

Inverclyde Local Review Body

Our Ref: 13/0305/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 7 Fox Street, Greenock
 - Application for Review by Blueprint Planning & Development Ltd on behalf of Ms Maria Whitehead against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 13/0305/IC
 - Application Drawings: Site Plan
 - Basement (lower ground floor)
 - Ground floor
 - Garden
 - Date of Decision Notice: 13 March 2014
-

Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the condition(s) listed below. Attention is also drawn to the Advisory Notice at the end of this Review Decision Notice.

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 5 March 2014. The Review Body was constituted by Provost R Moran, Councillors G Dorrian, T Loughran, I Nelson and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for the change of use of a house to a house and child minding operation for up to 10 children (in retrospect) at 7 Fox Street, Greenock. The application was refused consent in terms of a decision letter dated 25 November 2013.

3. Preliminaries

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

- (i) Planning Application and plans;
- (ii) Site photographs;
- (iii) The Appointed Officer's Report of Handling dated 21 November 2013;
- (iv) Consultation responses in respect of the planning application;
- (v) Decision Notice dated 25 November 2013;
- (vi) Notice of Review form dated 9 January 2014 together with supporting documents;

- (vii) Email dated 21 January 2014 from Blueprint Planning & Development Ltd; and
- (viii) Suggested condition should planning permission be granted on review.

3.2 Having regard to the material produced the ILRB resolved that the Review Application could be determined without any further procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

4. **Reasons**

4.1 The determining issue in this review is the impact on nearby residents and the overall character of the area.

4.2 The application had been refused as 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.

4.3 The ILRB noted that no objections to the proposals had been received from members of the public and that a number of letters of support from neighbours and users of the child minding business had been submitted with the Notice of Review. It was further noted that the public road in the vicinity of the premises was wide and not heavily trafficked and therefore there was unlikely to be any traffic congestion.

4.4 Having regard to the whole circumstances, and taking account of the fact that the child minding business could operate for up to 6 children without planning permission, the ILRB was of the view that the use of the child minding operation for up to 10 children would not have any adverse effect on the character and amenity of the area and would not generate significant noise and activity. In the circumstances, the ILRB determined that the review application should be upheld, subject to the condition listed at paragraph 5 below.

5. **Condition**

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

Reason

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

Signed _____

Head of Legal & Democratic Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

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

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.