="text" value="9 FOX ST
GREENOCK"/>	Address <input type="text" value="7 UNION ST
GREENOCK"/>
Postcode <input type="text" value="PA 16 8AT"/>	Postcode <input type="text" value="PA 16 8JH"/>
Contact Telephone 1 <input type="text"/>	Contact Telephone 1 <input type="text" value="784517"/>
Contact Telephone 2 <input type="text"/>	Contact Telephone 2 <input type="text"/>
Fax No <input type="text"/>	Fax No <input type="text" value="888344"/>
E-mail* <input type="text"/>	E-mail* <input type="text" value="INFO@CANSEL.CO.UK"/>
	Mark this box to confirm all contact should be through this representative: <input checked="" type="checkbox"/>
	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
* Do you agree to correspondence regarding your review being sent by e-mail?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Planning authority	<input type="text" value="INVERCLYDE COUNCIL"/>		
Planning authority's application reference number	<input type="text" value="13/0242/1C"/>		
Site address	<input type="text" value="18 ELDON ST GREENOCK PA16 7UE"/>		
Description of proposed development	<input type="text" value="CHANGE OF USE FROM RESIDENTIAL DWELLINGHOUSE TO CHILDREN'S NURSERY (CLASS 9 TO CLASS 10)"/>		
Date of application	<input type="text" value="23RD AUG 13"/>	Date of decision (if any)	<input type="text" value="19th NOV 13"/>

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:

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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" 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.

SEE ATTACHED COVERING LETTER

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.

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.

SEE ATTACHED COVERING LETTER

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

17th JAN 14.

**EMAIL DATED 28 JANUARY 2014 ON
ON COMMENT DELETED FROM LETTER OF 15 JANUARY
ENCLOSING NOTICE OF REVIEW**

Rona McGhee

From: Jason Smith [info@canseg.co.uk]
Sent: 28 January 2014 17:44
To: Rona McGhee
Subject: 18 Eldon street - Review of decision to refuse Planning Permission



Dear Rona,

I refer to your e mail regarding the above and comment as follows:

The additional information submitted regarding staff car parking is in response to the comment contained in paragraph 6 of Assessment, that states that problems arising from on street car parking will be further widened by staff car parking.

As this point could not be addressed until the Planning Refusal and Report of Handling was available, it would seem perfectly reasonable that our clients be allowed to included their response, as part of their submission, to the review body.

Vic Canata

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

CHANGE OF USE FROM RESIDENTIAL FLAT (CLASS 9) TO CHILDREN'S NURSERY (CLASS 10) AT 18 ELDON STREET, GREENOCK (13/0242/IC)

Suggested condition should planning permission be granted on review

Condition

The nursery, 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.