

Report To: The Planning Board

Date:

3rd June 2015

Report By: Head of Regeneration and Planning

Report No:

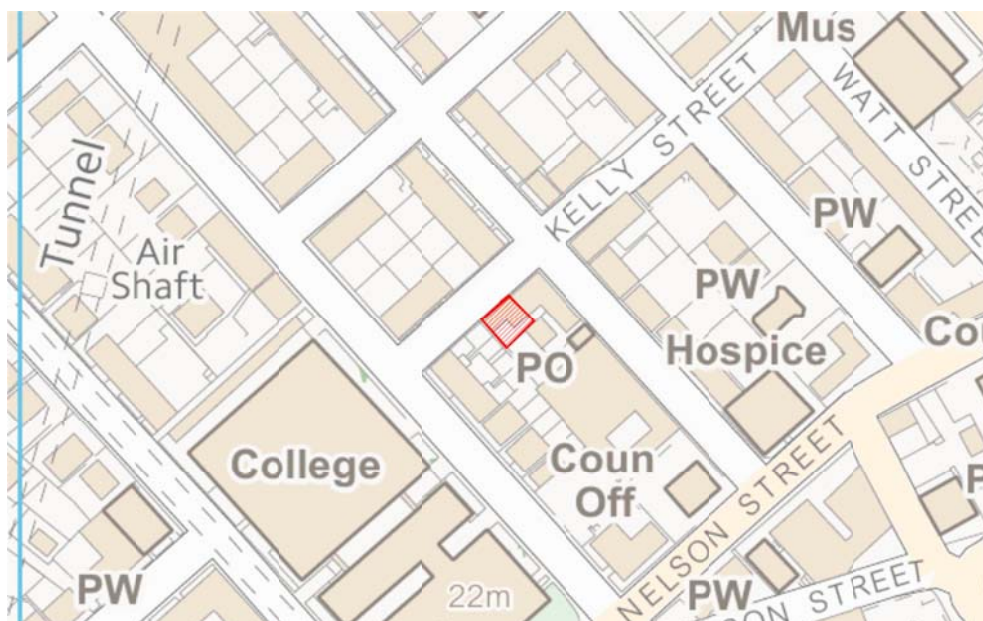
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Local Application
Development

Contact Officer: James McColl

Contact No: 01475 712462

Subject: Change of Use of dwellinghouse to dwellinghouse and childminding operation for up to 12 children (in retrospect) at
29 Kelly Street, Greenock



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SUMMARY

- The proposal accords with the Inverclyde Development Plan.
- 11 representations have been received, all in support of the application.
- There have been no adverse comments from consultees.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions that the childminding business shall be restricted to not more than 12 children present at any one time and that it shall not operate out with the hours of 8am to 6pm.

SITE DESCRIPTION

The application relates to a semi-detached dwellinghouse situated on the south-eastern side of Kelly Street, Greenock. The building is finished externally in sandstone with the front elevation painted off-white, and has a slate roof. A variety of flatted residential properties lie adjacent with a bakery and other commercial premises, together with the Greenock campus of West College Scotland located nearby. The site lies within the Greenock West End Conservation Area, adjoining its southern boundary.

PROPOSAL

A childminding use operates from the property, attended by up to 12 children and run by the childminder who currently employs a part-time assistant. It is proposed to employ two additional part-time assistants, although a maximum of two members of staff will be on the premises at any time. The hours of operation are between 8am and 6pm, with drop off normally taking place between 8 and 8.30am and pickups after 4.30pm.

The childminding operation takes place in 2 rooms on the lower ground floor, with the remainder of the building remaining in residential use.

The applicant states that childminding began around 2008. This accords with the information available from the Care Inspectorate. No planning permission exists for the use, this being recently brought to the attention of the Council by the Care Inspectorate. The applicant now seeks to regularise the use.

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 RES6 - Non-Residential Development within Residential Areas

Proposals for uses other than residential development in residential areas, including schools, recreational and other community facilities will be acceptable subject to satisfying, where appropriate, the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) impact on designated and locally valued open space;
- (c) impact of the volume, frequency and type of traffic likely to be generated;
- (d) infrastructure availability;
- (e) social and economic benefits; and
- (f) the cumulative impact of such a use or facilities on an area.

Policy ECN5 - Working from Home

Proposals for working from home will be acceptable provided they satisfy the following criteria:

- (a) the effect on neighbouring residents in terms of noise, odour, storage, traffic, parking, hours of working or other impacts; and
- (b) the cumulative impact of such uses.

CONSULTATIONS

Head of Environmental and Commercial Services – There are no objections to the application. One parking space per full-time equivalent staff together with drop off and pick up facilities are required. It is noted that Kelly Street is a quiet residential road and around 30% of on road parking spaces were empty on the day of a site visit (confirmed as an afternoon visit). The property has one off road space and sufficient space outside of drop off and pick up.

Head of Safer and Inclusive Communities – No objections.

PUBLICITY

The application was advertised in the Greenock Telegraph on 17th April 2015 as a development affecting a conservation area.

SITE NOTICES

A site notice was posted on 17th April 2015 for development affecting a conservation area.

PUBLIC PARTICIPATION

Eleven representations were made, all in support. Nine of the representations were from those who have children or grandchildren attending the premises. The points raised include the quality of the childcare offered, the fact that the children are very happy and settled, that there are no traffic or parking problems and that the use does not disturb neighbouring residents.

ASSESSMENT

The material considerations in the determination of this planning application are the Local Development Plan, the amenity of neighbouring residents, impact on the Conservation Area, the consultation responses, representations received and previous Local Review Body decisions for similar proposals.

Despite being located within the Conservation Area, there are no alterations proposed to the building and the use has no impact in the character of the wider Conservation Area with reference to policy HER1 of the Local Development Plan.

Policy RES1 of the Local Development Plan seeks to safeguard the character and amenity of residential areas. Policy RES6 advises on proposals for uses other than residential development in residential areas and sets out the criteria for assessment. Policy ECN5 supports working from home and sets out the criteria for assessment. In assessing this application, it is necessary to examine whether permitting the change of use, for use as both a house and child minding business with two members of staff and up to 12 children at the premises at any one time will safeguard the residential amenity of neighbours. Potential noise from the childminding operation is an issue in two respects. Firstly, the coming and going as children are dropped off and picked up and secondly, the consequential noise and activities associated with up to 12 children in the same premises.

The site is located close to the town centre. Whereas much of Greenock West End is primarily lower density and residential in nature, the location of the application site is within a higher density area with a greater mix of residential, commercial and other uses, including the college campus. Residents therefore cannot reasonably expect the same degree of quietude as would be experienced within a wholly residential area. A balance must be sought, however, between protecting the amenity of nearby residents by seeking to prevent undue noise and disturbance above what could be reasonably expected, whilst at the same time promoting businesses operating from within the area.

Assessing the childminding use, it is accepted that a degree of noise and activity will occur as children are dropped off and picked up from the premises. This part of Kelly Street is already a busy area due to the proximity of the college and nearby bakery and I do not consider this would unacceptably disturb neighbouring residents beyond the noise and activity already experienced within the area. With regard to noise and activities associated with up to 12 children in the same premises, it is acknowledged that the childminding use has operated for a period of around 8 years without any concern or complaint being raised by nearby residents and no objections have been received in respect of this application. The use operates between the hours of 8am and 6pm from Monday to Friday when the area is already busy, and not into the evening or during the weekend when this part of Kelly Street is generally quiet and residents would be seeking to enjoy the amenity of their properties. These hours of operation can also be controlled via a condition. The Head of Safer and Inclusive Communities also does not raise any concerns relating to potential noise and disturbance or impact on residential amenity and offers no objections.



Considering traffic, parking and road safety, the statement submitted in support of the application advises that children will be dropped off and picked up in small groups, and not all children arrive by car. It is further stated that the roads within the area are utilised most heavily for parking during the hours of 9am to 4pm and this demand is associated with the nearby college. The dropping off and picking up of children primarily takes place outwith the hours of peak parking demand. The Head of Environmental and Commercial Services notes that the property has an off-street parking space. Furthermore, at the time of an afternoon site visit, around 30% of on road parking spaces were empty. He considers that the property has an off-street parking space and sufficient space outside for the dropping off and picking up of children and thus offers no objections to the application.

In the applicant's statement, two recent decisions of the Council's Local Review Body (LRB) for a similar childminding operation for up to 10 children in Fox Street, Greenock, and for a children's nursery in Eldon Street, Greenock with a capacity of between 24 and 28 are cited. Whilst precedent alone is rarely a sufficient reason for approving an application, it is noted that in both cases the LRB did not consider the use would have an adverse effect on the character and amenity of the area and would not generate significant noise and activity. Weight was placed on the fact that no objections have been received from neighbouring properties, as is the case with this application.

Overall, I am satisfied that the use is compatible with the character and amenity of the area and the volume, frequency and traffic generated acceptable. The use provides employment for the childminder and potentially up to three staff and thus has a small contribution to the local economy and employment. I am therefore satisfied that the childminding use presents no conflict with Policy RES1 of the Local Development and the relevant criteria within Policies

RES6 and ECN5. Whilst it is disappointing that the applicant has, to date, chosen to operate this use without the benefit of planning permission, this alone does not justify the refusal of the planning application. Subject to the conditions set out below, there are no material planning considerations which suggest that planning permission in retrospect should be refused.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. That the childminding operation shall be restricted to not more than 12 children present at any one time.
2. That the childminding operation shall not operate out with the hours of 8am to 6pm.

Reasons

1. In the interests of safeguarding residential amenity and character.
2. In the interests of safeguarding residential amenity and character.

Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact James McColl on 01475 712462.