

## Inverclyde Local Review Body

Our Ref: 13/0242/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 18 Eldon Street, Greenock
  - Application for Review by Canata & Seggie, Chartered Architects on behalf of Ms P McCluskey against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 13/0242/IC
  - Application Drawings: 2333\_D-001 Revision A - existing plan and location plan  
2333\_D.002 Revision B - proposed plan and block plan
  - Site Inspection took place on 24 April 2013
  - Date of Decision Notice: 20 May 2014
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### **Decision**

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the condition 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 firstly at a meeting held on 5 March 2014. The ILRB was constituted by Provost R Moran, Councillors G Dorrian, T Loughran, I Nelson and D Wilson. At that meeting, the Members of the ILRB decided that they wished to carry out an unaccompanied site inspection before making a decision in respect of this matter. The meeting was adjourned to allow a site inspection to be carried out and said site inspection attended by Provost R Moran, Councillors G Dorrian, T Loughran, I Nelson and D Wilson took place on 24 April 2014. The ILRB reconvened on 7 May 2014 to determine the matter. The ILRB on 7 May 2014 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 the ground floor flat at 18 Eldon Street, Greenock to a children's nursery. The application was refused consent in terms of a Decision Notice dated 19 November 2013.

#### **3. Preliminaries**

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

- (i) Planning Application and plans specified above;
  - (ii) Site photographs;
  - (iii) The Appointed Officer's Report of Handling dated 15 November 2013;
  - (iv) Consultation responses;
  - (v) Representation;
  - (vi) Decision Notice dated 19 November 2013;
  - (vii) Letter dated 15 January 2014 from Canata & Seggie, Chartered Architects, enclosing Notice of Review form and plans;
  - (viii) Email dated 28 January 2014 from Canata & Seggie, Chartered Architects on comments deleted from letter; and
  - (ix) 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 of the proposed development on the residential amenity and character of the area.
- 4.2 The application had been refused 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.
- 4.3 The ILRB noted that no objections to the proposals had been received from the residents of neighbouring premises. Having regard to the whole circumstances, including the site inspection and the residential amenity and character of the area, the ILRB determined that the review application should be upheld, subject to the condition listed at paragraph 5 below.

#### 5 **Condition**

1. The nursery, 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 & Property Services  
Inverclyde Council  
Municipal Buildings  
Greenock  
PA15 1LX

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

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

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

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

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