

Ref:  
AB1

ARGYLL AND BUTE COUNCIL  
[WWW.ARGYLL-BUTE.GOV.UK](http://WWW.ARGYLL-BUTE.GOV.UK)\*\*

OFFICIAL USE

27/9/13

F McCallum

Date Received

**NOTICE OF REVIEW**

Notice of Request for Review under Section 43(a)8  
of the Town and Country Planning (Scotland) Act 1997 and the Town and  
Country Planning (Schemes of Delegation and Local Review Procedure)  
(Scotland) Regulations 2013

**Important** – Please read the notes on how to complete this form and use  
Block Capitals. Further information is available on the Council's Website.  
You should, if you wish, seek advice from a Professional Advisor on how to  
complete this form.

(1) APPLICANT FOR REVIEW

Name

Address

Postcode

Tel. No.

Email

(2) AGENT (if any)

Name

Address

Postcode

Tel. No.

Email

(3) Do you wish correspondence to be sent to you  or your agent

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

#### 4. REASONS FOR ISSUING THIS NOTICE

Condition 2 of the Planning Permission provides that the gazebo authorised by the Planning Permission shall not be occupied otherwise than as an annexe to the main unit to the north of the site known as Dundonald and only for the enjoyment of the occupants thereof. The gazebo erected upon the Land Affected is being let on a commercial basis as holiday occupation and is being occupied otherwise than as an annexe to the main unit to the north of the site known as Dundonald and for the enjoyment of the occupants thereof. The use of the gazebo is in breach of the limitation subject to which the Planning Permission has been granted. There has accordingly been a breach of planning control.

The access to the gazebo is immediately adjacent to the C25 Bonawe Road. Visibility splays required to ensure the safety of road users have not, and cannot, be achieved at this location. The Development represents a danger to public road users and is inconsistent with the following policies of the adopted Argyll and Bute Local Plan; LP ENV 1, LP CST 1, LP TOUR 1, LP TRAN 4, LP TRAN 6 and Appendix C.

It appears to the planning authority that there has been a breach of planning control and it is expedient to issue this notice having regard to the provisions of the development plan and danger to public safety.

#### 5. WHAT YOU ARE REQUIRED TO DO

You are required to **cease the use of the gazebo for commercial holiday letting accommodation and all other purposes other than as an annexe to the main unit to the north of the site known as Dundonald for the sole enjoyment of the occupants thereof.**

Time period for compliance: **28 days from the date the notice takes effect.**

#### 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **24<sup>th</sup> September 2013** subject to section 131(3) of the Act which provides that where an appeal is made to the Scottish Government before the date this notice takes effect that this notice shall be of no effect pending the final determination or the withdrawal of the appeal.

#### 7. YOUR RIGHT OF APPEAL

You can appeal against this notice, but your appeal must be received or posted in time to be received by the Scottish Government before **24<sup>th</sup> September 2013**. Schedule 1 to this notice gives information on your rights of appeal **READ IT CAREFULLY**.

#### 8. WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this notice, it will take effect on **24<sup>th</sup> September 2013** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Dated: 21<sup>st</sup> August 2013

(6) Description of Proposal

VARIATION OF CONDITION 2  
RELATIVE TO PERMISSION  
REFERENCE 08/01309/DET

(7)

Please set out the detailed reasons for requesting the review:-

ATTACHED

If insufficient space please continue on a separate page. Is this is attached?  (Please tick to confirm)

(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

*NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.*

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

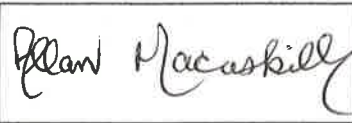
**Schedule of documents submitted with Notice of Review (Note: 3 paper copies of each of the documents referred to in the schedule below must be attached):**

No.	Detail
1	ATTACHED
2	
3	
4	
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached?  (Please tick to confirm)

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Submitted by  
(Please Sign)



Dated



**Important Notes for Guidance**

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – [www.argyll-bute.gov.uk/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604392/604269 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk) or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392/604269 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

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**For official use only**

Date form issued

Issued by (please sign)

## GROUNDS OF APPEAL

Planning permission was granted on 18 September 2008 for the erection of a gazebo Ref: 08/01309/DET with a Condition that the building was only to be occupied for the enjoyment of the occupants of 'Dundonald'. This dwelling house is occupied by the Appellants. (Supporting Document No. 4)

A photograph of the gazebo is listed at Document No. 3.

The Appellants main residence is in Edinburgh and they forgot about the Conditions attached to the 2008 consent. They started to let the gazebo to persons for holiday purposes and Argyll & Bute Council served a Breach of Conditions Notice.

On 31 July 2012 an application was lodged to vary the above Condition to permit holiday letting of the gazebo. A letter was submitted along with the application (Document No.5)

Planning Permission Ref: 12/01669/PP was refused for the Variation of Condition No.2 (Document No.6). The Reason for Refusal was because the Area Roads Manager raised objections in relation to road safety. An Enforcement Notice Ref: 12/00166/ENBOC.2 was then issued by Argyll & Bute Council. This notice will be effective on 24 September 2013 (Document No.2)

Planning Permission Ref: 10/02167/PP (Document No.8) was previously granted on 14 April 2011 for the erection of 3 studicons in the grounds of 'Dundonald'. This application included a car park for 8 spaces.

A Plan (Document No.9) is attached showing the approved car park.

On 25 August 2012 a letter (Document No.10) was submitted stating that the occupants of the gazebo can park in the approved car park across the road as there were 8 spaces and only 6 were required for the studicons. The Roads Department still objected (Document No.11).

The position of the car park and the gazebo is shown on page 1 of the attached Report from Vector Transport Consultancy (Document No.12). Vector Transport Consultancy was commissioned to produce a Report assessing the pedestrian accessibility to the gazebo from the approved car park.

The conclusions at Paragraph 3.1 states "There is no significantly elevated risk to pedestrians due to the location of the property and the nature of the road

which would prevent pedestrians either accessing the road as a walking route or crossing the road between the car park and the gazebo”.

The report also states that there is ample visibility on both sides of the road to enable pedestrians to check for approaching traffic before entering the roadway from the property on either side of the road. Pedestrians either walking along the road or crossing the road at this location would have ample notice of approaching vehicles.

The area is popular with tourists who walk along the road as there are no pavements.

The maximum number of persons that can occupy the gazebo is 2. 'Dundonald' is a large dwelling house with 6 bedrooms and can accommodate 12 persons. Those persons can cross the road to the shore and pontoon using an access that is not nearly as safe as the proposed route to the gazebo.

Other residents of properties along the C25 Bonawe Road cross that road where visibility is far less than that achieved from the car park at 'Dundonald' to the gazebo.

The Report by Vector Consultancy at Paragraph 2.3 demonstrates that there is plenty of time for pedestrians to cross the road safely.

Clearly the position of the Areas Roads Manager cannot be substantiated and therefore the applicants wish to lodge an Appeal against the Enforcement Notice so that the gazebo can be used for holiday letting.

## SUPPORTING DOCUMENTS

1. GROUNDS OF APPEAL
2. ENFORCEMENT NOTICE REF: 12/00166/ENBOC2
3. PHOTOGRAPH OF GAZEBO
4. PLANNING PERMISSION REF: 08/01309/DET FOR THE GAZEBO WITH CONDITIONS
5. LETTER SUBMITTED ALONG WITH APPLICATION FORM
6. REFUSAL OF PLANNING PERMISSION REF:12/01669/PP
7. REASON FOR REFUSAL RELATIVE TO APPLICATION REF:12/01669/PP
8. PLANNING PERMISSION REF: 10/02167/PP
9. PLAN FOR APPLICATION REF: 10/02167/PP SHOWING CAR PARK WITH 8 SPACES
10. LETTER DATED 25 AUGUST 2012 STATING THAT VEHICLES WOULD PARK IN CAR PARK ACROSS THE ROAD
11. LETTER FROM PLANNING OFFICER REPLYING TO LETTER ABOUT THE CAR PARK
12. REPORT FROM VECTOR CONSULTANCY

The report was prepared by Iain MacDonald of Vector Transport Consultancy. Iain has a Degree in Civil Engineering and a Post Graduate Diploma in Transport. Iain is a Chartered Member of the Institution of Logistics and Transport and a Member of the Institution of Highways and Transportation.



**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY  
OR PROPERTY THAT YOU HAVE AN INTEREST IN**

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

**ENFORCEMENT NOTICE**

**REFERENCE NUMBER: 12/00166/ENBOC2**

To: Lorna Marion Nicholsby  
Dundonald  
North Connel  
Oban  
Argyll  
PA37 1RE

**ISSUED BY: ARGYLL AND BUTE COUNCIL, KILMORY, LOCHGILPHEAD**

1. **THIS IS A FORMAL NOTICE** which is issued by Argyll and Bute Council, having their head office at Kilmory, Lochgilphead, Argyll, PA31 8RT a local authority constituted under the Local Government etc (Scotland) Act 1994, and as such the Planning Authority for the area of Argyll and Bute in terms of the Town and Country Planning (Scotland) Act 1997 (as amended) ("the Act") because it appears to them that there has been a breach of planning control, under Section 127 of the Act, at the Land Affected as hereinafter defined. Argyll and Bute Council consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. **THE LAND AFFECTED**

That plot or area of ground, south of Dundonald North Connel, Oban, PA37 1RE shown delineated in red on the attached plan (hereinafter referred to as 'the Land Affected').

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

In terms of Section 123(1)(b) of the above Act, failing to comply with the conditions and/or limitations subject to which planning permission reference 08/01309/DET, authorising the development of the Land Affected, ('the Planning Permission') has been granted.

It appears to Argyll and Bute Council that you have failed to comply with the following condition/limitation attached to the Planning Permission and that there has therefore been a breach of planning control;

Condition 2: *"The gazebo hereby permitted shall not be occupied otherwise than as an annexe to the main unit to the north of the site known as 'Dundonald', and only for the enjoyment of the occupants thereof."*



LENGTH 5.67m WIDTH 2.85m HEIGHT 3.25m

Argyll and Bute Council

#### 4. REASONS FOR ISSUING THIS NOTICE

Condition 2 of the Planning Permission provides that the gazebo authorised by the Planning Permission shall not be occupied otherwise than as an annexe to the main unit to the north of the site known as Dundonald and only for the enjoyment of the occupants thereof. The gazebo erected upon the Land Affected is being let on a commercial basis as holiday occupation and is being occupied otherwise than as an annexe to the main unit to the north of the site known as Dundonald and for the enjoyment of the occupants thereof. The use of the gazebo is in breach of the limitation subject to which the Planning Permission has been granted. There has accordingly been a breach of planning control.

The access to the gazebo is immediately adjacent to the C25 Bonawe Road. Visibility splays required to ensure the safety of road users have not, and cannot, be achieved at this location. The Development represents a danger to public road users and is inconsistent with the following policies of the adopted Argyll and Bute Local Plan; LP ENV 1, LP CST 1, LP TOUR 1, LP TRAN 4, LP TRAN 6 and Appendix C.

It appears to the planning authority that there has been a breach of planning control and it is expedient to issue this notice having regard to the provisions of the development plan and danger to public safety.

#### 5. WHAT YOU ARE REQUIRED TO DO

You are required to **cease the use of the gazebo for commercial holiday letting accommodation and all other purposes other than as an annexe to the main unit to the north of the site known as Dundonald for the sole enjoyment of the occupants thereof.**

Time period for compliance: **28 days from the date the notice takes effect.**

#### 6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **24<sup>th</sup> September 2013** subject to section 131(3) of the Act which provides that where an appeal is made to the Scottish Government before the date this notice takes effect that this notice shall be of no effect pending the final determination or the withdrawal of the appeal.

#### 7. YOUR RIGHT OF APPEAL

You can appeal against this notice, but your appeal must be received or posted in time to be received by the Scottish Government before **24<sup>th</sup> September 2013**. Schedule 1 to this notice gives information on your rights of appeal **READ IT CAREFULLY**.

#### 8. WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this notice, it will take effect on **24<sup>th</sup> September 2013** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Dated: 21<sup>st</sup> August 2013



Development Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDER  
1992

FULL PLANNING PERMISSION

REFERENCE NUMBER: 08/01309/DET

Mr Geoffrey Nicholsby  
Allan Macaskil  
5 Ferryfield Road  
Connel  
By Oban  
PA37 1SR

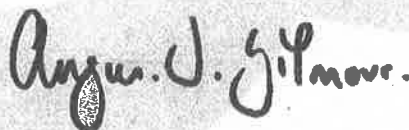
I refer to your application dated 18th July 2008 for planning permission in respect of the following development:

Erection of gazebo - retrospective  
AT:  
Dundonald North Connel Oban Argyll And Bute PA37 1RE

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Orders hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the conditions and reasons detailed on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 18 September 2008



Angus J. Gilmour  
Head of Planning

**CONDITIONS AND REASONS RELATIVE TO APPLICATION 08/01309/DET**

1. Standard.

*Reason:* Standard.

2. The gazebo hereby permitted shall not be occupied otherwise than as an annexe to the main unit to the north of the site known as 'Dundonald', and only for the enjoyment of the occupants thereof

*Reason:* In accordance with the use applied for, the annexe hereby permitted being considered unsuitable for separate residential accommodation by reason of its lack of surllage and the siting.

**PLANNING & INVESTIGATIVE CONSULTANT**

**ALLAN MACASKILL**  
5 Ferryfield Road  
CONNEL, PA37 1SR

Tel/Fax: 01631 710133  
Mobile: 07749754660  
Email: [emacaskill@btinternet.com](mailto:emacaskill@btinternet.com)

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30 July 2012

Mr Stephen Fair  
Area Team Leader/Planning Department  
Argyll & Bute Council  
Municipal Buildings  
Albany Street  
OBAN PA34 4AR

Dear Mr Fair

A Planning Application has been lodged to vary Condition No.2 of Planning Consent Reference Number: 08/01309/DET to permit holiday letting.

1. The proposal will not have an undue detrimental impact on neighbouring properties as the gazebo can only accommodate up to 2 persons. Holiday accommodation is compatible with residential surroundings.
2. The proposal will provide a tourist facility which is encouraged in Argyll & Bute
3. The proposal conforms to the relevant development plan policies.

Yours sincerely

Allan Macaskill



# Planning & Regulatory Services

Seirbheisean Planaidh is Riaghlaidh

Development Management • Policy  
Building Standards • Animal Health  
Trading Standards • Environmental Health

Municipal Buildings Albany Street Oban PA34 4AW

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

## TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

### REFUSAL OF PLANNING PERMISSION

REFERENCE NUMBER: 12/01669/PP

Mr And Mrs Geoffrey Nicholsby  
EKJN Architects LLP  
EKJN Architects LLP  
Bryerton House  
129 High Street  
LINLITHGOW  
EH49 7EJ

I refer to your application dated 31st July 2012 for planning permission under the above mentioned Act and Regulations in respect of the following development:

**Variation of Condition 2 (occupancy restriction) relative to planning permission reference 08/01309/DET (retrospective) at Dundonald North Connel Oban Argyll And Bute PA37 1RE**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission for the above development for the **reason(s) contained in the attached appendix**

Dated: 18 July 2013

Angus J. Gilmour  
Head of Planning and Regulatory Services

[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)



**REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 12/01669/PP**

1. The access to the application site is served by the C25 Bonawe Road. The Area Roads Manager was consulted on the proposal and has raised objections in relation to road safety as the necessary visibility splays cannot be achieved. The necessary amendments to the application have been provided to the applicant who has indicated, through the commencement of works, that he is unwilling to undertake these changes. Therefore the proposal represents a danger to public road safety and is not consistent with the provisions of the adopted Local Plan specifically policies LP ENV 1, LP CST 1, LP TOUR 1, LP TRAN 4, LP TRAN 6 and Appendix C

RECEIVED  
23 JUL 2013  
13-015





**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND) REGULATIONS 2008**

**PLANNING PERMISSION**

**REFERENCE NUMBER: 10/02167/PP**

**Mr And Mrs G Nicholsby  
Mr Allan MacAskill  
5 Ferryfield Road  
Connel  
By Oban  
PA37 1SR**

I refer to your application dated 22nd December 2010 for planning permission in respect of the following development:

**Erection of three 'studicons' for holiday letting purposes.  
AT:  
Dundonald North Connel Oban Argyll And Bute PA37 1RE**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the conditions and reasons detailed on the following page(s).

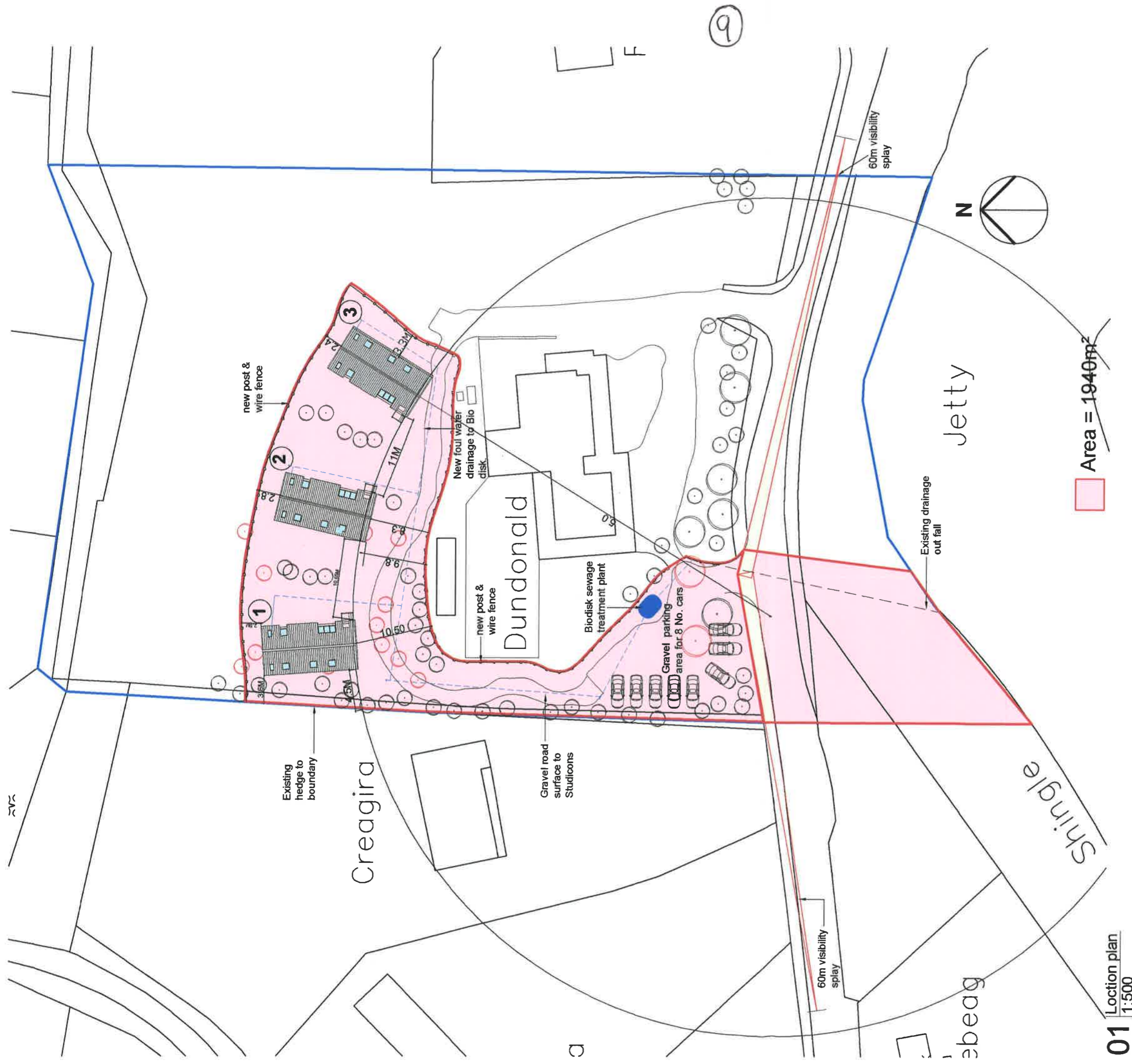
It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 14 April 2011

Angus J. Gilmour  
Head of Planning and Regulatory Services

[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)





**01** Location plan  
1:500

- rev E 25.11.10 Number of units reduced from 4No. to 3No.
- rev D 31.08.10 Additional car parking provision shown as request by the planning officer
- rev C 26.05.10 Boundary changed
- rev B 10.05.10 Drainage, decked areas to studios, dimensions to boundaries and boundary treatments added to plans for planning application validation
- rev A 06.04.10 Bio disk sewage treatment plant shown on site plan

Project <b>Dundonald Landing</b> North Connell		Drawing <b>Site Plan, as proposed</b>	
Drawing Category <b>Planning</b>		 <b>ARCHITECTS</b> Project Managers and CDM Coordinators	
EK:JN Architects 1000 High Street Linlithgow EH49 7AQ		Tel 01506 847151 Fax 01506 846209 E mail@EKJN.co.uk	
Scale	1:500	Date	March 10
Job No	10-011	By	TM
		Drawing no	11
		Rev	E

STAMPED 14/4/11 10/02/167/PP

## PLANNING & INVESTIGATIVE CONSULTANT

**ALLAN MACASKILL**

5 Ferryfield Road  
CONNEL, PA37 1SR

Tel/Fax: 01631 710133

Mobile: 07749754660

Email: [emacaskill@btinternet.com](mailto:emacaskill@btinternet.com)

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25 August 2012

Mr Stephen Fair  
Area Team Leader/Planning Dept  
Argyll & Bute Council  
Municipal Buildings  
Albany Street  
OBAN PA34 4AW

Dear Mr Fair

**REF: 12/01669/PP – VARIATION CONDITION  
DUNDONALD, NORTH CONNEL, OBAN PA37 1RE**

Mr Brian Rattray, a Technical Officer with the Operational Services of Argyll & Bute Council replied to the above consultation stating that a Section 75 Agreement was required.

The same applicant, Ref: 10/02167/PP, was granted permission for a car park immediately across the road for 8 car parking spaces.

The occupants of the gazebo can park a vehicle in that car park as only 6 spaces are required for the studicons.

Yours sincerely

Allan Macaskill



Argyll and Bute Council  
Comhairle Earra Gháidheal agus Bhóid



**Development and Infrastructure Services**  
Director: Sandy Mactaggart

Municipal Buildings Albany Street Oban PA34 4AW

Admin e-mail address: amanda.hutton@argyll-bute.gov.uk  
Planning Officer e-mail address: planning.olandi@argyll-bute.gov.uk

Our Ref: 12/01669/PP

Your Ref:

29 October 2012

Mr and Mrs Geoffrey Nicholsby  
Allan Macaskill  
5 Ferryfield Road  
Connel  
By Oban  
PA37 1SR

Dear Mr MacAskill

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

**APPLICANT: Mr and Mrs Geoffrey Nicholsby**

**PROPOSAL: Variation of Condition 2 (occupancy restriction) relative to planning permission reference 08/01309/DET (retrospective)**

**SITE ADDRESS: Dundonald North Connel Oban Argyll and Bute PA37 1RE**

I refer to your letter dated 25<sup>th</sup> August 2012 in relation to proposed alternative parking arrangements for this development. You have suggested that as an alternative to parking on site, that the parking requirement for the gazebo could be met by the car park granted planning permission under application 10/02167/PP. This suggestion was put forward to the area roads service for consideration who have advised that they oppose this alternative on road safety grounds.

In order to progress the matter, I would be grateful if you would confirm to me whether or not your client will approach the adjacent landowner(s) regarding a Section 75 agreement to provide the necessary visibility splays as advised in the area roads service consultation response dated 9<sup>th</sup> August 2012.

Please do not hesitate to contact Andrew Barrie on 01631 56760 should you wish to discuss.

Yours sincerely

PP

Stephen Fair  
Area Team Leader, Oban, Lorn and the Isles



**Dundonald Landing Pedestrian Access  
Assessment**

**Final Report**

**September 2013**

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## CONTENTS

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# 1 STUDY BACKGROUND

## 1.1 Background

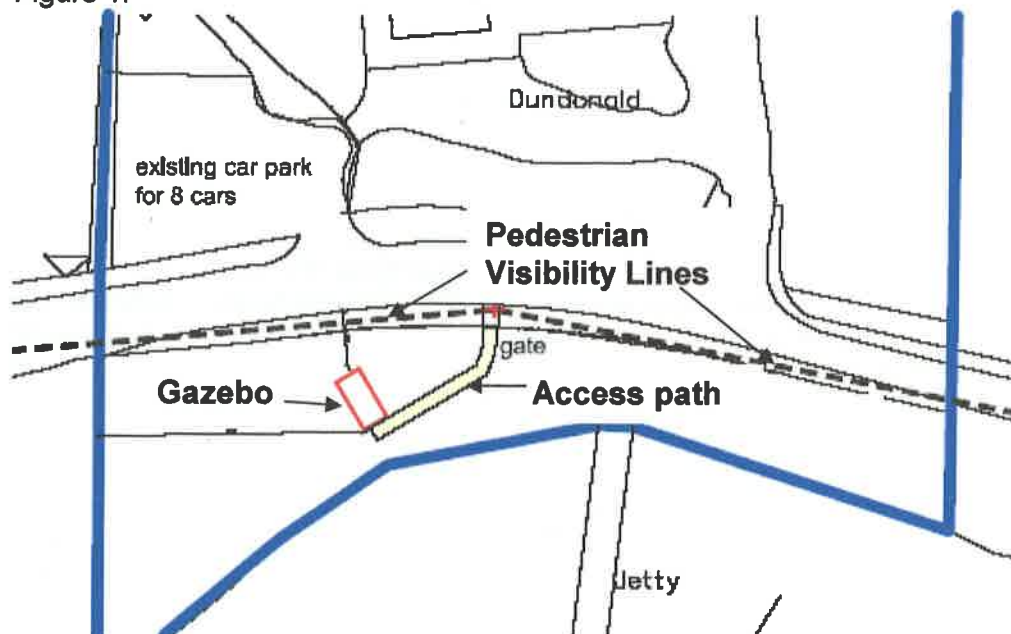
Vector Transport Consultancy has been commissioned to assess the pedestrian accessibility of a Gazebo developed within the grounds of the property known as Dundonald. The property is in North Connel and is located approximately 2.5 kilometres west of the A828 on the C25 Bonawe Road, on the north shore of Loch Etive.

The C25 is a single track road with passing places. The road is lightly trafficked and vehicle speeds are generally less than 30 miles per hour in the vicinity of the property.

The C25 Bonawe Road runs through the property. The main house is located to the north of the road and the Gazebo is located across the road, to the south.

The owner desires to let part of the property for short term holiday lets and as such, would like to let the Gazebo as a small holiday unit for two people. It is anticipated that holiday makers who use the Gazebo would generally arrive by car and hence would need to be able to park the car close to the Gazebo.

The layout of the property and the relative location of the Gazebo is presented in Figure 1.



**Figure 1 - Location of Gazebo**

Leisure and Tourism is a major sector of economic activity in Argyll and Bute. Many properties in the local area and in nearby Oban, cater for the leisure and tourist trade, through provision of accommodation, retail and catering services and indeed leisure activities. One of the most popular leisure activities is walking. The area is well served by leisure walking routes, with established paths incorporating a combination of off-road and on-road based sections. The road in the vicinity of the property is frequently used by pedestrians.



## 1.2 Site visit

A site visit was undertaken on Monday 2<sup>nd</sup> September 2013. During the site visit, visibility lines were checked and visibility distances were measured, using a measuring wheel. Road characteristics in the vicinity of the property (500 metres west and 1,200 metres east) were reviewed.

The characteristics of the road, in terms of width and availability of verges which could be used by pedestrians, varies along the road. Road signs indicate that the road is a single track with passing places. In some locations, there is sufficient room for two vehicles to pass, without using a passing place. In others, there is not room without the use of a passing place. The road width varies from approximately three to four metres in width. Along most of the length of road reviewed, there were grassed verges available for pedestrians to use, to avoid passing traffic. In most locations, there is sufficient width of metaled road surface to enable traffic to pass pedestrians walking on the side of the surfaced road, without the need for pedestrians to move on to the verge.

During the site visit, two pedestrians were observed, at two different locations, whilst the road either side of the property was being driven. On both occasions, the pedestrians were walking on the metaled road surface, rather than on the verge. Discussion with the property owner, and experience of similar roads elsewhere, confirms that this is normal practice for pedestrians walking on single track roads, where there is no segregated foot path.

Within the extents of the road visible from the property, there is sufficient width in the road for vehicles to pass pedestrians walking on the road side, without the need for the pedestrians to move on to the verge. Within the extents of the road visible from the property, there are grass verges available at the side of the road, which would allow pedestrians to move off the road, should the need arise.

It is understood from discussion with the owner of the property, that traffic volumes are generally low. The sole exception being the time on Sundays when the local church service finishes and the congregation all leave at the same time. During the site visit, four vehicles were observed to travel along the road, within a period of approximately 30 minutes, from 11.30 am. One of these vehicles was a heavy goods vehicle which carries material from a local quarry. It is understood that this level of traffic is not uncommon along this road.

Two vehicles were followed by car, to observe driving speed. Both vehicles travelled at speeds between 20 to 30 miles per hour along the road, within approximately 500 metres either side of the property. Within the visibility limits of the property, the speeds were below 30 miles per hour.

To the north of the Gazebo, along the road verge, there was a fence approximately 1.8 metres high, for most of its length. It is understood that the height of this fence, to the west of the pedestrian gateway, will be lowered to one metre. This may provide a modest enhancement to visibility along the road. It was noted that much of the road is bounded by evergreen foliage in the form of trees shrubs and bushes.





## 2 ASSESSMENT OF ACCESS

### 2.1 Parking

Parking for Gazebo users is available to the north of the road. The distance between the access gate to the Gazebo and the entrance to the parking area is approximately 15 metres. There is parking available for eight vehicles in the parking area. It is anticipated that one space will be required for Gazebo users.

The view of the parking entrance as seen from the Gazebo gateway is presented in Figure 2.



**Figure 2 - Car park entrance**

### 2.2 Visibility

A key consideration for pedestrian safety along a public road, is visibility. In this instance, we need to consider the visibility along the road, from the access gate to the Gazebo and from the entrance to the parking area. These are locations where we can expect pedestrians to enter the roadway.

The visibility from the parking area is important for those occasions when motorists and passengers park their cars and leave the parking area on foot. Gazebo users may cross the road from the car park to the Gazebo gate. Other car park users may emerge on to the road and walk to other locations. Gazebo users are expected to use the parking area at least when they first arrive for their stay and when they leave. In addition, there may also be occasions during the stay, when Gazebo users cross between the Gazebo and the car park.



When considering visibility for pedestrians we need to consider the visibility from the point on the road verge, where pedestrians may seek to enter the road, to then walk along the road. Therefore we take regard of the visibility from the road verge, rather than on the metalled road surface. The visibility from the verge is more constrained but is a more conservative 'worst case' assessment. Unlike the requirements for vehicle visibility, where we would look at visibility from the driver's position (2.4 metres or more from the edge of the roadway), pedestrian visibility is taken from the verge immediately adjacent to the roadway.

From the gateway to the Gazebo, the visibility along the road to the left (looking west) is 118 metres. Visibility to the right is 115 metres. The view from the verge at the Gazebo gate, is presented in Figures 3 and 4.



**Figure 3 - View to the left from Gazebo**





**Figure 4 - View to the right from Gazebo**

We also need to consider visibility from the car park entrance. Visibility to the left (looking east) is 127 metres and visibility to the right (looking west) is 108 metres. The view from the car park is presented in Figures 5 and 6.



**Figure 5 - View to the left from the car park**



**Figure 6 - View to the right from the car park**

From the Gazebo, the road can be seen from inside the fence, through the gaps between the fence slats. Whilst this is not unrestricted visibility, it does enable pedestrians to see through the fence and to determine whether there are any pedestrians or vehicles on the other side of the fence. Therefore pedestrians can see traffic approaching, in the immediate area, before they emerge through the gate and on to the grass verge, adjacent to the road. Similarly, pedestrians joining the road from the car park, can see along the road, before they reach the roadside itself.

### **2.3 Reaction times**

In order to assess whether pedestrians and vehicle traffic can interact safely on the shared road way, the reaction time available should be considered. Normally, we would consider reaction time for assessing the time required for pedestrians to cross safely in a location which is not controlled by a pedestrian crossing. For a crossing assessment, we would assess the time taken for a pedestrian to cross the road. Using a standard pedestrian speed of 1.2 metres per second for the assessment, the road in the vicinity of the Gazebo and car park is approximately four metres wide. Therefore pedestrians would require 3.33 seconds to cross the road.

Traffic approaches at up to 30 miles per hour, or 48 kilometres per hour. This equates to up to 13.33 metres per second. Therefore, for the minimum visibility distance of 108 metres, this equates to just over eight seconds travel time.

With pedestrians who wish to cross the road at the Gazebo or car park requiring just over three seconds to cross the road and with approaching traffic taking over eight seconds to reach the crossing location, from the lowest visibility distance, this leaves a margin of around five seconds, for a comfort factor. This is more than adequate for this type of location.



Similarly, for pedestrians walking along the road, there is a similar time period for drivers or pedestrians to respond to the presence of the other on the road. With a minimum of eight seconds available to react, the common reaction of drivers is to slow down and to pull over on the road to pass pedestrians. Similarly, pedestrians react to traffic by moving to the side of the road.

A side effect of low traffic volumes, such as in the location under consideration is that pedestrians travelling in groups may be inclined to 'bunch' and to walk two or three abreast, in conversation. Whilst this could conceivably be an issue for groups of pedestrians walking along the road, it is thought that this is unlikely to be an issue for visitors using the Gazebo. This effect generally only occurs where pedestrians feel safe and traffic volume is measured in minutes between vehicles.

## **2.4 Accident history**

Assessment of pedestrian safety and the need for facilities to enhance safety, such as a controlled pedestrian crossing, rely on three key factors. These are vehicle traffic volumes, pedestrian volumes and accident rates. It is understood that there are no recorded injury accidents along this road in the last five years. This fact, coupled with low traffic volume and low pedestrian volume suggest that there is little evidence that the road is dangerous for pedestrians to use.





## 3 CONCLUSIONS

### 3.1 Pedestrian safety assessment

The road benefits from very light traffic flow. Typically there are several minutes between vehicles travelling along the road. There is some heavy goods vehicle traffic to and from the quarry along the road. However, the goods vehicles are known to travel at reasonable and safe speeds and one was observed travelling slowly, during the sight visit.

There is ample visibility on both sides of the road to enable pedestrians to check for approaching traffic before entering the roadway from the property on either side of the road. Pedestrians either walking along the road, or crossing the road at this location would have ample notice of approaching vehicles. Similarly, approaching vehicles would also have ample opportunity to see pedestrians on the road and take appropriate action to avoid any risk of collision.

There is no known issue with accidents along the road, near the property.

The character of the road, in the vicinity of the property is similar to that along other parts of the road, where housing has been developed. The road typically is bounded by hedges, trees and shrubs. The road in the vicinity of the property is a relatively wide section of single track road with ample room for vehicles to pass pedestrians standing on or walking along the side of the road.

In conclusion, there is no significantly elevated risk to pedestrians due to the location of the property and the nature of the road, which would prevent pedestrians either accessing the road as a walking route, or crossing the road between the car park and the Gazebo.