

# Public Document Pack

## Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT  
Tel: 01546 602127 Fax: 01546 604435  
DX 599700 LOCHGILPHEAD  
17 March 2022

## NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY MICROSOFT TEAMS** on **THURSDAY, 17 MARCH 2022** at **2:00 PM**, which you are requested to attend.

Douglas Hendry  
Executive Director

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **CONSIDER NOTICE OF REVIEW REQUEST: VARIATION TO A CONDITION RELATIVE TO PLANNING PERMISSION REFERENCE 21/01603/PP AT LAND SOUTH OF HIGH OAKS, ARTARMAN ROAD, RHU, HELENSBURGH**
  - (a) Notice of Review and Supporting Documentation (Pages 3 - 60)
  - (b) Comments from Interested Parties (Pages 61 - 78)
  - (c) Comments from Applicant (Pages 79 - 82)

## Argyll and Bute Local Review Body

Councillor Rory Colville  
Councillor Jean Moffat

Councillor Kieron Green

Contact: Lynsey Innis, Senior Committee Assistant; Tel: 01546 604338

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Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: [planning.hq@argyll-bute.gov.uk](mailto:planning.hq@argyll-bute.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100232350-007

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation: AGF Architecture & Design

Ref. Number:  You must enter a Building Name or Number, or both: \*

First Name: \* Alan Building Name:

Last Name: \* Findlay Building Number: 6

Telephone Number: \* 01436645080 Address 1 (Street): \* Ardenconnel Way

Extension Number:  Address 2: Rhu

Mobile Number:  Town/City: \* Helensburgh

Fax Number:  Country: \* United Kingdom

Postcode: \* G84 8LU

Email Address: \* [alan@agfarchitecture.co.uk](mailto:alan@agfarchitecture.co.uk)

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |                                     |  |   |
|----------------------|-------------------------------------|--|---|
| Title:               | <input type="text" value="Ms"/>     | You must enter a Building Name or Number, or both: * |   |
| Other Title:         | <input type="text"/>                | Building Name:                                       | <input type="text" value="West Cottage"/>   |
| First Name: *        | <input type="text" value="Polly"/>  | Building Number:                                     | <input type="text"/>                        |
| Last Name: *         | <input type="text" value="Dunlop"/> | Address 1 (Street): *                                | <input type="text" value="Camis Eskan"/>    |
| Company/Organisation | <input type="text"/>                | Address 2:   | <input type="text"/>                        |
| Telephone Number: *  | <input type="text"/>                | Town/City: *   | <input type="text" value="Helensburgh"/>    |
| Extension Number:    | <input type="text"/>                | Country: *   | <input type="text" value="United Kingdom"/> |
| Mobile Number:       | <input type="text"/>                | Postcode: *  | <input type="text" value="G84 7JZ"/>        |
| Fax Number:          | <input type="text"/>                |  |   |
| Email Address: *     | <input type="text"/>                |  |   |

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="683703"/> | Easting | <input type="text" value="227380"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Variation of Condition 7 relative to planning permission reference 20/00267/PP to reduce the conditioned visibility splay from 2.4 x 42 x 1.05 to 2.4 x 17 x 1.05 at Land South of High Oaks Artarman Road, Rhu, Helensburgh, Argyll & Bute

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to Local Review Board Supporting Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

1. Local Review Board Supporting Statement 2. Planning Application Ref 21/01603/PP Supporting Statement 3. Proposed site plan drg No. L(9)10

### Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/01603/PP

What date was the application submitted to the planning authority? \*

03/08/2021

What date was the decision issued by the planning authority? \*

12/11/2021

### Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

We feel that a site visit would allow the LRB to fully understand the site location and proposed access drive & would give the opportunity for the client & Local Ward Councilor to provide any required background information.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

### Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

### Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Alan Findlay

Declaration Date: 20/01/2022

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**Proposal Details**

|                              |                           |
|------------------------------|---------------------------|
| Proposal Name                | 100232350                 |
| Proposal Description         | Erection of Dwellinghouse |
| Address                      |                           |
| Local Authority              | Argyll and Bute Council   |
| Application Online Reference | 100232350-007             |

**Application Status**

|                          |          |
|--------------------------|----------|
| Form                     | complete |
| Main Details             | complete |
| Checklist                | complete |
| Declaration              | complete |
| Supporting Documentation | complete |
| Email Notification       | complete |

**Attachment Details**

|  |          |    |
|--|----------|----|
| Notice of Review                                 | System   | A4 |
| Artarman Road LRB Supporting Statement           | Attached | A4 |
| L-9-10   | Attached | A1 |
| Artarman Road - Condition 7 Supporting Statement | Attached | A4 |
| Notice_of_Review-2.pdf                           | Attached | A0 |
| Application_Summary.pdf                          | Attached | A0 |
| Notice of Review-007.xml                         | Attached | A0 |

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# Architecture & Design

**PROPOSED DWELLINGHOUSE,  
ARTARMAN ROAD,  
RHU**

**VARIATION TO PLANNING CONSENT REF 20/00267/PP  
CONDITION NUMBER 7  
PLANNING REFERENCE NUMBER 21/01603/PP**

**LOCAL REVIEW BOARD SUPPORTING STATEMENT**



**SUPPORTING STATEMENT**

The Planning application ref: 21/01603/PP, which was refused on 12 November 2021 was in respect of a request to vary Condition 7 of the granted Planning Permission ref: 20/00267/PP for a new one & a half storey dwelling house and vehicular access on land at, Artarman Road, Rhu.

The original granted Planning Permission placed an onerous condition (No. 7) in relation to the sightlines for vehicle access to the new property which can not be achieved due to the sightlines falling on land out-with the ownership of the applicant. A Planning Consultant made the following comments, submitted to the planning department in our letter to them dated 12 Feb 2021 (Refer to Appendix E) - *This condition is ultra vires and contrary to the terms of Planning Circular 4/1998 (The Use of Conditions in Planning Permissions) as the stipulated visibility splay extends over land that is out with the application site and the applicants ownership. In that context, the condition is open to challenge, but we would hope that rather than having to resort to that that a reasonable compromise can be reached that satisfies all parties.*

Following unsuccessful attempts to reach agreement with the neighbours who control this area of land/ hedge in question, application 21/01603/PP was submitted to reduce the sightlines from the consented 42m (subsequently revised by roads to 25m) to 17m as this was the max distance which could be achieved on land owned by the applicant. Site Photographs are included in Appendix D.

Substantial additional information was provided in the submitted supporting statement including traffic survey, detailed Roads consultant's report, reference to current roads advice etc. It is disappointing that this information appears to have not been taken into account in determining the variation application.

The client has also discussed the proposal at length with the local ward councillor – Mr George Freeman and following a site visit and understanding of the site he fully supports this variation to the planning condition. Please refer to Appendix for a copy of his supporting e-mail to the planning department.

We appreciate/...

We appreciate that the reduced visibility splay does not accord with Argyll & Bute's Road guidance, however we have shown that the document 'Roads Guidance for Developers' dated 2008 is outdated. A number of Argyll & Bute Policy documents going back to 2013 also make reference that this guidance would be updated to reflect the guidance within Designing for Streets & the SCOTS National Road Development Guide. As far as we are aware this is still to be updated. ECS transport Planning Ltd report and reference to all current policy documents is contained within the Supporting Statement document which accompanied the variation Planning application.

In addition we are concerned at the seemingly inconsistent approach which is being taken to apply the road guidance and road safety within the local area . This inconsistency can be seen in the following granted Permissions:

Planning Ref: 20/01190/PP was approved for a new vehicle access to a new dwelling house in Torwoodhill Road. Please refer to enclosed Appendix B which shows the approved plan along with recent site photographs. The approved drawings clearly demonstrate a failure to provide visibility splays as 1.65m high gate posts obscure any sight lines. The location of adjacent entrances is also contrary to advice previously provided to an option we explored at Artarman road. From a site visit it is clear that this new entrance also does not have a level entry as required under the current roads guidance. The information on the Planning Portal shows a varied report from roads which removes the sightline requirement – there is no explanation as to the reason for this change, Planning advised that it had followed a site visit?

The position of this property on a dead end road is almost identical to our application, however our proposal provides a level entry, clear (but slightly reduced) sightlines and widened main access road. All of these items combined provide a far superior & 'safer' exit onto a public road.

Planning Ref: 19/02604/PP was approved for 143 Houses/ Flats on land East of Hermitage. The roads report contains limited comments on this proposal around vehicular access from the dwelling houses. Looking at the approved site plan and extracts (Appendix C) we are at a loss as to why it is acceptable to allow a multi-unit new build development to have driveways off the main access road which then involves you having to reverse across a footpath into oncoming traffic yet in a single new build dwelling this is not permitted, and where this manoeuvre is seen as being safer than being able to enter and exit a driveway in a forward gear?

The Main/.....

The main reason for the refusal to accept a reduced visibility splay appears to be around the question of 'road safety'. We have tried to demonstrate in the submitted Supporting Statement that through the very nature of the existing street, traffic volumes, vehicle stopping distances etc 'road safety' would not be compromised by this new access. In fact the formation of the access and the introduction of road widening across the width of the frontage would in fact improve the 'road safety' for users of the existing road as currently there is no passing place along the length of the single track road. We have also demonstrated that the safety that we have achieved with this revised proposal is far greater than any of the multi-unit new build developments which have been approved within Helensburgh in recent years.

We would welcome the opportunity to meet with the Local Review Board and the local ward councillor to undertake a site visit to enable them to see the location of this proposal and fully understand the position of the proposed entrance to allow them to support the variation application.

AGF Architecture & Design

20 January 2022

**APPENDIX A – LOCAL WARD COUNCILLOR SUPPORTING E-MAIL**

**From:** Freeman, George  
**Sent:** 13 September 2021 18:26  
**To:** Young, Howard <[Howard.Young@argyll-bute.gov.uk](mailto:Howard.Young@argyll-bute.gov.uk)>  
**Cc:** Davies, Sandra <[Sandra.Davies@argyll-bute.gov.uk](mailto:Sandra.Davies@argyll-bute.gov.uk)>; handl, planning <[planning.handl@argyll-bute.gov.uk](mailto:planning.handl@argyll-bute.gov.uk)>  
**Subject:** PLANNING APPLICATION 21/01603/PP [NOT PROTECTIVELY MARKED]  
**Importance:** High

**Classification: NOT PROTECTIVELY MARKED**

Dear Howard,

I refer to the above planning application from Ms Polly Dunlop for a Variation of Condition 7 relative to planning permission reference 20/00267/PP to reduce the conditioned visibility splay from 2.4 x 42 x 1.5m to 2.4 x 17 x 1.05m. This planning application is for a site within my Lomond North Ward. I can confirm that I have discussed this application and the original application 20/00267/PP with Ms Dunlop and would wish my full support for this application to be recorded and taken into account when officers are determining the application.

I believe that the application for a variation to Condition 7 to planning permission reference 20/00267/PP can be supported as a minor departure from policy based on the following considerations:

- a. There are / were no objections from statutory consultees to this application or to the original application.
- b. There are no objections from the public, including neighbouring properties to this application.
- c. There are no objections from the Community Council to this application.
- d. As far as I can determine, this application is in line with the adopted Argyll & Bute Council Local Development Plan.
- e. The level of traffic on Artarman Road is minimal as only a total of 7 properties are served by Artarman Road with only 3 properties before the development site and only 4 properties beyond the development site.
- f. Vehicles exiting the development site would be turning left down Artarman Road and remaining in the left hand lane. Vehicles exiting the development site would not be crossing over Artarman Road to the far lane to turn right to travel further up Artarman Road thus ensuring that any risk is minimal and well within acceptable limits.
- g. I have visited the site on two occasions and noted that over two separate 1 hour periods, no vehicles travelled up or down Artarman Road.

It would be appreciated if you could arrange for my support for this application to be recorded please.

Regards,

*George Freeman*

*The Councillor who Works for Communities with Communities*

*and Puts Communities First.*

Councillor George S Freeman

Independent Councillor

Ward 9 – Lomond North

Argyll & Bute Council

Tel: 01436-811325

Mobile: 07554-773732

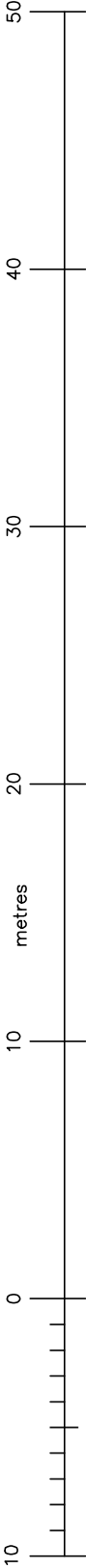


**APPENDIX B – PLANNING PERMISSION 20/01190/PP – SITE PLAN**

APPROVED CONSENT - Planning Ref: 20/01190/PP

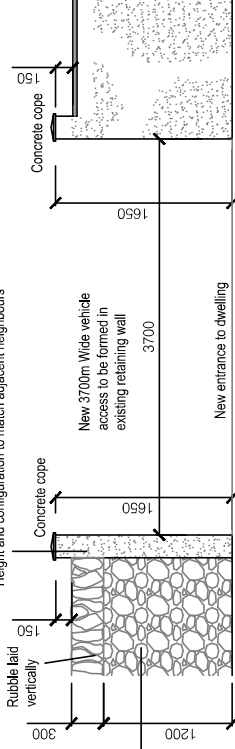


'A' 14.07.20 Drawing amended to suit planning  
 'B' 27.08.20 Drawing amended to suit planning  
 'C' 09.09.20 Drawing amended to suit planning



Scale Bar 1:200

new 215 x 215 x 1650 high gate pier to be finished with wet dash roughcast to match main boundary wall. Height and configuration to match adjacent neighbours



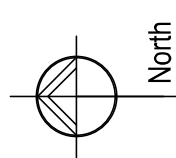
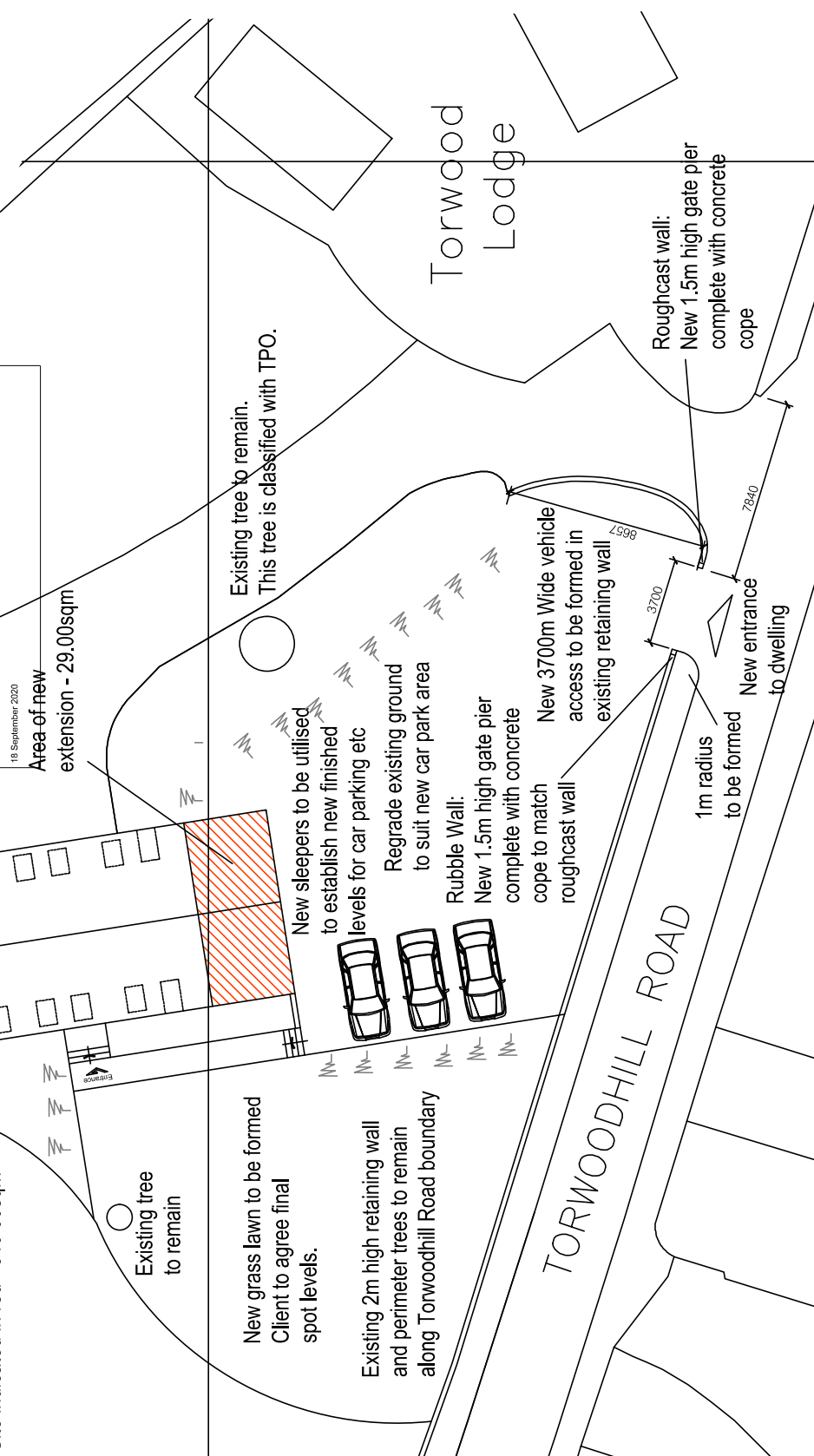
Wet Dash Roughcast wall: New 1.5m high gate pier complete with concrete cope.  
 Note: Height and configuration to match adjacent neighbours

**PART ENTRANCE ELEVATION as PROPOSED 1:50**

This plan has been APPROVED by the PLANNING AUTHORITY and MUST be constructed in accordance with the Planning Conditions of Consent No. 200/180/PP

**Area of new extension - 29.00sqm**

Site indicated in red = 840.00sqm



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|                |  |
|----------------|--|
| CLIENT:        | MR CRAIG COSTIN                                    |
| PROJECT:       | PROPOSED CONVERSION OF EXISTING GARAGE TO DWELLING |
| DRAWING TITLE: | BLOCK PLAN AS PROPOSED                             |
| DRAWING NO:    | 2020/L/102C  |
| SCALE:         | 1:200 / 1:50                                       |
| DRAWN:         | M.G.   |
| DATE:          | 31.08.20   |
| AMENDMENT      | A B C  |

**PLANNING**

**BLOCK PLAN as PROPOSED 1:200**

**APPENDIX C – PLANNING PERMISSION 19/02604/PP – SITE PLAN**

| Revised                   | 7       | 8  | 9     | 10   | 11 | 12   | 13 | 14   | 15 | 16   | 17 | 18   | 19 | 20   |
|---------------------------|---------|----|-------|------|----|------|----|------|----|------|----|------|----|------|
| 6.64 acres (net)          | 571     | 8  | 4650  | 1072 | 1  | 1072 | 1  | 1072 | 1  | 1072 | 1  | 1072 | 1  | 1072 |
| 13.73 acres (gross)       | 571     | 8  | 4650  | 1072 | 1  | 1072 | 1  | 1072 | 1  | 1072 | 1  | 1072 | 1  | 1072 |
| <b>External Finishes</b>  |         |    |       |      |    |      |    |      |    |      |    |      |    |      |
| 3 bed semi                | 528     | 15 | 1448  |      |    |      |    |      |    |      |    |      |    |      |
| 3 bed terraced            | 1060    | 6  | 1060  |      |    |      |    |      |    |      |    |      |    |      |
| 3 bed det                 | 1072    | 1  | 1072  |      |    |      |    |      |    |      |    |      |    |      |
| 4 bed det                 | 1103    | 10 | 1103  |      |    |      |    |      |    |      |    |      |    |      |
| 4 bed det                 | 1203    | 11 | 1203  |      |    |      |    |      |    |      |    |      |    |      |
| 4 bed det                 | 1203    | 11 | 1203  |      |    |      |    |      |    |      |    |      |    |      |
| 4 bed det                 | 1332    | 8  | 11055 |      |    |      |    |      |    |      |    |      |    |      |
| 4 bed det                 | 1447    | 10 | 14470 |      |    |      |    |      |    |      |    |      |    |      |
| 4 bed det                 | 1521    | 7  | 15210 |      |    |      |    |      |    |      |    |      |    |      |
| 5 bed det                 | 1703    | 7  | 17030 |      |    |      |    |      |    |      |    |      |    |      |
| <b>Attainable</b>         |         |    |       |      |    |      |    |      |    |      |    |      |    |      |
| 1.47 acres (net)          | 675     | 6  | 4050  |      |    |      |    |      |    |      |    |      |    |      |
| 1.58 acres (gross)        | 675     | 6  | 4050  |      |    |      |    |      |    |      |    |      |    |      |
| 2 bed det                 | 715     | 6  | 4290  |      |    |      |    |      |    |      |    |      |    |      |
| 2 bed terraced            | 855     | 9  | 5115  |      |    |      |    |      |    |      |    |      |    |      |
| 3 bed terraced            | 955     | 9  | 5115  |      |    |      |    |      |    |      |    |      |    |      |
| 3 bed det                 | 955     | 9  | 5115  |      |    |      |    |      |    |      |    |      |    |      |
| 4 bed det                 | 1072    | 1  | 1072  |      |    |      |    |      |    |      |    |      |    |      |
| 4 bed det                 | 1103    | 10 | 11030 |      |    |      |    |      |    |      |    |      |    |      |
| 4 bed det                 | 1203    | 11 | 12030 |      |    |      |    |      |    |      |    |      |    |      |
| 4 bed det                 | 1332    | 8  | 11055 |      |    |      |    |      |    |      |    |      |    |      |
| 4 bed det                 | 1447    | 10 | 14470 |      |    |      |    |      |    |      |    |      |    |      |
| 4 bed det                 | 1521    | 7  | 15210 |      |    |      |    |      |    |      |    |      |    |      |
| 5 bed det                 | 1703    | 7  | 17030 |      |    |      |    |      |    |      |    |      |    |      |
| <b>Total</b>              |         |    |       |      |    |      |    |      |    |      |    |      |    |      |
| Total Units               | 143     |    |       |      |    |      |    |      |    |      |    |      |    |      |
| Total sqft                | 157,595 |    |       |      |    |      |    |      |    |      |    |      |    |      |
| Total Gross Area          | 15.32   |    |       |      |    |      |    |      |    |      |    |      |    |      |
| Total GFA                 | 4.21    |    |       |      |    |      |    |      |    |      |    |      |    |      |
| Total Net Area            | 11.11   |    |       |      |    |      |    |      |    |      |    |      |    |      |
| Total Coverage sqft/Gross | 10,287  |    |       |      |    |      |    |      |    |      |    |      |    |      |
| Total Coverage sqft/Net   | 14,185  |    |       |      |    |      |    |      |    |      |    |      |    |      |

| Issue | Date     | Detail   |
|-------|----------|--|
| G     | 16.04.20 | 25% Visitor Parking & traffic lights added                 |
| F     | 04.12.19 | Footpaths at site front altered to suit level.             |
| E     | 14.11.19 | Internal car numbers increased and numbers dropped to 143. |
| D     | 14.08.19 | New 4 bed introduced.                                      |
| S     | 20.07.19 | Phase A2.2.2 value engineered.                             |
| B     | 12.06.19 | Internal car numbers changed.                              |
| A     | 06.07.19 | HA not offered   |

**AMENDMENTS**

Hamilton Business Park  
 Caird Street  
 Hamilton ML3 0QA  
 Telephone 01698 477440  
 Fax 01698 477441  
 www.bellway.co.uk

**Bellway**

Project  
**Sawmill Field Helensburgh**

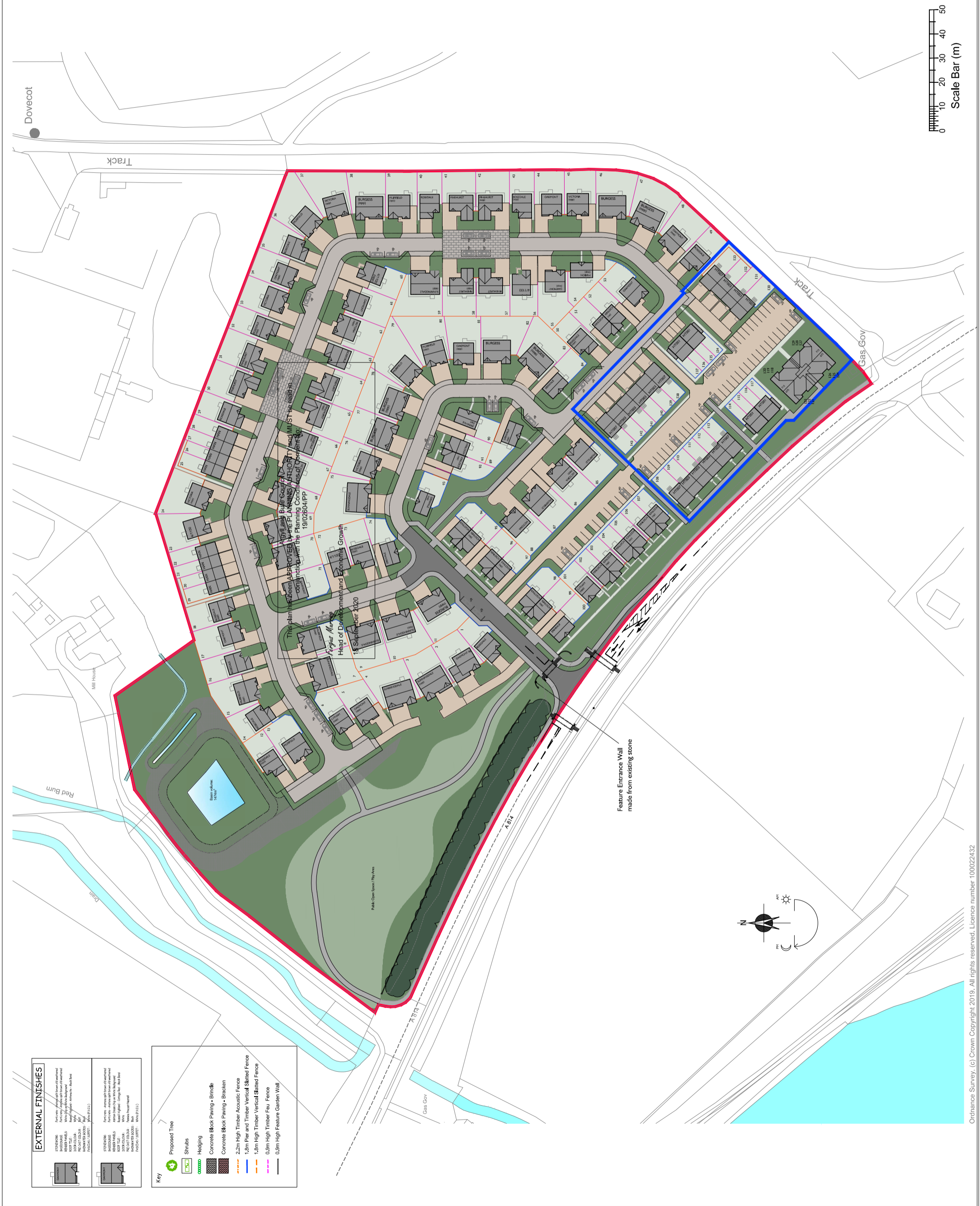
Drawing  
**Development Layout**

Scale  
**1:500@A0 GK**

Date  
**11.06.19**

Checked  
**HH/SK/01**

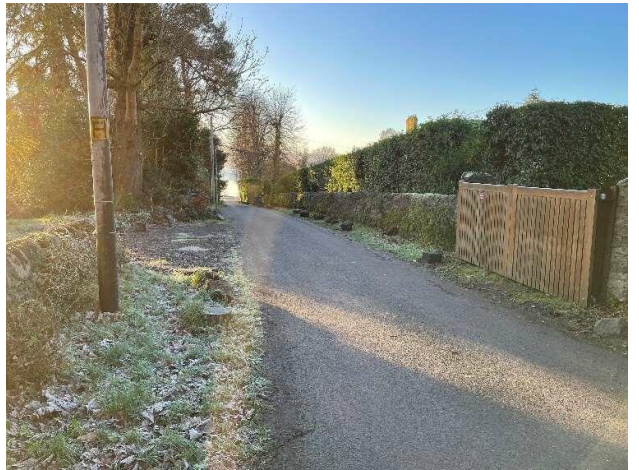
Drawing No  
**G**



| External Finishes                       | Key           |
|---|---------------|
| Concrete Block Paving - Brindle         | Proposed Tree |
| Concrete Block Paving - Blacken         | Strubs        |
| 2.2m High Timber Acoustic Fence         | Hedging       |
| 1.8m High Timber Vertical Slatted Fence |               |
| 1.8m High Timber Felt Fence             |               |
| 0.9m High Feature Garden Wall           |               |

**APPENDIX D – ARTARMAN ROAD – SITE PHOTOGRAPHS**

Artarman Road Site Access Photographs



**APPENDIX E – LETTER TO PLANNING DEPARTMENT DATED 12/2/21**



# A r c h i t e c t u r e & D e s i g n

AGF/19-118-017

12 February 2021

Emma Jane/ Howard Young  
Argyll & Bute Council  
Planning, Housing & Regulatory Services  
The Helensburgh and Lomond Civic Centre  
38 East Clyde Street  
Helensburgh  
G84 7PG

Dear Emma,

**PROPOSED DWELLING HOUSE, ARTARMAN ROAD, RHU  
PLANNING CONSENT REF: 20/00267/PP**

We refer to the above granted planning consent and in particular conditions 3 & 7 which relate to the imposed road widening/ passing place & visibility splay.

As you will be aware following a meeting on site with roads, agreement was reached with them concerning the location of the passing place and the visibility splay. As the existing road to the North curves round a bend they were looking for the visibility splay to extend round to the gate posts of Artarman House. Unfortunately there is an area of hedge which is out with the clients ownership and impinges the visibility height restrictions. An attempt has been made to reach agreement with the hedge owners to reduce the hedge height, however this has not been possible.

Alternative proposals were put forward to roads for consideration but have unfortunately been dismissed by them.

This site has belonged to the family of the applicant for many years and who still occupy the adjacent house, Ardlea. The applicant is building the house in order that she is on hand to look after her elderly parents so that they can stay in their own family home and not require to go into care.

Whilst the site has been a field it has always had vehicular access to it with a set of metal double gates. This combined with the fact that it is located on a single track dead end road with only 3 properties round the bend you will appreciate that both the applicant and ourselves are struggling to understand the onerous requirements being applied to this site. We are willing to accept the requirement to install the passing place which obviously provides betterment to the 3 properties beyond the site but feel that flexibility around the north visibility splay, which is out with the control of the applicant should be provided.

The project has been tendered and a contractor was due to be appointed for an immediate site start, however this has now had to be put on hold until this matter can be resolved.

In order to move this forward we have sought clarity around the requirements from both a planning consultant and a roads engineer, their comments are detailed below.

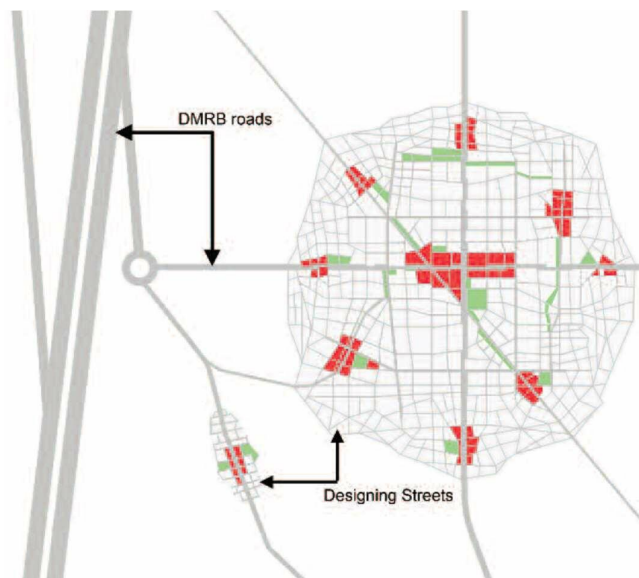
Roads/....

**Roads:**

As you are aware, Designing Streets was introduced by the Scottish Government in 2010 as a policy document with the Scottish Government's reasoning for making Designing Streets a policy document is explained at page 3:

*"The premise upon which the document is based is that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context. Designing Streets does not, thus, support a standards based methodology for street design but instead requires a design-led approach. This demands taking into account site specific requirements and involves early engagement with all relevant parties. Designing Streets marks the Scottish Government's commitment to move away from processes which tend to result in streets with a poor sense of place and to change the emphasis of policy requirements to raise the quality of design in urban and rural development."*

The diagram below taken from Page 4 of Designing Streets clearly identifies where Designing Streets should apply.



*Designing Streets* policy and guidance should be applied within all urban and rural boundaries.

Source: Designing Streets, 2010

Designing Streets is very clear that the policy document and the relevant criteria should be applied in all urban and rural boundaries. Indeed, even if a trunk road passes through an urban area Designing Streets may well be appropriate even though Transport Scotland had historically required the DMRB be applied to all trunk road sections.

This section makes it absolutely clear that Designing Streets should be applied in the urban area and Artarman Road is not an exception to this requirement of the policy document.

The SCOTS National Roads Development Guide has sought to take the design criteria and philosophy from Designing Streets and set this out in a typical guidance document for use by all design consultants. The document very clearly adopts all of the key design criteria from Designing Streets and provides some further context to acceptable variations on the application of the principles of Designing Streets.

We note that/.....

We note that Argyll & Bute Council (A&BC) has identified local variations to the SCOTS National Roads Development Guide which, in most circumstances, is common place. Many Authorities have sought to specify local variations to SCOTS to better accommodate the needs of the Authority given the mix of urban and rural demographics in Scotland. For example, parking standards are a key area where local variations have been introduced by many Authorities.

However, A&BC has identified variations to the visibility criteria as outlined within Designing Streets which is in effect contravening the policy. Designing Streets clearly indicates the visibility criteria which should be applied in all urban and rural boundaries on Page 33 of the document. SCOTS refers the reader to Designing Streets when considering visibility as this is a clear design criteria within the document and is not an aspect which is subject to variation.

We appreciate that the visibility splay requested by Argyll & Bute originally reflected the speed limit of the road given no evidence was provided to suggest otherwise, however, this is considered to be very onerous given the nature of the route. As a result, we are seeking assurance that if a speed survey is undertaken A&BC will accept the relevant visibility splay requirements as detailed within Designing Streets given this is an appropriate document for this area and takes precedence over guidance.

## **Planning:**

Designing Streets is Scottish Government policy, and so is a significant material consideration for any planning application, and the policy set out therein must accordingly be afforded due weight. Designing Streets establishes a number of policy themes, including that design should meet the six qualities of successful places, as set out in *Designing Places*, and be based on balanced decision-making and a multidisciplinary collaborative approach.

With that in mind, we are aware that the site at Artarman Road is within a Conservation Area, and as such the established character of the Artarman Road is of varying types and form of existing accesses. In this context, the Roads Dept's insistence on a solution which takes no account of this context and which is more typically applied in new and modern residential development areas would, in itself, result in an access that is somewhat alien and out of character with what prevails here, and so would have an adverse impact on the character and appearance of the Conservation Area. Designing Streets makes it clear that design and impact on established character are valid and reasonable considerations, and by association this confirms that flexibility on technical matters can be applied in response to specific circumstances, and that is what is being asked to be applied at Artarman Road.

Notwithstanding that above, the original planning permission 20/00267/PP includes condition no.7, which requires "*a sightline visibility splay of 2.4 x 42 x 1.05 metres at the new driveway access with Artarman Road shall be provided. Prior to work starting on site this visibility splay shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority*". This condition is ultra vires and contrary to the terms of Planning Circular 4/1998 (The Use of Conditions in Planning Permissions) as the stipulated visibility splay extends over land that is out with the application site and the applicants ownership. In that context, the condition is open to challenge, but we would hope that rather than having to resort to that that a reasonable compromise can be reached that satisfies all parties.

Taking these considerations together, we are hoping that you can provide an indication that the question of the visibility splay will be looked at with these various matters in mind, and we would welcome your guidance as to how this can be best regularised.

You will/....

You will appreciate that this matter is now causing distress to not only the applicant but her parents as well. It has also put additional unnecessary strain on relations with the adjacent neighbours in an attempt to reach an amicable solution which has not been possible.

The applicant is not a developer looking to make a quick profit from this site, this has been a family site for many years and this was to be her forever home.

We would appreciate if you would please review the above information and advise how we can reach a conclusion on this matter timeously.

Please let me know if you require any additional information.

Yours sincerely,

Alan G Findlay  
AGF Architecture & Design

CC. Ms P Dunlop & Mr A Murray

**Alan G. Findlay** BArch, RIBA, ARIAS e:design@agfarchitecture.co.uk  
6 Ardenconnel Way, Rhu, Helensburgh, G84 8LU t:01436 645080  
www.agfarchitecture.com

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# AGF

## Architecture & Design

**PROPOSED DWELLINGHOUSE,  
ARTARMAN ROAD,  
RHU**

**VARIATION TO PLANNING CONSENT REF 20/00267/PP  
CONDITION NUMBER 7**

**SUPPORTING STATEMENT**



**CONTENTS**

- 1.00 BACKGROUND**
- 2.00 PLANNING CONDITIONS**
- 3.00 REVISED PROPOSALS**
- 4.00 ECS TRANSPORT PLANNING REPORT**
- 5.00 APPENDIX**



## **1.00 BACKGROUND**

### **1.00 Application Details**

The submitted application is in respect of a request to vary Condition 7 of the granted Planning Permission ref 20/00267/PP for a new one & a half storey dwelling house and vehicular access on land at, Artarman Road, Rhu.

### **1.01 Location**

The site is located towards the top of Artarman Road, within the conservation village of Rhu. It is a single track surfaced road with grass verges and stone walls on both sides which is a 'dead end' and provides access to a total of seven residential properties.

### **1.02 Planning**

This land has been owned by the applicant's parents for many years before being passed to the applicant in 2016. The applicant wishes to construct a new dwelling house to allow her to live adjacent to her parents, who currently reside at 'Ardlea', in order to look after them in their own home without the need to be taken into care. Planning consent, Building Warrant and a local contractor had been put in place but unfortunately during the application to obtain RCC consent it transpired that there was an issue over achieving the sightline condition. The condition requires works to be undertaken on land out with the ownership of the client and unfortunately agreement on this has not been possible.

The granted Planning Permission was approved on 23<sup>rd</sup> April 2020 with nine conditions. Five of these conditions related to requirements imposed by Argyll & Bute Council Roads Department, condition numbers 3-7 inclusive. Three of the conditions are standard and reflect the approved drawings. Unfortunately condition numbers 3 & 7 do not reflect the approved drawings.

### **1.03 Roads**

Clarification on the guidelines used and adopted by Argyll & Bute Council Roads Department had been requested on a number of occasions for both this and other local projects. We were provided with the following:

- a. Roads Guidance for Developers - dated October 2008
- b. A&B Local Development Plan Supplementary Guidance – dated March 2016.
- c. Various Standard Details – dated 2008

During our own research we have also come across a 'Draft NRDG: Proposed Argyll & Bute Local Amendments' document.

## 2.00 PLANNING CONDITIONS

Out of the Five roads applied planning conditions there are two which are of concern, these are detailed below. Whilst the submitted application is in respect of a variation to condition 7 we note that the requirement of condition 3 appears to be somewhat erroneous and ultimately could be seen as betterment as it is of no practical advantage to allow access to the applicant's site and involves additional cost and Roads Construction Consent approval.

**Condition 3:** *Notwithstanding the effect of Condition 1; Prior to construction of the dwelling house, Artarman Road shall be widened to 5.5m for a distance of 10m at the driveway access. Details of this shall be submitted to and approved in writing by the Planning Authority prior to works commencing. Note: The road widening shall require submission of an application for a roads construction consent. After subsequent Approval a finance security road bond will be required to be lodged before any works commence on site.*

*Reason: In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

**Condition 7:** *Notwithstanding the effect of Condition 1; In accordance with 'Roads Guidance For Developers' a sightline visibility splay of 2.4 x 42 x 1.05 metres at the new driveway access with Artarman Road shall be provided. Prior to work starting on site this visibility splay shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.*

*Reason: In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

A meeting was held on site on Tuesday 27 October with both Emma Jane, Planning Officer & Donna Lawson, Roads Department to clarify the requirements of these two conditions.

Condition 3 requires the road to be widened to 5.5m all on the applicant's side of the road. The road widening will not provide any material advantage or safety to the proposed development. Notwithstanding the above comment the client is willing to accept condition 3. It was agreed that given the speed constraints on the access road the visibility splay should be reduced to 2.4 x 25m, however as the adopted road extends round the bend to Artarman House gate posts, the splay would require to extend around the bend also. The implications of this meant that approval would now be required from the adjacent owner to reduce & maintain their existing hedges, within this splay, to a max height of 1.05m. Discussions took place with the adjacent owners and on an initial agreement an RCC application was submitted – unfortunately they then raised a concern around reducing their hedge height and requested alternative options to be explored. This variation application explores an alternative option & the justification for the deviation from the consented condition.

## 3.00 REVISED PROPOSALS

Extensive research has been undertaken in the preparation of this revised proposal which now forms part of this application to vary condition 7 of the granted planning consent. ECS Transport Planning were commissioned to review the site and prepare a proposal and justification for the variation to the granted consent. Their report & proposals are detailed within Section 4.00 of this report.

In order to achieve this proposal the entrance has been moved to the south by approx. 3.8m, however it will be necessary to remove 1 additional tree – ref Number 752 within the original tree survey report. This is a horse Chestnut tree & was graded as C

We are well aware that with Artarman Road currently only serving 7 properties it is one of the quietest streets in Rhu, however in order to demonstrate & record this a traffic survey by Transurveys, was instructed for one week, Tuesday 4th May (00:00) to Monday 10th May (24:00) 2021 inclusive. The findings from this survey are contained in Appendix A.

In summary the findings indicate that there is a max peak flow of 2 vehicles per hour and an average of 18 vehicles per day.

In addition to the ECS report and proposals we would note the following:

- Page 136 of the A&B Local Development Plan Supplementary guidance SG LDP TRAN 4 states *'The Roads Development Guide is being reviewed in light of the emergence of the SCOTS National ROADS Development Guide (NRDG)'*. As far as we are aware no updated Roads Development Guide has been issued to date.
- It is noted that *'Both the NRDG and the emerging Argyll & Bute Local Roads Development Guide seek to support the Scottish Government Policy – **Designing Streets**'*.
- The applied Planning condition 7 is ultra vires and contrary to the terms of Planning Circular 4/1998 (the use of conditions in Planning Permissions) as the stipulated visibility splay extends over land that is out with the application site & ownership of the applicant.
- Page 3 of Designing streets states - *Designing Streets should be adopted by all Scottish local authorities or should provide the basis for local and site-specific policy and guidance.*
- Page 32 of Designing streets states - *Reductions in forward visibility – are associated with reduced driving speeds.*

- Page 60 of Designing streets states - *There is a tendency among some designers and approving authorities to treat design guidance as hard and fast rules because of the mistaken assumption that to do otherwise would be illegal or counter to a stringent policy. This approach is wrong.*
- We are concerned at the varying standards being applied in Argyll & Bute. The visibility splay condition is being applied with the reason '**in the interest of road safety**'. This application is for a single dwelling house and provides a safe entry and exit to the site in a forward gear onto a road which generates an average of 18 vehicle movements per day. There have been a number of recent multi-unit consents granted in the area where driveways have been provided which require you to reverse out of the driveway across a public footpath and into the public road & oncoming traffic. This approach does not afford the level of '**safety**' which we are achieving at Artarman Road.

The extract below is from the proposed Bellway site at land East of Hermitage Academy, which obtained planning consent in September 2020 – this approved proposal appears to indicate not only private driveway exits reversing over public footpaths but also internal courtyard parking exiting as a pavement crossing. In addition to the close proximity of driveways to junctions etc.



- As '**safety**' is the key aspect of the condition you can also look at the Laws of Probability and what level of risk there is. This is a mathematical equation which would establish the probability of a car exiting from the driveway at the same time as one coming down the road from the 3 properties beyond the site. Utilising the traffic survey and based on 4 vehicle exits from the applicants property per day, this has been roughly calculated that 2 cars may meet at the same time approximately once in every 3-4 years.

**4.00 ECS TRANSPORT PLANNING REPORT**

## Proposed Residential Property, Artarman Road, Rhu – Access Technical Note

### **Introduction**

ECS Transport Planning (ECS) has been commissioned by Ms Polly Dunlop & Mr Alan Murray to provide transportation advice in support of an application to amend a planning condition attached to a consent for a single dwelling located adjacent to Artarman Road, Rhu.

The findings of this study are based on a site review and existing traffic observations. Consideration has also been given to the requirements of local and national government transport planning guidance and policies.

### **Development Proposals and Planning Condition**

The submitted proposal is in respect of a new one & a half storey dwelling house and vehicular access on land at, Artarman Road, Rhu. The land is currently an area of vacant field.

The site extends to approx. 2248sqm (0.555acres) and is located to the East of Artarman Road, between the access road to Ingleby Green and the access road to High Oaks & Artarman House. The site is bounded to the West on Artarman Road by a rubble stone wall, Ingleby Green access drive to the South, a timber post and wire fence to High Oaks & Artarman House to the North and a brick wall to Ingleby Green & Tighcreag to the West. The site is generally open to the centre, with a number of trees as indicated on the site plan and the tree survey report. It will be necessary to remove one Horse Chestnut tree; however replacement tree planting is incorporated into the proposals.

Condition 7 of the planning consent for the dwelling is in respect to the required visibility at the proposed access junction and is detailed below:

*Condition 7: Notwithstanding the effect of Condition 1; In accordance with 'Roads Guidance For Developers' a sightline visibility splay of 2.4 x 42 x 1.05 metres at the new driveway access with Artarman Road shall be provided. Prior to work starting on site this visibility splay shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall*

*be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.*

*Reason: In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

The visibility splay detailed in the above condition extends beyond the applicants ownership and would also require the removal of trees / hedges to ensure the splay is clear of all obstructions. As a result, it is not possible for the applicant to meet the technical requirements of the condition which has led to the request for the condition to be amended to reflect current Scottish Government policy.

Extensive discussions have been undertaken between the applicants architect and the council's Planning / Roads Departments to ascertain if a solution to the consented access can be reached which is deliverable within land controlled by the applicant.

The Roads Department suggested that a relaxation in the visibility requirements to 2.4m x 25m could be supported as the actual speed of vehicles on the route is likely to be less than the speed limit of 30mph. The aforementioned visibility requirement is associated with a 20mph speed limit and A&BC Roads Department indicated that this is lowest speed they would be prepared to consider given their document 'Roads Guidance for Developers' does not consider lower speeds.

A visibility splay of 2.4m x 25m would still require land outwith the applicants control and result in an excessive sterilisation of the site frontage to accommodate the suggested visibility splay.

### ***Designing Streets Policy***

Designing Streets was introduced by the Scottish Government in 2010 as a policy document with the Scottish Government's reasoning for making the document policy explained within page 3:

*"The premise upon which the document is based is that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context. Designing Streets does not, thus, support a standards based methodology for street design but instead requires a design-led approach. This demands taking into account site specific requirements and involves early engagement with all relevant parties. Designing Streets marks the Scottish Government's commitment to move away from processes which tend to result in streets with a poor sense of place and to change the emphasis of policy requirements to raise the quality of design in urban and rural development."*

Also within Page 3 the document outlines the following under the heading of Policy relationship:

*“Designing Streets updates and replaces PAN 76 New Residential Streets2 (which is now withdrawn) and, in doing so, marks a distinct shift, raising the importance of street design issues from the subject of advice to that of policy. In addition, all previous road guidance and standards documents based on DB323 principles are superseded by Designing Streets. Many local authorities in Scotland have developed their own street design guidance and there is still an important role for local guidance to ensure that street design responds to local context. These existing documents may contain information on construction details and local palettes of materials which is still relevant, however information on principles, layout and street geometry which is not consistent with Designing Streets should be revised. Designing Streets should be adopted by all Scottish local authorities or should provide the basis for local and site-specific policy and guidance.”*

The above paragraph is fundamental and makes it absolutely clear that any reliance by A&BC Roads Department on the street design guidance contained within their historic guidance document, 'Roads Guidance for Developers' is contrary to Scottish Government policy. For the avoidance of doubt, visibility requirements at junctions / accesses are detailed within Designing Streets and are the only appropriate standard within the urban envelope.

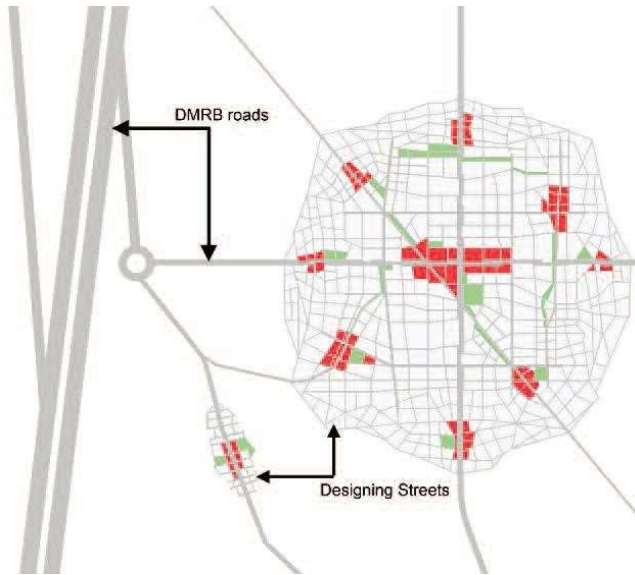
The diagram overleaf, taken from Page 4 of Designing Streets, clearly identifies where Designing Streets should apply and Artarman Road is clearly appropriate for the application of Designing Streets.

Designing Streets is very clear that the policy document and the relevant criteria should be applied in all urban and rural boundaries. Indeed, even if a trunk road passes through an urban area Designing Streets may well be appropriate even though Transport Scotland had historically required the DMRB be applied to all trunk road sections.

This section makes it absolutely clear that Designing Streets should be applied in any area with urban form and Artaman Road is not an exception to this requirement of the policy document.

The SCOTS National Roads Development Guide has sought to take the design criteria and philosophy from Designing Streets and set this out in a typical guidance document for use by all design consultants. The document very clearly adopts all of the key design criteria from Designing Streets and provides some further context to acceptable variations on the application of the principles of Designing Streets.

It is noted that Argyll & Bute Council (A&BC) has identified local variations to the SCOTS National Roads Development Guide which, in most circumstances, is common place. Many Authorities have sought to specify local variations to SCOTS to better accommodate the needs of the Authority given the mix of urban and rural demographics in Scotland. For example, parking standards are a key area where local variations have been introduced by many Authorities.



*Designing Streets* policy and guidance should be applied within all urban and rural boundaries.

Source: *Designing Streets*, 2010

However, A&BC has identified variations to the visibility criteria as outlined within *Designing Streets* which is in effect contravening the policy. *Designing Streets* clearly indicates the visibility criteria which should be applied in all urban and rural boundaries on Page 33 of the document. SCOTS refers the reader to *Designing Streets* when considering visibility as this is a clear design criteria within the document and is not an aspect which is subject to variation.

The extract below from the quote previously detailed makes the Scottish Government's position absolutely clear and it is evident that A&BC's position on visibility has not been revised to be consistent with *Designing Streets*.

*"Many local authorities in Scotland have developed their own street design guidance and there is still an important role for local guidance to ensure that street design responds to local context. These existing documents may contain information on construction details and local palettes of materials which is still relevant, however information on principles, layout and street geometry which is not consistent with *Designing Streets* should be revised."*



## **Visibility Requirements**

As per best practice, a 7 day speed survey was undertaken by Transurveys Ltd at the proposed access location between 4<sup>th</sup> and 11<sup>th</sup> May 2021. The associated speed survey report is included in *Appendix A* for consideration. The survey identified that the 85<sup>th</sup>ile speed of the route is 13.4mph northbound and 15.4 southbound. The total flow on the route is 18 two-way vehicles during the full 24hrs period which is considered to be a very low flow route.

The visibility requirements for the measured speed of the route are identified within the table contained on page 33 of *Designing Streets*. For an 85<sup>th</sup>ile speed of 15mph the visibility splay should be 17m from the centre of the access which is known as the Y distance. The Y distance represents the distance that a driver who is about to exit from the minor arm can see to his left and right along the main alignment.

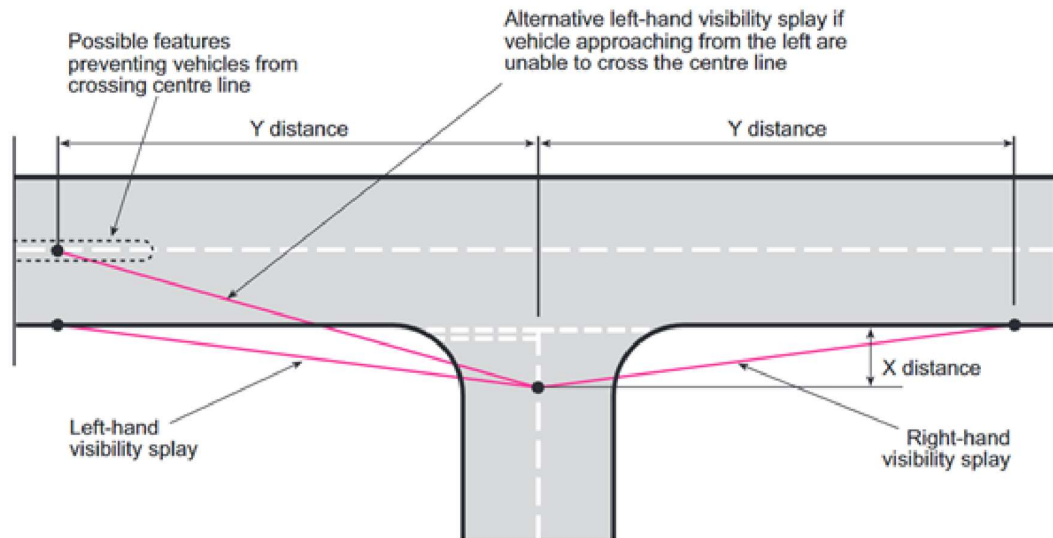
An X distance of 2.4m should normally be used in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye.

Contained within Page 34 of *Designing Streets* the diagram below outlines how the visibility is to be measured with the correct application of the X & Y distances. For the avoidance of doubt, the X distance is measured from the running carriageway edge and not the back of a passing place as previously indicated by A&BC. This is clearly defined within the *Design Manual for Roads and Bridges (DMRB) CD 123 Geometric design of at-grade priority and signal-controlled junctions* which states the following within paragraph 3.4:

*"2) a point X setback along the minor road centreline measured from the continuation of the line of the nearside edge of the running carriageway of the major road;"*

The DMRB is the primary document for road design in the UK and established the criteria for measuring visibility which is replicated within Designing Streets. The reference to running carriageway is to ensure that visibility is measured from the point where vehicles utilise the mainline carriageway as this is the only section where they will be travelling at the design (or measured) speed.

If vehicle are intending to utilise the lay-by they have to slow down to negotiate in to the lay-by and stop



to allow a vehicle to pass. As such, the measured or design visibility is not appropriate as vehicle would clearly be travelling much slower. This is accepted practice and consistent with all relevant guidance. An extract from the DMRB is included in *Appendix A* for reference.

### Access

ECS drawing 21054-001 contained within *Appendix B* indicates that the required visibility splay as per the guidance contained within the Designing Streets policy document can be achieved, however, the Y distance is measured to the centre point of the carriageway to avoid third party land to the north. As Artarman Road is a single carriageway road the proposed splay will still ensure that all vehicles negotiating the route are visible from the proposed access thereby confirming that there is no reduction in the visibility envelope proposed.

The visibility splay achievable from the proposed access meets the required of the measured road speed therefore it is considered that Condition 7 of the planning consent should be amended to reflect this submission.

It should be noted that the proposed access would have considerably better visibility splays than the majority of the existing accesses which use the route. A review of crashmap has identified that there has not been an accident on the route in the last 22 years which is as long as records extends.

It is evident that the route is low flow, there is not accident history and the proposed access meets the relevant visibility splays for the nature and speed of the street.

***Summary and Conclusions***

Condition 7 of the planning consent reflects outdated Guidance which is not consistent with Scottish Government policy. A speed survey of Artarman Road has been undertaken to demonstrate the visibility splay requirements as per the Guidance within Design Streets which all Local Authorities are required to employ.

The applicants thereby seeks the rewording of Condition 7 to reflect the visibility splay demonstrated within ECS drawing 21054-001.

**5.00 CONCLUSION**

We trust that we have been able to demonstrate & justify that the proposed variation to condition 7 has been carefully considered and the revised proposal is based on sound guidance and does not compromise the 'safety' of road users.

We would hope that a 'common sense' view will be taken by Argyll & Bute Council to support this variation given the extremely low traffic movements, the probability of risk and taking account of granted local consents.

**APPENDIX A – TRANSURVEYS SPEED SURVEY**



# TRAFFIC SURVEY REPORT

**ARTARMAN ROAD, RHU**

**TRANSURVEYS LIMITED**

BLUE SQUARE OFFICES, 272 BATH STRET, GLASGOW, G2 4JR

## TRAFFIC SURVEY REPORT

---

### QUALITY MANAGEMENT

CLIENT ECS Transport Planning Limited  
PROJECT Artarman Road, Rhu  
REFERENCE TS-21-007  
REVISION 001

| Revision | Date       | Prepared by  | Signed  | Checked by   | Signed  |
|----------|------------|--------------|---|--------------|---|
| 001      | 14/05/2021 | Neil Dempsey |  | Neil Dempsey |  |

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This report is for the private and confidential use of the client who is defined within the report, and for whom it was prepared for the purposes requested by the client. It should not be reproduced in whole or in part or relied upon by any third party for any use whatsoever without the express written authority of Transurveys Limited.

**SURVEY NETWORK**





**AUTOMATIC TRAFFIC COUNTS  
(LINK & SPEED SURVEYS)**

**CONTROL PANEL**

Site 1

7-Day Weekly Average

Northbound

24hr (00:00-00:00)

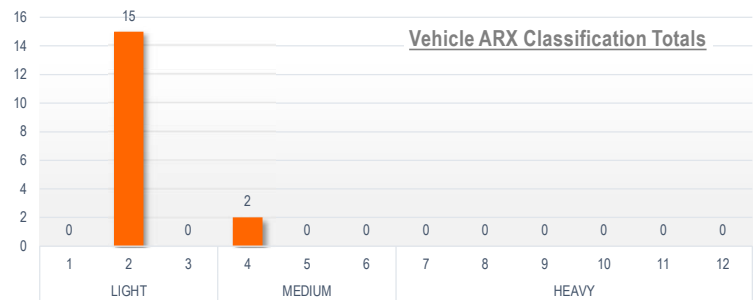
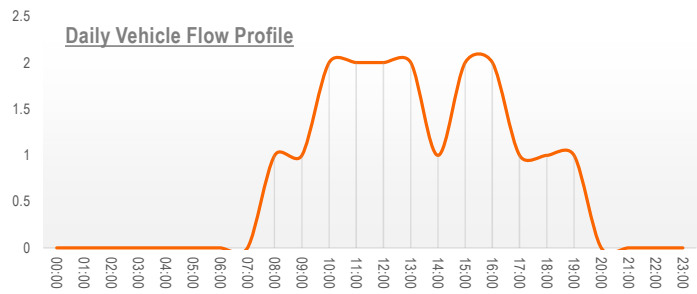
**AGGREGATED VEHICLE CLASSIFICATIONS**

|        |        |
|--------|--------|
| Light  | 100.0% |
| Medium | 0.0%   |
| Heavy  | 0.0%   |

**COBA VEHICLE CLASSIFICATIONS**

|           |        |
|-----------|--------|
| P/M Cycle | 0.0%   |
| Car / LGV | 100.0% |
| OGV1      | 0.0%   |
| OGV2      | 0.0%   |

## AUTOMATIC TRAFFIC COUNT DASHBOARD



**PEAK HOUR FLOWS (VEHICLES)**

|   |             |
|---|-------------|
| 2 | 10:00-11:00 |
| 2 | 10:00-11:00 |

**TOTAL FLOWS (VEHICLES)**

|    |                    |
|----|--------------------|
| 18 | 24hr (00:00-00:00) |
|----|--------------------|

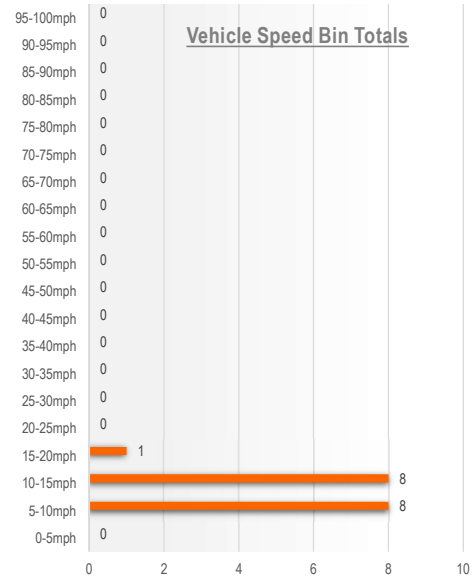
**SPEED STATISTICS (ALL VEHICLES) (MPH)**

|           |      |
|-----------|------|
| Minimum   | 5.6  |
| Mean      | 10.6 |
| 85th %ile | 13.4 |
| Maximum   | 21.2 |

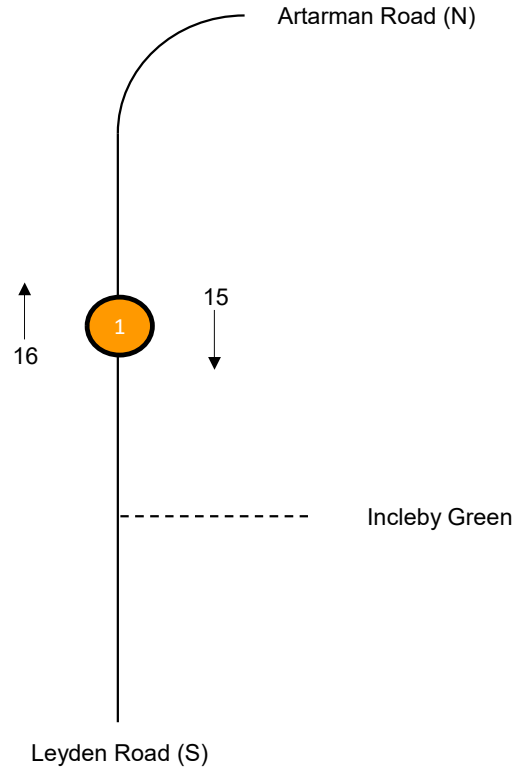
**SPEED STATISTICS (FREE FLOW CONDITIONS) (MPH)**

|           |      |
|-----------|------|
| Minimum   | 5.6  |
| Mean      | 10.7 |
| 85th %ile | 13.4 |
| Maximum   | 21.2 |

## TRANSURVEYS















**SURVEY NETWORK TRAFFIC FLOW DIAGRAM**





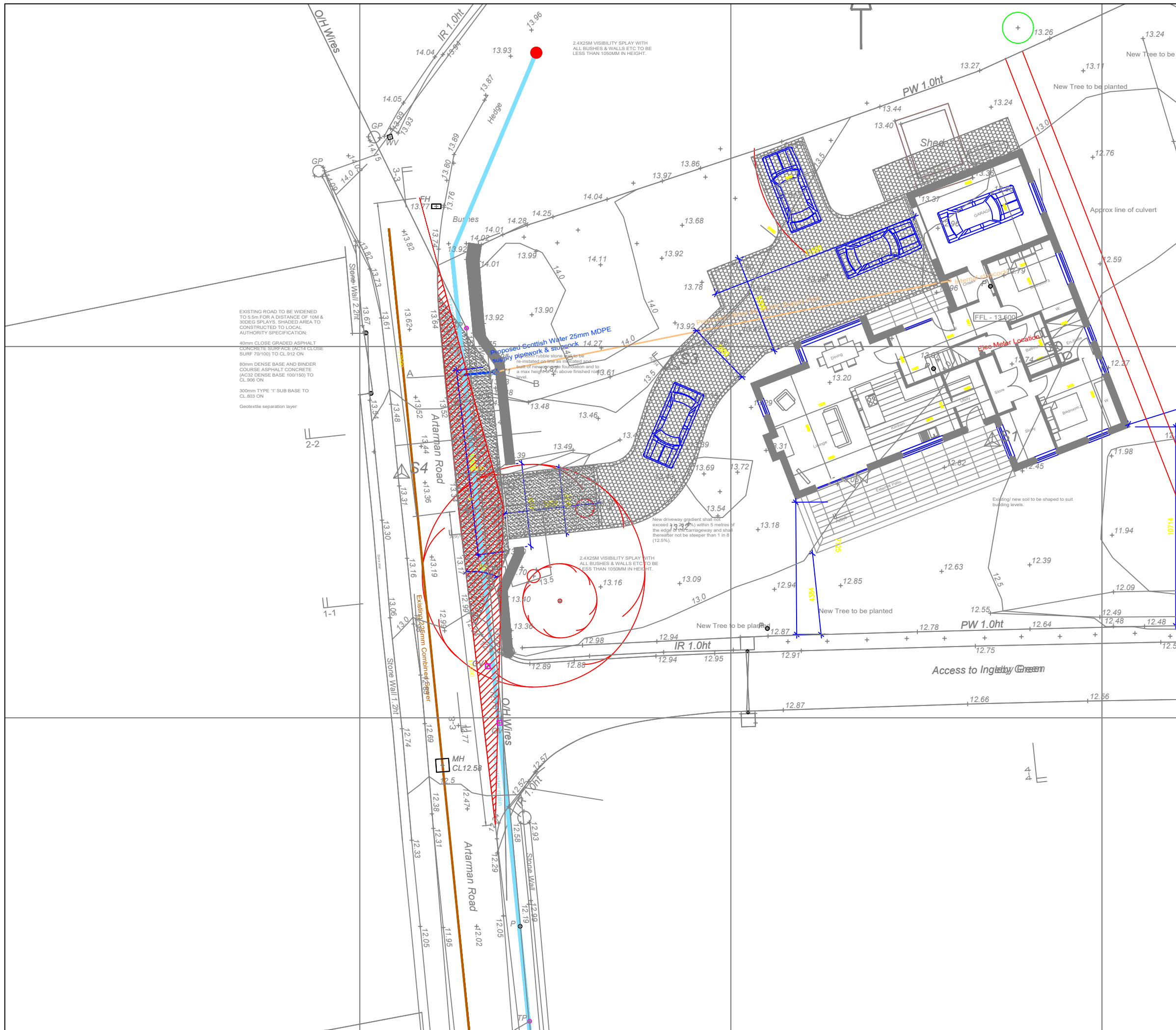




| CLASS | AXLES     | AXLE GROUPS | DESCRIPTION   | DOMINATE VEHICLE  | AGGREGATE |
|-------|-----------|-------------|---|---|-----------|
| 1     | 2         | 1 or 2      | Very Short - Bicycle or Motorcycle                              |  | LIGHT     |
| 2     | 2         | 1 or 2      | Short - Car, 4WD or Light Van                                   |  |           |
| 3     | 3 / 4 / 5 | 3           | Short Towing - Trailer, Caravan etc.                            |  |           |
| 4     | 2         | 2           | 2-Axle Truck or Bus   |  | MEDIUM    |
| 5     | 3         | 2           | 3-Axle Truck or Bus   |  |           |
| 6     | >3        | 2           | 4-Axle Truck  |  |           |
| 7     | 3         | 3           | 3-Axle Articulated Vehicle or Rigid Vehicle & Trailer           |  | HEAVY     |
| 8     | 4         | >2          | 4-Axle Articulated Vehicle or Rigid Vehicle & Trailer           |  |           |
| 9     | 5         | >2          | 5-Axle Articulated Vehicle or Rigid Vehicle & Trailer           |  |           |
| 10    | >=6       | >2          | 6 (or more) Axle Articulated Vehicle or Rigid Vehicle & Trailer |  |           |
| 11    | >6        | 4           | B-Double or Heavy Truck & Trailer                               |  |           |
| 12    | >6        | >=5         | Double or Triple Heavy Truck & 2 (or more) Trailers             |  |           |

**APPENDIX B – ECS SITE ACCESS/ VISABILITY SPLAY DRAWING**





EXISTING ROAD TO BE WIDENED TO 5.5m FOR A DISTANCE OF 10M & 30DEG SPLAYS, SHADED AREA TO CONSTRUCTED TO LOCAL AUTHORITY SPECIFICATION:  
 40mm CLOSE GRADED ASPHALT CONCRETE SURFACE (ACH CLOSE SURF 70/100) TO CL.912 ON  
 80mm DENSE BASE AND BINDER COURSE ASPHALT CONCRETE (AC32 DENSE BASE 100/150) TO CL.906 ON  
 300mm TYPE '1' SUB BASE TO CL.803 ON  
 Geotextile separation layer

Based upon the Ordnance Survey's (1:1250) Map of 2014 with permission of the controller of Her Majesty's Stationery Office, Crown copyright reserved. ECS Transport Planning Ltd, 38, Queen Street, Glasgow, G1 3DX. License No: AL 100055056.

Note:  
 Visibility Splays 2.4m x 17m ———

| REV | DATE | AMENDMENTS | DRAWN | CHK | APP |
|-----|------|------------|-------|-----|-----|
|-----|------|------------|-------|-----|-----|

ECS Transport Planning Ltd  
 Centrum Offices  
 38 Queen Street  
 Glasgow  
 G1 3DX



Telephone: 0844 443 0934  
 Email: info@ecstransport.co.uk

Client  
**MS POLLY DUNLOP & MR ALAN MURRAY**

Project  
**ARTARMAN ROAD, RHU**

Title  
**SITE ACCESS VISIBILITY SPLAY**

|      |       |         |          |
|------|-------|---------|----------|
| Team | Drawn | Checked | Approved |
| -    | SS    | MS      | MS       |

|            |          |
|------------|----------|
| Scale @ A3 | Date     |
| 1:200      | 03.06.21 |

|             |             |     |
|-------------|-------------|-----|
| Project No. | Drawing No. | Rev |
| 21054       | 21054_001   | -   |

|                  |   |                                       |   |
|------------------|---|---------------------------------------|---|
| Purpose of Issue | <input type="checkbox"/> Preliminary                | <input type="checkbox"/> For Tender   | <input type="checkbox"/> For Construction |
|                  | <input checked="" type="checkbox"/> For Information | <input type="checkbox"/> For Approval | <input type="checkbox"/> As Built         |

ECS Transport Planning Ltd accept no responsibility for any unauthorised amendments to this drawing. Only figured dimensions are to be worked to. Do not scale from this drawing.

**Alan G. Findlay** BArch, RIBA, ARIAS e:design@agfarchitecture.co.uk  
6 Ardenconnel Way, Rhu, Helensburgh, G84 8LU t:01436 645080  
www.agfarchitecture.com



EXISTING ROAD TO BE WIDENED TO 5.5m FOR A DISTANCE OF 10M & SIDING SPLAYS SHADDED AREA TO CONSTRUCTED TO LOCAL AUTHORITY SPECIFICATION:  
40mm CLOSE GRADED ASPHALT CONCRETE SURFACE (AC14 CLOSE SURF 70/100) TO CL.915 ON  
80mm DENSE BASE AND BINDER COURSE ASPHALT CONCRETE (AC6D DENSE BASE 100/150) TO CL.906 ON  
300mm TYPE '1' SUB BASE TO CL.858 ON  
Geotextile separation layer

Random rubble stone wall to be re-installed on line as indicated and built of new concrete foundation and to a max height of 1m above finished road level.

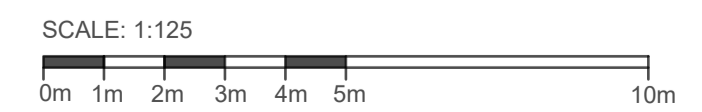
2.4x1.7M VISIBILITY SPLAY WITH ALL BUSHES & WALLS ETC TO BE LESS THAN 1000MM IN HEIGHT. REFER TO EC2 TRANSPORT PLANNING FOR VISIBILITY SPLAY.

2.4x1.7M VISIBILITY SPLAY WITH ALL BUSHES & WALLS ETC TO BE LESS THAN 1000MM IN HEIGHT. REFER TO EC2 TRANSPORT PLANNING FOR VISIBILITY SPLAY.

Existing/ new soil to be shaped to suit building levels.

NEW DRIVEWAY GRADIENT SHALL NOT EXCEED 1:20 (5%) WITHIN 5 METRES OF THE EDGE OF THE CARRIAGEWAY AND SHALL THEREAFTER NOT BE STEEPER THAN 1 IN 8 (12.5%).

PROPOSED SITE PLAN



Ingleby Green

**AGF**  
Architecture & Design  
6 Ardenconnel Way, Rhu, Helensburgh G84 8LU  
E: design@agfarchitecture.co.uk T: 01436 645080  
www.agfarchitecture.com

Client:  
Ms P Dunlop & Mr A Murray

Project:  
PROPOSED DWELLINGHOUSE AT  
ARTARMAN ROAD, RHU

Title:  
PROPOSED SITE PLAN

Scale: 1:125@A1  
Drawn: AGF  
Checked: AGF  
Date: 7/21

|                |                           |      |
|----------------|---------------------------|------|
| Job:<br>19-118 | Drawing number:<br>L(9)10 | Rev: |
|----------------|---------------------------|------|

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**LOCAL REVIEW BODY REFERENCE 22/0001/LRB****PLANNING APPLICATION 21/01603/PP****VARIATION OF CONDITION 7 RELATIVE TO PLANNING PERMISSION REFERENCE 20/00267/PP TO REDUCE THE CONDITIONED VISIBILITY SPLAY FROM 2.4 X 42 X 1.05M TO 2.4 X 17 X 1.05M****COMMENTS ON BEHALF OF THE LOCAL PLANNING AUTHORITY****BACKGROUND:**

Planning permission was granted for the erection of a dwelling house; 20/00267/PP. Under this planning permission, condition 7 was attached requiring a visibility splay in both directions of 2.4 x 42 x 1.05 at the access of the site onto Artaman Road, Rhu. The site is located within the Rhu Conservation Area at; Land South Of High Oaks, Artaman Road, Rhu, Helensburgh, Argyll and Bute.

The applicant latterly indicated difficulties in achieving this visibility splay. As such, a site visit was carried out with the applicant, applicant's architect, planning officer and roads officer and a reduced visibility splay of 2.4 x 25 x 1.05m was accepted as a minimum requirement. In accordance with Roads Guidance for Developers October 2008 item 3.2: A minor departure was also agreed for the retention of the existing telegraph pole & two trees within the visibility splay. Furthermore, In accordance with Roads Guidance for Developers October 2008 item 4.1: The access should usually be located a minimum of 25 metres away from the nearest adjacent junction. A relaxation has been permitted with the proposed access being closer than 25m from the existing access to Ingleby Green.

Planning Permission was then sought under; 21/01603/PP for the variation of Condition 7 relative to planning permission reference 20/00267/PP to reduce the conditioned visibility splay from 2.4 x 42 x 1.05m to 2.4 x 17 x 1.05m. This application was refused for the following reasons; *'In the interests of road safety this application should be refused as the reduction in the visibility splay from 2.4 x 42 x 1.05m to 2.4 x 17 x 1.05m would result in an unacceptable level of risk to the public. This is due to the proposed access being in close proximity to the bend in Artarman Road and therefore, a minimum visibility splay of 2.4 x 25 x 1.05m is required. The access is therefore detrimental to the interests of road safety and is contrary to the provisions of Policy LP TRAN 4 of the 'Argyll and Bute Local Plan', as a satisfactory means of vehicular access cannot be achieved at this point.'*

**COMMENTS ON THE APPELLANTS GROUNDS OF APPEAL:**

An appeal has been lodged against the refusal of planning permission for the reasons set out in the Decision Notice dated 12 November 2021. The appellants stated grounds of appeal are detailed and commented on below;

The appellants note that the original granted Planning Permission placed an onerous condition (No. 7) in relation to the sightlines for vehicle access to the new property which cannot be achieved due to the sightlines falling on land out-with the ownership of the applicant. They also comment that this condition is '*ultra vires*' and contrary to the terms of Planning Circular 4/1998 (The Use of Conditions in Planning Permissions) as the stipulated visibility splay extends over land that is out-with the application site and the applicants ownership.

In response to this we would note that condition No. 7 which relates to the required visibility splays is a standard condition for road safety. For the avoidance of doubt condition No. 7 is worded as follows;

*7. Notwithstanding the effect of Condition 1; In accordance with 'Roads Guidance For Developers' a sightline visibility splay of 2.4 x 42 x 1.05 metres at the new driveway access with Artarman Road shall be provided. Prior to work starting on site this visibility splay shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority.*

*Reason: In the interest of road safety and in accordance with the Councils 'Roads Guidance for Developers'.*

Condition 7 is an example of a Grampian condition. Grampian conditions are named after the decision in Grampian Regional Council v City of Aberdeen. They are conditions subject to which planning permission is granted (possibly relating to land not within the planning applicant's ownership), which are negatively worded and restrict implementation of the planning permission, in whole or in part, until some event has occurred. For example, in Menston Action Group v City of Bradford Metropolitan District Council, the local planning authority (LPA) granted planning permission for a housing development subject to a condition stating that 'development shall not begin until a surface water drainage scheme for water passing through the site, based on sustainable drainage principles has been submitted

to and approved in writing by the local planning authority', Grampian conditions allow LPAs to approve planning applications but prevent implementation of the development until it is acceptable in planning terms.

Condition No. 7 as noted above has been framed so as to require that the development authorised by the permission should not commence until the visibility splay is cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority. We would further note that this condition is clear, concise, relevant, necessary and is for a planning purpose and therefore we don't consider this condition to be '*ultra vires*', onerous or contrary to the for mentioned Planning Circular 4/1998.

The appellant has noted that the additional information which was provided in the submitted supporting statement under application; 21/01603/PP which includes a traffic survey, a detailed Roads consultant's report and reference to current roads advice etc. appears to have not been taken into account when determining the variation application.

We can confirm that this information was reviewed by the local roads area manager prior to their consultation response and our subsequent determination. We would note that the traffic survey which involved a 7 day speed survey by Transurveys Ltd at the proposed access location between 4th and 11th May 2021 was discussed with the roads officer who noted that the timeframe; 4th and 11th May 2021 was when COVID19 restrictions were in place and therefore may not be representative of the norm traffic in this location. The survey also identified that the 85%ile speed of the route is 13.4mph northbound and 15.4 southbound. This was discussed with the roads officer who further noted that the Argyll & Bute road speed limit policy framework 2017 recognises the mean speed and that speed limits under 20mph are also not recognised. The applicant and their roads consult (ECS) refer to 'designing streets' on several occasions however this particular guidance is not relevant to this developments environment as is specifically based around new-build extra urban environments.

The appellant refers to a letter of support from the local ward councillor – Mrc George Freeman. This was address within the report of handling for 21/01603/PP as follows;

*'Mrc George Freeman expresses support for the application and requests it is supported as a minor departure from the LDP. Reasons being;*

- a) *No objections from statutory consultees*
- b) *No objections from the public or neighbouring properties*
- c) *No objections from the community council*
- d) *As far as they can tell the proposal is in line with the policies of the current LDP*
- e) *Comment that the level of traffic on Artarman Rd is minimal as only 7 houses are served by the road*
- f) *Comment that the traffic existing the development would not be traveling further up Artarman Road thus reducing any risk*
- g) *Comment that they have conducted a personal traffic survey and on two separate occasions over the period of one hour no traffic was noted on Artarman Road*

*Comment; The Area Roads Manager who is a statutory consultee has in fact objected to the proposals on the grounds of road safety – please see assessment for further information and reasoning on this'*

The appellant also draws attention to previous approvals; 20/01190/PP & 19/02604/PP. We would note that each application is dealt with on its own merits and having regard to the individual circumstances of each case. In this instance the roads area manager did take into account the specific circumstances of the case and allowed a degree of flexibility as follows;

Accepting a reduced visibility splay of 2.4 x 25 x 1.05m as a minimum requirement. Also, in accordance with Roads Guidance for Developers October 2008 item 3.2: A minor departure was also agreed for the retention of the existing telegraph pole & two trees within the visibility splay and furthermore, In accordance with Roads Guidance for Developers October 2008 item 4.1: The access should usually be located a minimum of 25 metres away from the nearest adjacent junction - A relaxation was permitted with the proposed access being closer than 25m from the existing access to Ingleby Green.

Lastly the appellant has noted that the provision of a passing place by the widening of the road across the site frontage would improve the road safety. I would note that this is supported and would be beneficial however, without suitable visibility splays the access would be unsafe.

**CONCLUSION:**

The development proposed could only be supported by the Planning Authority on the basis of visibility splays being provided to ensure that the site access can be used without



compromising road safety. The provision of the required splays entails the need for controls to extend over third party land and consequently the necessary off-site measures cannot be secured by way of planning conditions. Therefore a legal agreement is required to ensure the clearance and maintenance of the full extent of the required visibility splays in perpetuity. In the absence of a Section 75 Legal Agreement to secure the clearance and maintenance of visibility splays on third party land there would remain a road safety issue at this location arising from deficient visibility for drivers using the site access onto Artarman Road.

In the interests of road safety the refusal should be upheld as the reduction in the visibility splay from the agreed 2.4 x 25 x 1.05m to 2.4 x 17 x 1.05m would result in an unacceptable level of risk to the public. This is due to the proposed access being in close proximity to the bend in Artarman Road and therefore, a minimum visibility splay of 2.4 x 25 x 1.05m is required. The access is therefore detrimental to the interests of road safety and is contrary to the provisions of Policy LP TRAN 4 of the 'Argyll and Bute Local Plan', as a satisfactory means of vehicular access cannot be achieved at this point.

Emma Jane  
Planning Officer  
16.02.2022

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Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

---

Reference No: 21/01603/PP

Planning Hierarchy: Local Application

Applicant: Ms Polly Dunlop

Proposal: Variation of Condition 7 relative to planning permission reference 20/00267/PP to reduce the conditioned visibility splay from 2.4 x 42 x 1.05m to 2.4 x 17 x 1.05m

Site Address: Land South Of High Oaks, Artaman Road, Rhu, Helensburgh, Argyll And Bute

---

## **DECISION ROUTE**

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

---

### **(A) THE APPLICATION**

#### **i) Development Requiring Express Planning Permission**

Variation of Condition 7 relative to planning permission reference 20/00267/PP to reduce the conditioned visibility splay from 2.4 x 42 x 1.05m to 2.4 x 17 x 1.05m

#### **ii) Other Specified Operations**

---

### **(B) RECOMMENDATION:**

It is recommended that the application is **refused** for the reasons detailed below

---

### **(C) HISTORY:**

#### **20/00267/PP**

Erection of dwellinghouse and formation of vehicular access.  
23.04.2020

#### **20/01012/NMA**

Non Material Amendment to Planning Permission 20/00267/PP -(Erection of dwellinghouse and formation of vehicular access) - alteration to orientation of dwelling, raising of finished floor level, increase in extent of PV panels on the roof and addition of 2 no. roof lights to the rear elevation.  
18.08.2020

---

### **(D) CONSULTATIONS:**

Roads Helensburgh And Lomond - 29.09.2021 – object on the grounds of road safety.

---

### **(E) PUBLICITY:**

Advert Type: Listed Building/Conservation Advert

Expiry Date: 07.10.2021

---

### **(F) REPRESENTATIONS:**

i) **Representations received from:**

**Support**

George Freeman Address Not Provided - 15.09.2021

ii) **Summary of issues raised:**

Expresses support for the application and requests it is supported as a minor departure from the LDP. Reasons being;

- a) No objections from statutory consultees
- b) No objections from the public or neighbouring properties
- c) No objections from the community council
- d) As far as they can tell the proposal is in line with the policies of the current LDP
- e) Comment that the level of traffic on Artarman Rd is minimal as only 7 houses are served by the road
- f) Comment that the traffic existing the development would not be traveling further up Artarman Road thus reducing any risk
- g) Comment that they have conducted a personal traffic survey and one two separate occasions over the period of one hour no traffic was noted on Artarman Road

***Comment;** The Area Roads Manager who is a statutory consultee has in fact objected to the proposals on the grounds of road safety – please see assessment for further information and reasoning on this*

---

**(G) SUPPORTING INFORMATION**

- i) Environmental Statement:**No**
- ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:**No**
- iii) A design or design/access statement:**No**
- iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: **Planning statement containing a traffic survey**

---

**(H) PLANNING OBLIGATIONS:** None Required

- 
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No

---

**(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

---

**Local Development Plan Policies**

- LDP STRAT 1 – Sustainable Development

- LDP DM1 – Development within the Development Management Zones
- LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment
- LDP 9 – Development Setting, Layout and Design
- LDP 11 – Improving our Connectivity and Infrastructure

**Local Development Plan – Supplementary Guidance Policies**

- SG LDP ENV 17 –Development in Conservation Areas and Special Built Environment Areas
- SG LDP Sustainable - Sustainable Siting and Design Principles
- SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

**(ii) List of other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009:**

- Argyll and Bute Sustainable Design Guidance, 2006
- Scottish Planning Policy (SPP), 2014
- Consultation Responses
- Third party representations
- Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time.

**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: NOEIA**

**(L) Has the application been subject of statutory pre-application consultation (PAC):**

No Pre-application consultation required

**(M) Has a sustainability check list been submitted: No**

**(N) Does the Council have an interest in the site: No**

**(O) Requirement for hearing (PAN41 or other): No**

**(P) Assessment and summary of determining issues and material considerations:**

Under planning permission 20/00267/PP for the erection of a dwellinghouse, condition 7 was attached requiring a visibility splay in both directions of 2.4 x 42 x 1.05 at the access of the site onto Artaman Road, Rhu. The site is located within the Rhu Conservation Area at; Land South Of High Oaks, Artaman Road, Rhu, Helensburgh, Argyll and Bute.

The applicant indicated difficulties in achieving this visibility splay. As such a visibility splay of 2.4 x 25 x 1.05m was accepted as a minimum requirement. In accordance with Roads Guidance for Developers October 2008 item 3.2: A minor departure was also agreed for the retention of the existing telegraph pole & two trees within the visibility splay. Furthermore, In accordance with Roads Guidance for Developers October 2008 item 4.1: The access should usually be located a minimum of 25 metres away from the nearest adjacent junction.

A relaxation has been permitted with the proposed access being closer than 25m from the existing access to Ingleby Green.

Planning Permission is now sought for the variation of Condition 7 relative to planning permission reference 20/00267/PP to reduce the conditioned visibility splay from 2.4 x 42 x 1.05m to 2.4 x 17 x 1.05m.

The development proposed can only be supported by the Planning Authority on the basis of visibility splays being provided to ensure that the site access can be used without compromising road safety. The provision of the required splays entails the need for controls to extend over third party land and consequently the necessary off-site measures cannot be secured by way of planning conditions. Therefore a legal agreement is required to ensure the clearance and maintenance of the full extent of the required visibility splays in perpetuity. In the absence of a Section 75 Legal Agreement to secure the clearance and maintenance of visibility splays on third party land there would remain a road safety issue at this location arising from deficient visibility for drivers using the site access onto Artarman Road.

In the interests of road safety this application should be refused as the reduction in the visibility splay from 2.4 x 42 x 1.05m to 2.4 x 17 x 1.05m would result in an unacceptable level of risk to the public. This is due to the proposed access being in close proximity to the bend in Artarman Road and therefore, a minimum visibility splay of 2.4 x 25 x 1.05m is required. The access is therefore detrimental to the interests of road safety and is contrary to the provisions of Policy LP TRAN 4 of the 'Argyll and Bute Local Plan', as a satisfactory means of vehicular access cannot be achieved at this point.

Based on the above this proposal is considered to be contrary to policies LDP 11 and SG LDP TRAN 4 of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act. Therefore, it is deemed that in the interest of Road Safety this application should be refused.

---

**(Q) Is the proposal consistent with the Development Plan: No**

---

**(R) Reasons why Planning Permission or a Planning Permission in Principle should be refused:**

In the interests of road safety this application should be refused as the reduction in the visibility splay from 2.4 x 42 x 1.05m to 2.4 x 17 x 1.05m would result in an unacceptable level of risk to the public. This is due to the proposed access being in close proximity to the bend in Artarman Road and therefore, a minimum visibility splay of 2.4 x 25 x 1.05m is required. The access is therefore detrimental to the interests of road safety and is contrary to the provisions of Policy LP TRAN 4 of the 'Argyll and Bute Local Plan', as a satisfactory means of vehicular access cannot be achieved at this point.

---

**(S) Reasoned justification for a departure to the provisions of the Development Plan:**  
Not applicable

---

**(T) Need for notification to Scottish Ministers or Historic Environment Scotland: No**

---

**Reviewing Officer:**

Howard Young

**Dated:** 11.11.2021

Fergus Murray  
Head of Development and Economic Growth

**REASONS FOR REFUSAL RELATIVE TO APPLICATION: 21/01603/PP**

1. Policies LDP 11 and SG LDP TRAN 4; LDP 11 require that an appropriate standard of access is delivered to serve new developments. SG LDP TRAN 4 further notes that; Private Access shall be

constructed to incorporate minimum standards to function safely and effectively as set out in the Council's Road Development Guide, in particular in relation to adequate visibility splays, access gradients, geometry, passing places, boundary definition, turning capacities, integrated provision for waste management and recycling.

A new private access will only be accepted if the access is capable of achieving the minimum required visibility splays as considered by the Roads Authority to be appropriate - in this instance a minimum visibility splay of 2.4 x 25 x 1.05m is required due to the proposed access being in close proximity to the bend in Artarman Road.

The minimum required visibility splay cannot be achieved as the provision of the required splays entails the need for controls to extend over third party land and consequently the necessary off-site measures cannot be secured by way of planning conditions. Therefore a legal agreement is required to ensure the clearance and maintenance of the full extent of the required visibility splays in perpetuity. In the absence of a Section 75 Legal Agreement to secure the clearance and maintenance of visibility splays on third party land there would remain a road safety issue at this location arising from deficient visibility for drivers using the site access onto Artarman Road.

Based on the above the proposal to reduce the visibility splay to 2.4 x 17 x 1.05m is contrary to the requirements of Policies LDP 11 and SG LDP TRAN 4 of the 'Argyll and Bute Local Development Plan'.

### **APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application 21/01603/PP

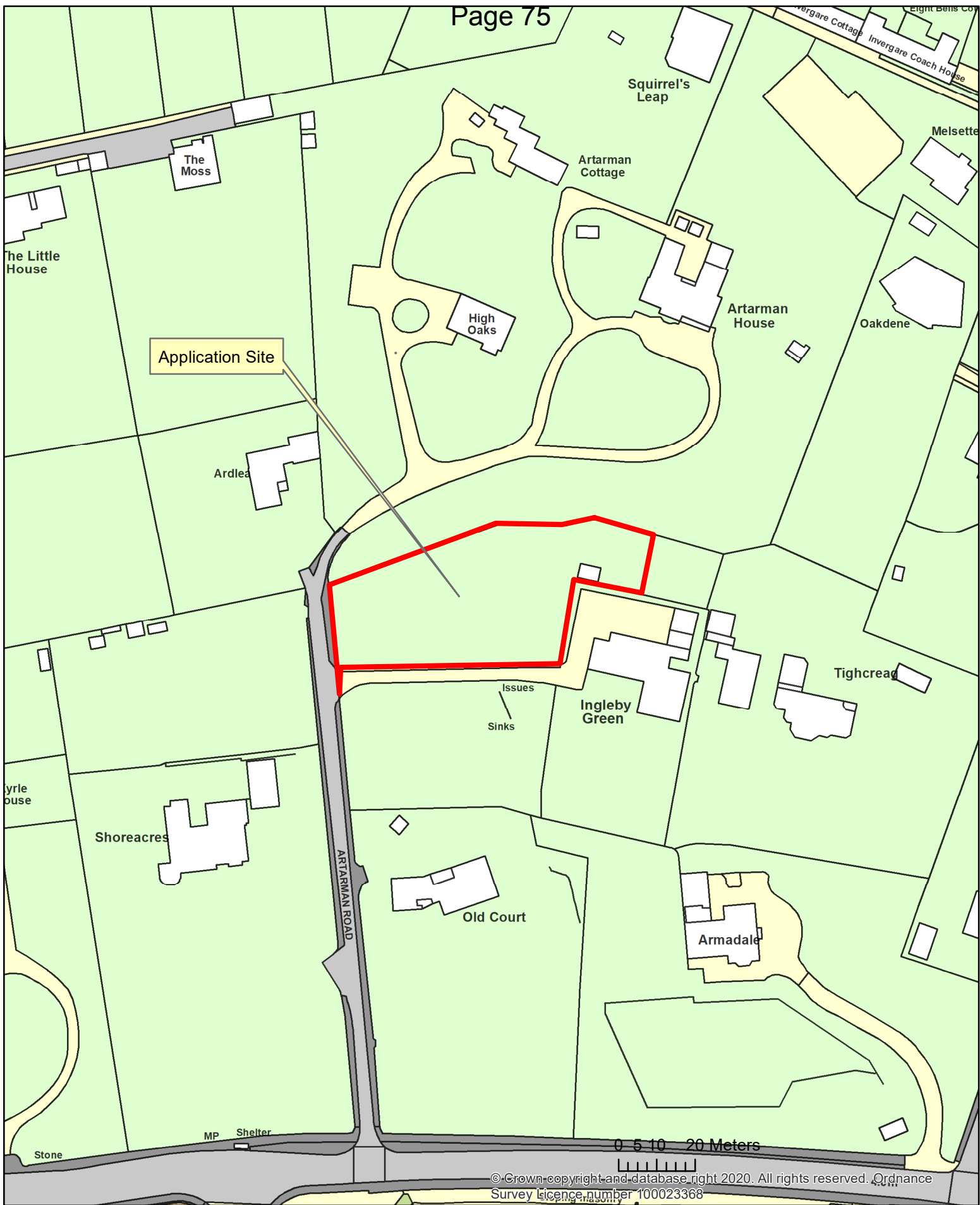
- (A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended): No



- (B) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. Yes
- (C) The reason why planning permission has been refused:

In the interests of road safety this application should be refused as the reduction in the visibility splay from 2.4 x 42 x 1.05m to 2.4 x 17 x 1.05m would result in an unacceptable level of risk to the public. This is due to the proposed access being in close proximity to the bend in Artarman Road and therefore, a minimum visibility splay of 2.4 x 25 x 1.05m is required. The access is therefore detrimental to the interests of road safety and is contrary to the provisions of Policy LP TRAN 4 of the ‘Argyll and Bute Local Plan’, as a satisfactory means of vehicular access cannot be achieved at this point.

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**Location plan relative to: 22/0001/LRB**



1:1,250

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My further comments relating to this LRB are as follows:

- a. I would ask that members of the LRB consider all the relevant points I raised in my original submission dated 13 September 2021 (copy attached) relating to this application.
- b. I believe that insufficient weight has been given by Planning Officers to the traffic survey provided by the developer relating to this application. The level of traffic on Artarman Road is, to say the least, minimal.
- c. I would request that the LRB members carry out a site visit prior to determining this application as this will allow them to appreciate the lack of traffic on Artarman Road and why the conditions attached to the application cannot be justified. It is only by carrying out a site visit that members of the LRB will be able to appreciate the lack of traffic on this road and why the conditions cannot be justified.
- d. The development site is to the top of Artarman Road so the minimal levels of traffic on this road are reduced even further at the top of Artarman Road.
- e. I would ask that the LRB agree that the developer can attend the proposed site visit and that, as the local elected member, I am also invited to attend the proposed site visit.

Again, apologies for the delay in providing this further submission which I would request is made available to the members of the LRB.

Yours faithfully,

*George Freeman*

***The Councillor who Works for Communities with Communities  
and Puts Communities First.***

Councillor George S Freeman  
Independent Councillor  
Ward 9 – Lomond North  
Argyll & Bute Council

Tel: 01436-811325  
Mobile: 07554-773732

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**A r c h i t e c t u r e & D e s i g n**

AGF/19-118-018

7 March 2022

Argyll & Bute Council  
Planning, Housing & Regulatory Services  
The Helensburgh and Lomond Civic Centre  
38 East Clyde Street  
Helensburgh  
G84 7PG

FAO Lynsey Innes

Dear Madam,

**PROPOSED DWELLING HOUSE, ARTARMAN ROAD, RHU  
LOCAL REVIEW REF: 22/0001/LRB**

Thank you for your e-mail of 23 February regarding the above enclosing the Local Planning Authority comments date 16/2/22. We have discussed this with our client and they wish to comment/ highlight the following items:

1. We would appreciate if the LRB would please consider all of the information contained within the submission as well as understanding the site location. We would welcome the opportunity to discuss the proposals on site.
2. We note our concern at the confusion and the apparent variance of standards being applied by A&B Roads department.
3. We also note our concern at the dismissal of other relevant cited planning applications where a precedent has already been set by the granting of planning consent.
4. The Application is for a residential driveway not a major junction.
5. The fundamental concern that has been raised is with regards to safety – we are at a loss as to this comment given the location of the access and road traffic volume when compared to the majority of existing residential properties within Rhu and especially in relation to the recent granted new build developments where it appears to be safer to reverse 'blind' out of your drive across a public footpath onto a main access road rather than enter & exit in a forward gear as this proposal?

We have attached a photo sheet which highlights driveways on recently approved local developments.

Please let me know if you require any additional information and as noted we would appreciate & welcome the opportunity to meet with the Local Review Board members to discuss the proposals further.

Yours sincerely,

Alan G Findlay  
AGF Architecture & Design

CC. Ms P Dunlop & Mr A Murray

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LOCAL RESIDENTIAL ACCESS DRIVEWAYS



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