

**Report To:** The Planning Board

**Date:** 1 August 2012

**Report By:** Head of Regeneration and Planning

**Report No:** 11/0172/IC  
Plan 08/12

**Local Application  
Development**

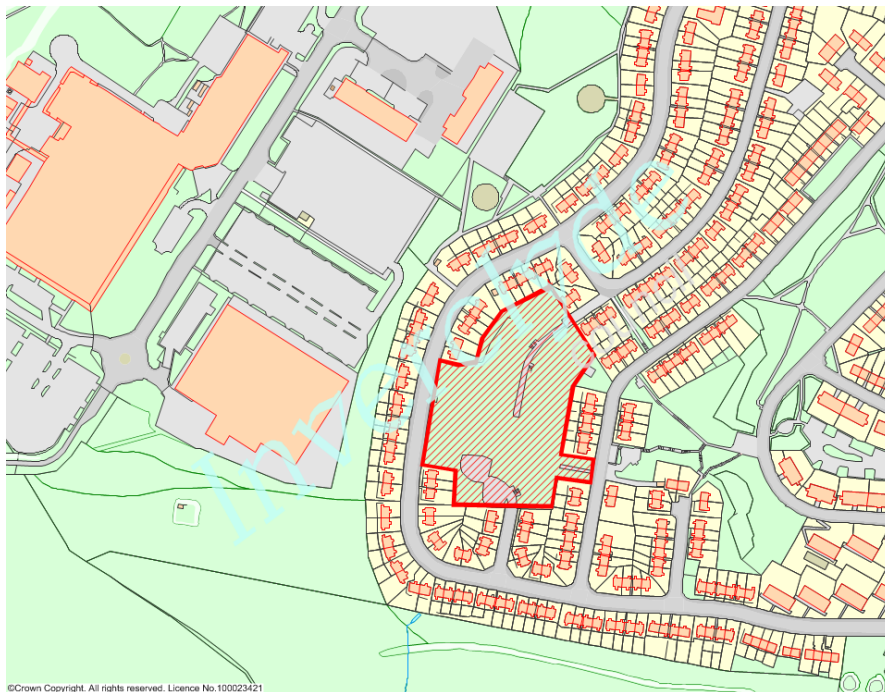
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**Subject:** Notification of planning appeal decision: Construction of 42 Terraced & Semi Detached Houses, including a new access road at Vacant former school site between Banff Road and Nairn Road, Greenock

## INTRODUCTION

In November 2011 planning permission was refused for the construction of 42 terraced and semi-detached houses, including a new access road at the vacant former school site between Banff Road and Nairn Road, Greenock.



Planning permission was refused for the following reasons:

1. As the height of the proposed houses would be detrimental to the amenity of the existing residents in the vicinity of the proposed development.

2. As there is a history of flooding in the area which may be exacerbated by the proposals to the detriment of the amenity of existing residents and the residents of the new houses.
3. As the increased traffic generated by the development and the consequent requirement for additional on-street parking on a length of road which is presently subject to high demand for on-street parking would lead to congestion and confrontation to the detriment of road safety.

An appeal against the refusal of planning permission was lodged with the Scottish Government. The appeal was considered by written submissions. A claim for costs against the Council was also lodged.

### **NOTIFICATION OF APPEAL DECISION**

The Reporter considered the determining issues to be whether the development would safeguard residential amenity; increase flood risk to residential properties; be of detriment to road safety; and whether any other considerations would justify approval or refusal.

On residential amenity he considered that although the houses will be on ground higher relative to Nairn Road, the elevations will be in keeping with neighbouring development and will minimise any loss of daylight and dominant or predominant impact on the amenity of adjacent residents. The distance of some 24 metres between the properties will minimise the ability to overlook and any harm to residential amenity. Assessing flood risk he concluded that the soft landscaping, porous paving and the comprehensive urban drainage system will reduce flood risk and improve drainage to the benefit of the area. He found no evidence to contradict the findings of the comprehensive



flood risk assessment undertaken by the applicant. With respect to road safety, he considered that there will be sufficient on and off-street parking provision for both existing and new residents and that any displacement of off-street car parking will not create undue congestion or vehicle conflict, or decrease road safety in the area. He found no other considerations that suggest planning permission should not be granted and upheld the appeal subject to conditions.

The Reporter concluded that the Council had acted in an unreasonable manner in refusing planning permission, resulting in liability for expenses but has limited the award to those expenses incurred in responding to the second reason for refusal on flooding. The expenses figure is to be agreed between the Council and the appellant.

## **RECOMMENDATION**

The Board notes the position.

Stuart Jamieson  
Head of Regeneration and Planning

## **BACKGROUND PAPERS**

1. Planning application 11/0172/IC
2. Appeal decision letters dated 29<sup>th</sup> June 2012



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