

---

<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>4th March 2009</b>
<b>Report By:</b>	<b>Head of Planning and Housing</b>	<b>Report No:</b>	<b>08/0289/IC Plan 03/09</b>
<b>Contact Officer:</b>	<b>James McCol</b>	<b>Contact No:</b>	<b>01475 712462</b>
<b>Subject:</b>	<b>Formation of pedestrian access to existing dwellinghouse at 13 Luss Place Greenock PA15 3EP</b>		

## **SITE DESCRIPTION**

The application relates to a semi detached dwellinghouse located on Luss Place, Greenock. The property is one of eight similar dwellings which face towards Luss Avenue at a steep bend in the road. The properties are accessed from Luss Place to the rear.

Consent was granted for this property in 1990 under planning permission IC/90/040. Condition number 3 of this permission states that a continuous 450mm high brick wall shall be constructed at the heel of the footway around the curve fronting plots 106-114 (now known as nos 6 – 14 Luss Place) and terminating at the tangent point of the new road, and that there shall be no obstruction within the sight stopping distance around the curve fronting plots 106-114. This condition was imposed in the interests of road safety by discouraging parking on the steep curve which could lead to confrontation between vehicles negotiating the road.

## **PROPOSAL**

It is proposed to form a pedestrian access to the front of the property to allow access to Luss Avenue.

## **LOCAL 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.

## **CONSULTATIONS**

**Head Of Environmental Services** - A condition was attached to the original planning permission for the development preventing accessing taken onto Luss Avenue. Any parking in Luss Avenue

adjacent to 13 Luss Place would obstruct forward visibility on the road curve creating a situation where vehicles would be forced to overtake on the curve and steep incline. This would lead to confrontation and possible collisions between vehicles thereby prejudicing road safety.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 9th February 2009 as there were no premises on neighbouring land to which neighbour notification could be sent.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

The application was subject of neighbour notification and a press advert. No representations were received.

## **ASSESSMENT**

The material considerations in the determination of this application are the development plan, the impact on the streetscape of Luss Avenue, impact on road safety and the consultation response.

In terms of the Inverclyde Local Plan, policies H1 seeks to safeguard the character and amenity of residential areas. This minor householder application does not present any conflict with Policy H1. Additionally, I find that the proposal to form a front access would have a neutral impact on the streetscape.

The determining factor in the assessment of this application is the potential impact on road safety. This requires to be considered with reference to the consultation response and previous planning application and appeal decisions. I note the concerns of the Head of Environmental Services in this regard. The property is situated very close to the sharp steep bend in Luss Avenue. If a vehicle was parked even for a short period of time on the road on the inside of the bend adjacent to the property, visibility on the bend would undoubtedly be severely restricted. I am mindful that permission for the erection of 30 dwellings at the head of Luss Avenue would also result in increased traffic at this location if implemented. Even if traffic were to remain relatively light on this section of the road, any vehicles stopping or parking on the inside of the bend would have a detrimental impact on road safety.

Additionally, I note the content of previous appeal decisions. In this respect, Planning Appeal P/PPA/SN/142 considered the formation of a pedestrian access to the front of 9 Luss Place. The reporter noted that the formation of such an access would result in vehicles parking on the steep bend, to the detriment of road safety. He considered that if a direct pedestrian access was allowed at the property, it would be difficult for the planning authority to oppose similar accesses to the other 7 properties in this area. He also appreciated that a 450mm high wall does not physically prevent reasonably agile people from gaining access to the property across the front garden, but there was no doubt that it encourages most people to approach the properties from the rear. He also considered that a larger number of pedestrian accesses would undoubtedly result in more vehicles being parked on Luss Avenue, with obvious consequences for road safety. This appeal was dismissed.

In a letter of support from the applicant, which attaches support from two medical practitioners, I note that the applicant finds it difficult to navigate the stairs to the rear of the house from Luss

Place. If planning permission was not granted for the front access, then the applicant may require to move to a property that better meets their needs. I also note his concern that no effort has been made to restrict parking in the form of yellow lines and if genuine concern existed then these could be put in place. It is also stated that there is nothing to stop people stepping over the existing front wall in anycase. The use of on street parking restrictions is sought to be minimised due to the resulting implications of enforcement. The police generally oppose restrictions in suburban residential areas.

In considering the concerns regarding road safety with reference to the previous appeal decision together with and all other matters raised, I conclude that the case for allowing the formation of a front pedestrian access is far outweighed by the concerns regarding road safety. To grant permission in this instance would not be consistent with previous approaches taken and would lead to an undesirable precedent being created, which would seriously compromise road safety on Luss Avenue. As such I am unable to support the application.

## **RECOMMENDATION**

That the application be refused

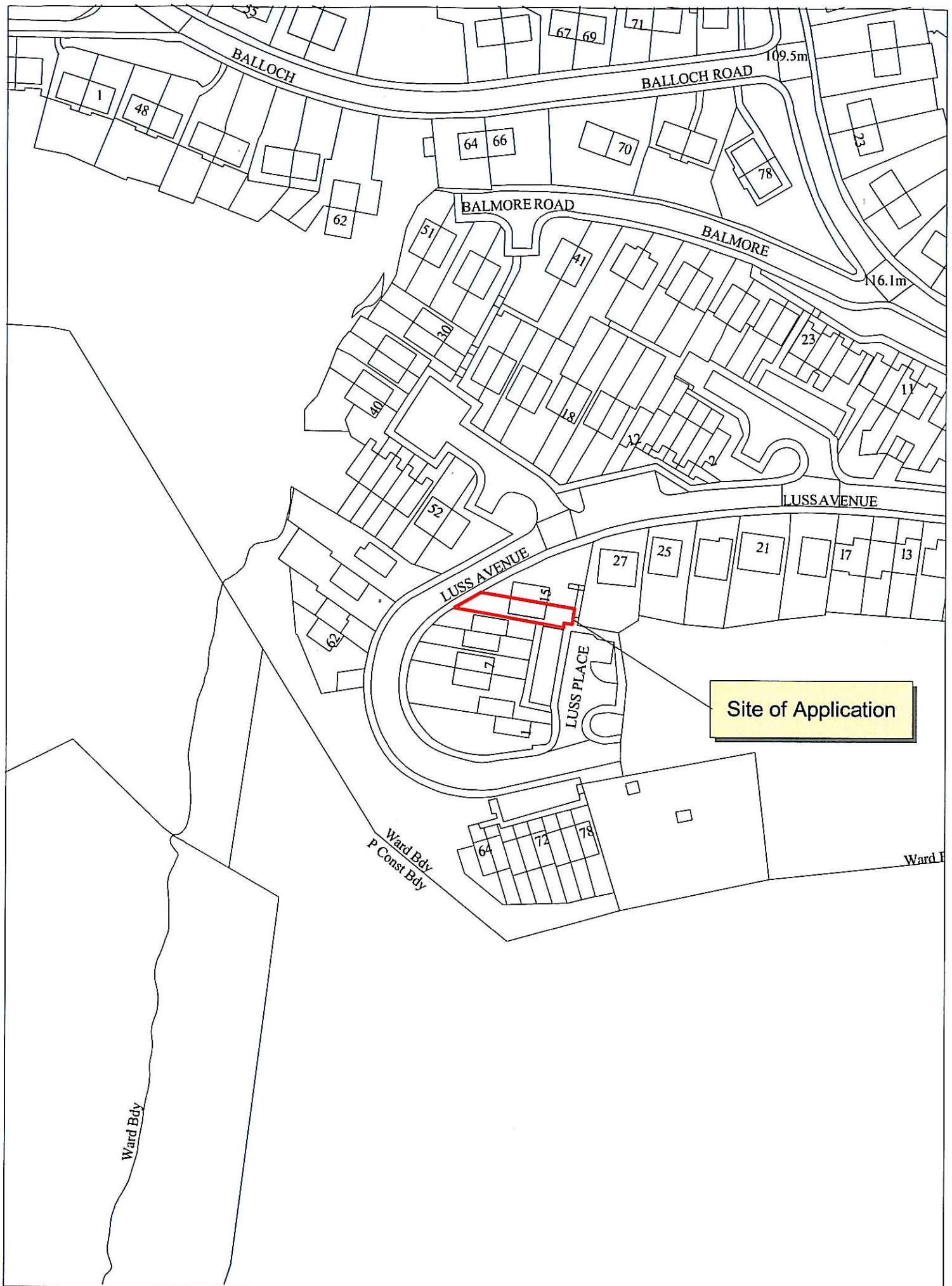
### **Reasons**

1. The proposed pedestrian access would encourage vehicles to park on Luss Avenue to the front of the property obstructing forward visibility on the road curve creating a situation where vehicles would be forced to overtake on the curve and steep incline. This would lead to confrontation and possible collisions between vehicles thereby prejudicing road safety.

F. K WILLIAMSON  
Head of Planning and Housing

## **BACKGROUND PAPERS**

1. Application form
2. Application plans
3. Inverclyde Local Plan
4. Consultation response
5. Planning Appeal P/PPAN/SN/142
6. Letter of support



Date: 10:02:09

Drawn: IAC Drg. No. 08/0289/IC



(c) Crown Copyright. All rights reserved. (100023421) 2009

**Inverclyde**  
council  
planning and housing



# robertson design practice

ST. VINCENT'S LODGE, MIDDLEPENNY ROAD, LANGBANK. PA14 6XB.

TEL. 01475 540554

4<sup>th</sup> December 2008

Planning Services  
Inverclyde Council  
Cathcart House  
6 Cathcart Square  
Greenock PA15 1LS

11 DEC 2008

3731

Dear Sirs,

Proposed access path and steps, 13 Luss Place, Greenock.  
Mr. & Mrs. E. McKay

Further to my recent telephone conversation I herewith enclose a Planning Application in respect of the above property.

As discussed my client is aware of the previous refusal of consent for access to the front of these properties onto Luss Avenue however we feel that the unique circumstances of my clients should be considered in relation to this application.

Mr. McKay is registered blind and his wife is also infirm and supporting statements to this effect are enclosed. My clients do not drive and have to rely on walking, lifts from friends and relatives and taxis. With the present access arrangements they have to be left in Luss Place and walk to their rear door. My clients find it almost impossible to navigate their way from the rear access path and steps to their house and have suffered falls in the process. The path and steps appear unadopted and are in poor condition and poorly illuminated.

Whilst we understand the curvature of Luss Avenue does not provide adequate visibility for drivers, especially if cars park on the street, no effort has been made to restrict parking. If the concern is of my clients relatives, visitors, taxis or others parking on the avenue then double yellow lines could be painted. In this circumstance my clients could then be dropped off at the proposed access and, if required, the delivering vehicle parked in the appropriate place thereafter. Presently residents in the area are aware of the danger of parking on this section of the avenue, even though there is no restriction, and do not park here and I would contend that allowing my clients to form an access and path to their front door would not act as a catalyst for parking in this area. If there is ongoing, genuine concern over parking in this area then restrictions should have been put in place. There is nothing present that would stop any resident from parking on the street and stepping over their front railing into their garden other than in my clients case, their medical conditions.

If there is concern about any person running out of my clients access directly onto the road then the layout of the proposed path and steps would mitigate against this. If this concern continued then a safety rail could be erected on the footpath edge as is done at crossings, schools etc.



As you will be aware the changes to Building Regulations have increasingly sought to ensure that no member of the public need sell their house and move to one more suited to their needs. Houses must now conform to space standards that allow the house to evolve with the residents and cater for age and disabilities. If my clients cannot gain reasonable access to their house then Planning is effectively telling them that they must sell their family home and move to one that more meets their needs, not what would be suggested of a caring society.

As always each application should be considered on its own merits and care taken not to create a precedent, I would contend that the medical/physical condition of my clients makes this a unique application and not one which, if granted, would set such a precedent other than for similar situations.

I trust the above and enclosed will allow you to give careful consideration to the proposal and I look forward to hearing from you in due course.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Kenneth Robertson', written in a cursive style.

Kenneth Robertson



Ref: SF/mp

Date: 20 October 2008

If phoning please ask for Ext: 65055

To Whom It May Concern:

Due to a recent cerebrovascular accident Mrs Maureen McKay has reduced confidence when mobilising and reduced use of her right upper limb. These problems are making it difficult for Mrs McKay to gain access to the only entrance to her property at 13 Luss Place, Greenock.

This entrance comprises a number of flights of steep stairs with no lighting which are in my opinion unsuitable for Mrs McKay's present level of mobility. It makes her very dependent on her family and considerably reduces her independence.

I would ask you to consider Mrs McKay's mobility and reduced independence favourably when considering the planning application to create a new entrance at the rear of the property, as this would allow her and her family to remain in their present home at what is a very stressful time.

Thank you for your consideration.

Yours sincerely

*P.P. Fiona Findlater*

Shona Findlater  
**Senior Physiotherapist, Larkfield Unit**



Ruth Ward M.B., Chb. DROCG.FP Cert

Susan S. McKinnon M.B., ChB. MRCGP

Kathleen McCrorey M.B., ChB. MRCGP

Chan L. Luc M.B.ChB

Elaine Bell M.B.ChB, MRCGP, DCH, DRCOG

Alan J. Petrie M.B.ChB, MRCGP

## MOUNT PLEASANT PRACTICE

### Dr Ruth Ward & Partners

Station View Health Centre

84 Holmscroft Street, Greenock, PA15 4DG. Tel No: 01475 558310

Ref: LMcG AP

25 September 2008

To: PRIVATE AND CONFIDENTIAL  
To whom it may concern.

From: Dr. A. Petrie

Re: Edward C McKay  
13 Luss Place  
GREENOCK  
PA15 3EP

D.O.B: 08/07/1957

Tel: 793022

Dear Sir/Madam,

Mr McKay has glaucoma which has resulted in permanent visual field loss. He is now registered blind. He does have significant trouble negotiating the steps at the entrance to his house. This has resulted in a number of falls. I feel he has a strong case to have these altered and would fully support him in this. Should you require any more information please don't hesitate to contact me.

Yours faithfully,



Dr. A. Petrie





# robertson design practice

ST. VINCENT'S LODGE, MIDDLEPENNY ROAD, LANGBANK. PA14 6XB.

TEL. 01475 540554

4<sup>th</sup> December 2008

Planning Services  
Inverclyde Council  
Cathcart House  
6 Cathcart Square  
Greenock PA15 1LS

11 DEC 2008

3731

Dear Sirs,

Proposed access path and steps, 13 Luss Place, Greenock.  
Mr. & Mrs. E. McKay

Further to my recent telephone conversation I herewith enclose a Planning Application in respect of the above property.

As discussed my client is aware of the previous refusal of consent for access to the front of these properties onto Luss Avenue however we feel that the unique circumstances of my clients should be considered in relation to this application.

Mr. McKay is registered blind and his wife is also infirm and supporting statements to this effect are enclosed. My clients do not drive and have to rely on walking, lifts from friends and relatives and taxis. With the present access arrangements they have to be left in Luss Place and walk to their rear door. My clients find it almost impossible to navigate their way from the rear access path and steps to their house and have suffered falls in the process. The path and steps appear unadopted and are in poor condition and poorly illuminated.

Whilst we understand the curvature of Luss Avenue does not provide adequate visibility for drivers, especially if cars park on the street, no effort has been made to restrict parking. If the concern is of my clients relatives, visitors, taxis or others parking on the avenue then double yellow lines could be painted. In this circumstance my clients could then be dropped off at the proposed access and, if required, the delivering vehicle parked in the appropriate place thereafter. Presently residents in the area are aware of the danger of parking on this section of the avenue, even though there is no restriction, and do not park here and I would contend that allowing my clients to form an access and path to their front door would not act as a catalyst for parking in this area. If there is ongoing, genuine concern over parking in this area then restrictions should have been put in place. There is nothing present that would stop any resident from parking on the street and stepping over their front railing into their garden other than in my clients case, their medical conditions.

If there is concern about any person running out of my clients access directly onto the road then the layout of the proposed path and steps would mitigate against this. If this concern continued then a safety rail could be erected on the footpath edge as is done at crossings, schools etc.



As you will be aware the changes to Building Regulations have increasingly sought to ensure that no member of the public need sell their house and move to one more suited to their needs. Houses must now conform to space standards that allow the house to evolve with the residents and cater for age and disabilities. If my clients cannot gain reasonable access to their house then Planning is effectively telling them that they must sell their family home and move to one that more meets their needs, not what would be suggested of a caring society.

As always each application should be considered on its own merits and care taken not to create a precedent, I would contend that the medical/physical condition of my clients makes this a unique application and not one which, if granted, would set such a precedent other than for similar situations.

I trust the above and enclosed will allow you to give careful consideration to the proposal and I look forward to hearing from you in due course.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Kenneth Robertson', written in a cursive style.

Kenneth Robertson



Ref: SF/mp

Date: 20 October 2008

If phoning please ask for Ext: 65055

To Whom It May Concern:

Due to a recent cerebrovascular accident Mrs Maureen McKay has reduced confidence when mobilising and reduced use of her right upper limb. These problems are making it difficult for Mrs McKay to gain access to the only entrance to her property at 13 Luss Place, Greenock.

This entrance comprises a number of flights of steep stairs with no lighting which are in my opinion unsuitable for Mrs McKay's present level of mobility. It makes her very dependent on her family and considerably reduces her independence.

I would ask you to consider Mrs McKay's mobility and reduced independence favourably when considering the planning application to create a new entrance at the rear of the property, as this would allow her and her family to remain in their present home at what is a very stressful time.

Thank you for your consideration.

Yours sincerely

*P.P. Shona Findlater*

Shona Findlater  
**Senior Physiotherapist, Larkfield Unit**



Ruth Ward M.B., Chb. DROCG.FP Cert

Susan S. McKinnon M.B., ChB. MRCP

Kathleen McCrorey M.B., ChB. MRCP

Chan L. Luc M.B.ChB

Elaine Bell M.B.ChB, MRCP, DCH, DRCOG

Alan J. Petrie M.B.ChB.MRCP

## **MOUNT PLEASANT PRACTICE**

**Dr Ruth Ward & Partners**

Station View Health Centre

84 Holmscroft Street, Greenock, PA15 4DG. Tel No: 01475 558310

Ref: LMcG AP

25 September 2008

To: PRIVATE AND CONFIDENTIAL  
To whom it may concern.

From: Dr. A. Petrie

Re: Edward C McKay  
13 Luss Place  
GREENOCK  
PA15 3EP

D.O.B: 08/07/1957

Tel: 793022

Dear Sir/Madam,

Mr McKay has glaucoma which has resulted in permanent visual field loss. He is now registered blind. He does have significant trouble negotiating the steps at the entrance to his house. This has resulted in a number of falls. I feel he has a strong case to have these altered and would fully support him in this. Should you require any more information please don't hesitate to contact me.

Yours faithfully,



Dr. A. Petrie

