

PROPOSED DEVELOPMENT AT THE CARDING MILL

(Argyll & Bute Ref 12/01588/PP)

Summary

We request that the Planning Review Panel reconsider the requirement to attach condition no.2 to this grant of planning permission. This condition requires the creation of visibility splays of 42 metres from 2.4 metres back from our existing access. Respectfully, there are sound reasons to review this onerous and disproportionate requirement. Primarily, our proposal is purely for family/domestic accommodation purposes and will not cause any additional traffic generation, yet the cost, scale, and adverse landscape and heritage impact of the condition does not appear to be justified by, and is disproportionate to, the actual development proposal. Consequently, its imposition would seem to be contrary to statutory guidance (Scottish Government Circular 4/1998). We would be grateful if the Review Panel would delete the condition and, if there are concerns about holiday letting etc, remove our permitted development rights by varying condition no.1.

The Site:

The Carding Mill is a three bedroom property with access onto Gallanach Road, Oban. It is occupied by a family of 4 with the 2 children currently having to share a bedroom. This allows us to maintain a single guest room in the house for use by visiting parents, extended family and friends. During the previous 12 months there have been regular visits for periods between 1 night and 3 weeks. The most frequent visitors are the two sets of parents/grandparents who come to spend time with the family and to assist during school holiday periods.

The Proposed Development:

What we are proposing is to increase the number of bedrooms on the site from 3 to 4 so that in time the children can each have a room. The additional bedroom, with associated living space, would be achieved through the conversion of an existing workshop/garage. It is significant to this case to state that the family members and friends would continue to visit us at the Carding Mill irrespective of whether the proposed development goes ahead. Our intention with this development is merely to provide greater flexibility and comfort in the accommodation we can provide when they visit.

During the pre-planning application process, we were advised by the planning department that if the development were to be a permanent dwelling house, visibility splays on to Gallanach Road would be required. However, this requirement may be relaxed if the development was to be purely ancillary accommodation. Based on this information, we proceeded with a full planning application submitted on the 20th of July 2012 indicating that

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this development was to provide ancillary accommodation for exclusive use by family and friends.

To reiterate - The development we are proposing will be solely ancillary to our family enjoyment of The Carding Mill, for exclusive use by family and friends. We have no intention of letting, selling or using it as a tourist facility. We would be happy for such a condition to be included in any planning consent and we understand that there are precedents for such an approach.

The Appeal:

We are pleased that the planning authority of Argyll and Bute Council have approved our plans. However, condition no.2 attached to that approval was for us to create visibility splays, extending 42 m either side of the site entrance cleared to 1.05 m, to improve traffic safety on Gallanach Road.

Whilst we do consider road safety to be of importance, it is this condition that we are appealing, based on:

- (i) no increase in traffic from the proposed development
- (ii) the scale of the proposed development in the context of current guidelines
- (iii) the practicalities of implementation of the condition
- (iv) the visual impact of implementation of the condition

Traffic impact of the proposed development:

The advice we received from the planning officer at the pre-application stage, that visibility splays to the road may be relaxed if the proposed development was ancillary accommodation for family and friends use only, is entirely consistent with the fact that there would be no impact on traffic intensity as a result of the development.

The site entrance/exit is on to a 30 mph restricted road which is essentially single track at that point with cars proceeding more slowly than the speed limit and with some caution. We are a 1 car family generating minimal traffic movement at the entrance. We do not envisage that the proposed development will result in any intensification of traffic movements at the entrance on to Gallanach Road and we do not consider that it will have any increased impact on traffic safety once complete.

Note also the accompanying technical appendix provided by Mr J Tolmie.

The development in the context of current guidelines

We consider the condition to be onerous based on the greater level of scrutiny the proposed development received and the pre-planning advice. Alternative options for providing an additional bedroom to the site, with associated living space, could have included:

- (i) a loft conversion (rejected by us due to lack of head room in the loft)
- (ii) extension to the main house (rejected by us due to lack of space adjacent to the house and requirement for significant ground works)

However, according to the current permitted development guidelines, depending on their scale, neither of these two options would have required planning consent or input to the planning process from the roads department. Therefore, we would not have incurred any conditions on visibility splays despite the fact there would have been the same overall increase in accommodation. Further, under current planning guidelines, a property with 4 bedrooms or more may let out a maximum of 2 bedrooms and a property with 3 bedrooms or fewer may let out 1 bedroom without planning intervention. In both of these situations the traffic intensity would be increased substantially without any required changes in the visibility splays. Our preferred option was to develop the workshop/ garage, thus minimising the disruption to family life and any deleterious impacts on the grounds surrounding the house. This has gone through the proper planning process and resulted in the onerous condition.

Practicalities of implementation of visibility splays:

To establish the required visibility splays, we would be required to remove about 30 m of mature beech hedging towards Gallanach (see Figure 1) that is planted above an old dry stone wall (see Figure 2). A landscape gardener has advised us (Paradise Garden Services 07810 445898) that the removal of this hedging may indeed lead to the collapse of the existing dry stone wall, which is an historic element of the surroundings.

Visual impact of implementation of visibility splays

Establishing the required splays will require reduction in height of existing stone walls and the removal of mature planting (Figure 1); the effect being to substantially change the appearance of the frontage of an historic house in Oban and alteration of the character of this area. Further, the required works would significantly reduce privacy to the house and affect the safety of the amenity ground, which is partly enclosed by the beech hedge and incorporates a children's play area. Installation of any new fencing or hedge to restore some privacy or safety would cause further change to the local character of the area.

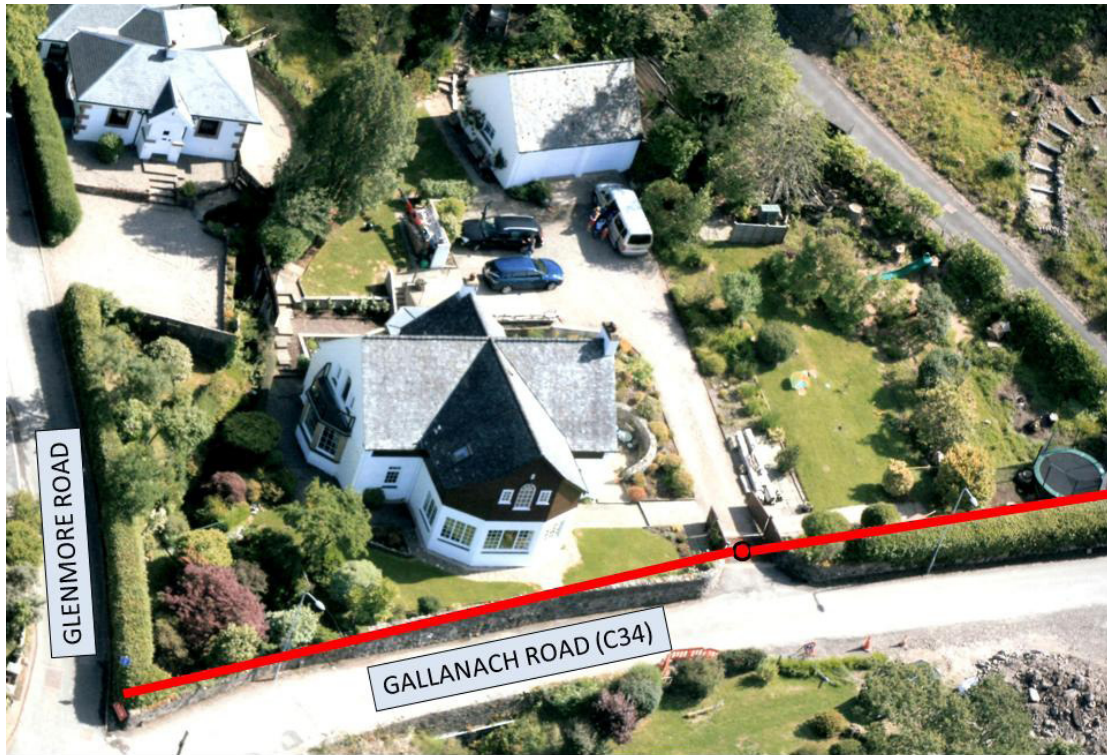


Figure 1: Aerial photo of The Carding Mill, showing the entrance with the requested visibility splays marked in red. The splay to the left cuts through a stone wall in front of the house and the splay to the right will require removal of the beech hedge. The children's play area can be seen to the right of the site.

The Carding Mill circa 1900-1910



Evidence of the dry stone wall that is still in existence (see inset) on the Gallanach side of the property entrance demonstrating that this wall is part of the environmental heritage of this area of Oban.

Figure 2: Old photograph of The Carding Mill, showing the original mill wheel. The dry stone wall below the existing beech hedge is marked in the red box.

Precedents

A similar case was presented to the Highland Council which we regard as a precedent for such a development and we can provide further details of this if required. In that case visibility splays could not be accommodated for a development and the Area Planning and Building Standards Manger recommended ...

“that there is a viable alternative which could satisfy the needs of the applicant in terms of living closer to family for support and still provide an element of independent living. An extension to the existing house built as an annex, with independent facilities, **limited to occupation by family members**. This would not be viewed as an intensification of the use of the road access, as **it would not generate additional traffic above the level of the existing house substantially**, and therefore could be supported.”

In summary

- We believe that the scale of works and the visual impact of establishing the visibility splays required by the current planning condition are disproportionate to the scale of the proposed development.
- Whilst the proposal increases the accommodation space of the site, there will be no material increase in the traffic intensity beyond the present normally accepted level.
- Had it been possible to propose an alternative form of development (e.g. a loft conversion or an extension), to achieve the same increase in accommodation, the planning process would not have triggered a need for establishing visibility splays.
- There is a clear precedent to permit a similar development, for sole use by family members, where there is no intensification to the use of the road access.
- We would be happy to accept an explicit condition limiting occupation to family and friends.
- According to the Scottish Government guidance on the use of planning conditions contained under Circular 4/1998 Annex A, there are six tests for conditions. We consider that this appeal case is related to two of these tests.
 1. **Relevance to the development being permitted:** given the development will not change traffic intensity on the site, we do not consider the condition to be relevant to what we are proposing.
 2. **Reasonableness:** given the proposed development is a relatively small conversion of a workshop/garage space, we consider the scale and visual impact of the required visibility splays to constitute an unreasonable condition.

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Additional Note:

During the proposed development we had planned to renew the wooden gateways at the entrance and modify some of the stone work. We believe these changes would improve visibility significantly. Further, we have identified a part of our property where we can improve safety for all users where Glenmore Road accesses onto Gallanach Road. For details of these proposed changes please see technical appendix prepared by Mr J Tolmie and the schematic shown in Figure 3.

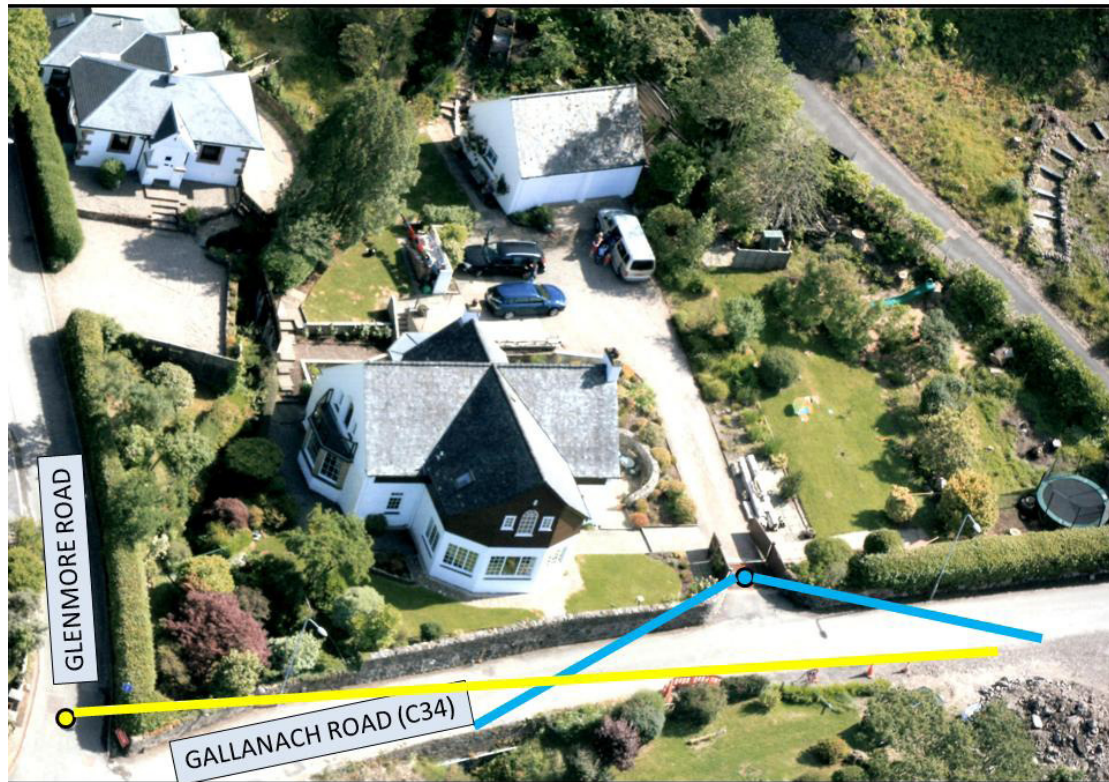


Figure 3: Aerial view of The Carding Mill showing visibility splays from proposed altered gateway to the property (in blue) and the potential enhanced visibility from Glenmore Road onto Gallanach Road (in yellow) that could be created.

Technical Appendix

PROPOSED DEVELOPMENT AT THE CARDING MILL **(Argyll & Bute Ref 12/01588/PP)**

Inspection

The Carding Mill is accessed from the C34 Gallanach Road within the urban 30mph restriction. The public road varies in width but is effectively single track at the access point with areas available for passing on either side of the entrance near the junction of Glenmore Road (Gallanach) and at the extended parking areas associated with Tigh an Chaolais, Oir na Mara and Ellan Vannin.

There is no footway at this locus but it is acknowledged that 95%+ of all pedestrian movement is on the seaward side of the road and not on the house side.

The existing access to the Carding Mill is poor with non-existent visibility splays currently available due to the height of the boundary walling and hedge.

Observations

On the day of my visit I assessed the through traffic speeds, in both directions, to be in the order of 20-23mph. This is consistent with my recollections and observations over a great number of years. This also correlates with the information given in the pre-planning advice by the Roads Authority which advises that if the access were to be improved, for a proposed new development, then the standard required is 2.4 x 25 metres which is consistent with Designing Streets and as I understand the figure in the draft documentation currently being used by Argyll & Bute Council.

The “conditioned” figure of 2.4 x 42 metres is consistent with the standards required for a 30mph normal speed which implies that a full site appreciation has not been carried out. The condition also advises that to achieve these standards it will be necessary to lower the wall along the site entrance. This is totally misleading as it will be necessary to lower at least 25 metres of wall along the frontage of the site.

The pre-application advice given on 25 April 2012 advises that if a “non-extension of use” development were to be lodged then lesser visibility standards may be acceptable. This is totally consistent with the stance taken by Planners over the years despite the concerns raised by Roads Officers for more major works. It is possible that improvements can be made to the existing access (see Appendix A) but these will be more by agreement than condition which was also being suggested in the pre-planning correspondence.

The lodged application and the approval granted clearly states that the conversion of the workshop was to form ancillary domestic accommodation and I would suggest that this wording is very clear that “no extension of use in planning terms is envisaged”. Why an onerous road’s condition has been included is inconsistent with the pre-application advice and precedent.

Conclusion

I consider that you have a very good case to have the roads condition removed from the Planning Approval based on fairness and consistency.

Recommendations

1. You proceed with your intended course of action in appealing the condition through the review process of the Local Review Board.

2. You advise the Council that you would be happy for a condition to be imposed, which would be totally in keeping with your claims, of the development being ancillary and complementary to the main dwelling and not for commercial gain.

3. You agree to carry out the works suggested in Appendix A attached. These will improve the immediate safety at your existing access which is commensurate with the scale of your proposed development and additionally a separate significant safety improvement for all road users.

James C Tolmie BSc(Hons) CEng., MICE, MIHT

APPENDIX A

1. I recommend that the works noted below are carried out to improve the safety of the existing access to The Carding Mill.
 - a) To achieve visibility improvements towards Gallanach I would recommend that you lower the existing stone wall to a maximum height of 1.05 metres from the cattle grid round towards the mature beech hedge. This will give visibilities of 2.4 x 18 metres? while not affecting the hedge or the privacy/security of the children's play area.
 - b) To improve the visibility towards the town I would suggest lowering the boundary wall over a distance of 6 metres which should give visibility in the order of 10 metres in that direction. Note that it will be necessary to alter or reduce the height of the pedestrian access gate. This will not impact on the privacy which is created by the higher boundary wall as that is not recommended for reduction in height.

2. You will be very aware that the visibility from Glenmore Road (Gallanach) on the C34 Gallanach Road is very restricted particularly in the Kilbowie direction. I recommend that you also agree to remove a short section of hedge, which obstructs vision in that direction, from the kerb line back to the street nameplate. Assuming that you agree to keep this area below a height of 1 metre it will be possible to see and be seen from vehicles for more than 60 metres on the Kilbowie approach. This would be a very significant improvement for a great number of people using Glenmore Road.