

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

14 March 2022

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY MICROSOFT TEAMS** on **MONDAY, 21 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: LAND SOUTH WEST OF LETRUALT FARMHOUSE, LETRUALT FARM LANE, RHU, G84 (REF: 21/0007/LRB)**
 - (a) Further Information received from Roads (Pages 3 - 8)
 - (b) Further Information received from Development Management (Pages 9 - 22)
 - (c) Further Information received from Planning (Pages 23 - 24)
 - (d) Comments from Applicant on Further Information (Pages 25 - 30)

Argyll and Bute Local Review Body

Councillor Rory Colville (Chair)
Councillor Graham Hardie

Councillor Audrey Forrest

Contact: Fiona McCallum Tel: 01546 604392

This page is intentionally left blank

**21/0007/LRB (Planning Ref: 20/02264/PP) –
Land South West of Letrualt Farmhouse, Letrualt Farm Lane, Rhu**

To provide a copy of the roads usage assessment or provide further information in terms of how the assessment of the proposal was reached against Policy SG LDP TRAN 4

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

(A) Developments shall be served by a public road (over which the public have right of access and maintainable at public expense;
Except in the following circumstances:-

(2) further development that utilises an existing private access or private road will only be accepted if:-

- (i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the applicant can;
- (ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority;

The Current Access Issues:

Forward Visibility at Bend in Road

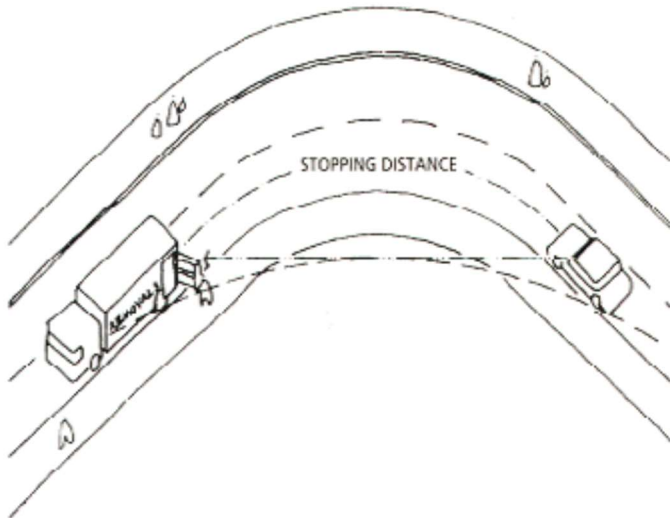
The forwards visibility in accordance with the National Roads Development Guidance cannot be achieved due to the existing geographical constraints.

National Roads Development Guide :

Visibility at Curves

The minimum forward visibility should be ascertained for the road (based on the SSD adjusted for bonnet length table on page 33 of *Designing Streets*) and marked on the vehicle path every 10 metres round the curve with both ends connected to provide the visibility splay. This should be carried out from the straights on either side and the area created should be shaded to indicate the forward visibility splay.

| | | | | | | | | | | | | |
|-------|--------------------------------|----|----|----|----|----|----|----|----|----|----|----|
| Speed | Kilometres per hour | 16 | 20 | 24 | 25 | 30 | 32 | 40 | 45 | 48 | 50 | 60 |
| | Miles per hour | 10 | 12 | 15 | 16 | 19 | 20 | 25 | 28 | 30 | 31 | 37 |
| | SSD (metres) | 9 | 12 | 15 | 16 | 20 | 22 | 31 | 36 | 40 | 43 | 56 |
| | SSD adjusted for bonnet length | 11 | 14 | 17 | 18 | 23 | 25 | 33 | 39 | 43 | 45 | 59 |



No Intervisible Passing Places

The lack of forward visibility has highlighted the requirement for localised widening of 5.5m at points of intervisibility. In the interest of road safety, to allow any further development on this private access road, intervisible passing places must be provided.

National Roads Development Guide:

Passing Places on Existing Roads

On an existing narrow rural road, passing places should be constructed to enable user defined traffic to pass. The design of such a passing place should consider functionality against a balanced view of place making aspirations and a presumption against urbanising the countryside.

All passing places should provide a minimum overall width of 5.5 metres. Locating passing places is dependent on gaining the maximum benefit balanced with planning legislation. Where possible, it is advisable to have intervisible passing places, adjacent passing places should be placed on alternate sides of the road or on corners where maximum benefit is gained.

Locating passing places on bends on existing roads is advisable to assist vehicle conflict where reversing or anticipating and negotiating passing vehicles is more difficult.

Advice on specific numbers and locations should be sought from the Local Authority in advance.

To comment on the assertion made by the Applicant's Agent at paragraphs 3.17 to 3.21 of their supporting statement, that Roads based their decision only on consideration of part A(1) of the policy relating to new private accesses and not part A(2) which relates to existing private accesses;
(

3.17 Section A states that '*developments shall be served by a public road*'; it then lists exceptions to that requirement. Sub-section A(1) relates to (i) **new** private accesses being acceptable in cases where the development is a single house, (ii) where it will serve a housing development not

exceeding 5 dwelling houses, or (iii) where the access will serve no more than 20 units in a housing court development. **We are not however forming a new access road, section A(1) therefore does not apply.** Sub-section A(2) relates to *'further development that utilises an existing private access or private road.'* **The current application therefore falls within A(2), rather than A(1) as no new road is proposed.**

The existing road currently serves 7 dwellings. While I accept this is not a new private road, the road already serves more than 5 properties. The private access road is substandard, and requires improvements in the interest of road safety prior to any further development.

3.18 Under Section A(2), further development is acceptable where

- (i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage);
- (ii) (the applicants can) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,
- (iii) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.

The existing private access Letrualt Farm Lane was assessed in accordance with SG LDP TRAN 4 (2) (i)

(2) further development that utilises an existing private access or private road will only be accepted if:-

- (i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the applicant can;

The Current Access Issues:

1. Existing carriageway width is less than the acceptable carriageway width of 3.7m wall to wall for emergency services vehicles
2. Forward Visibility at Bend in Road
3. No Intervisible Passing Places
4. No formal turning head

3.19 The key points here are that 'commensurate improvements' may be required and that these should only be 'appropriate to the scale and nature of the proposed new development.' Moreover, the 'improvements' should address 'current access issues (informed by an assessment of usage).

The Current Access Issues:

1. Existing carriageway width is less than the acceptable carriageway width of 3.7m wall to wall for emergency services vehicles
2. Forward Visibility at Bend in Road
3. No Intervisible Passing Places
4. No formal turning head

Required Commensurate Improvements Required in the Interest of Road Safety:

1. Minimum carriageway width of 3.7m wall to wall for emergency services vehicles.
2. Localised widen of 5.5m at points of Intervisibility.
3. Intervisible Passing places at a maximum of 100m spacing.
4. Road be widened to a minimum width of 5.5m for the first 10m.
5. A formal turning head

3.20 Despite several requests to have sight of the Roads' Officer's assessment of usage, to date, this has never been provided.

The existing private access Letrualt Farm Lane was assessed in accordance with SG LDP TRAN 4 (2) (i)

(2) further development that utilises an existing private access or private road² will only be accepted if:-

(i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the applicant can;

3.21 It appears that the officer's view is based only on the number of units that use Letrualt Farm Lane and nothing else. There has been no 'assessment of usage' to determine whether there are in the first instance any issues, and if there are, what commensurate measures would be required to address those issues.

The existing private access Letrualt Farm Lane was assessed in accordance with SG LDP TRAN 4 (2) (i)

(2) further development that utilises an existing private access or private road will only be accepted if:-

(i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the applicant can;

The Current Access Issues:

1. Existing carriageway width is less than the acceptable carriageway width of 3.7m wall to wall for emergency services vehicles
2. Forward Visibility at Bend in Road
3. No Intervisible Passing Places
4. No Formal Turning Head

Required Commensurate Improvements Required in the Interest of Road Safety:

1. Minimum carriageway width of 3.7m wall to wall for emergency services vehicles.
2. Localised widen of 5.5m at points of Intervisibility.
3. Intervisible Passing places at a maximum of 100m spacing.
4. Road be widened to a minimum width of 5.5m for the first 10m.
5. A formal turning head

This page is intentionally left blank

McCallum, Fiona

From: Mulderrig, Matt
Sent: 22 February 2022 08:06
To: localreviewprocess
Cc: steven@cameronplanning.com; Bain, Peter (Planning); Young, Howard; Jane, Emma; Lawson, Donna; planningconsultations@scottishwater.co.uk; Lodge, Mark
Subject: LRB Review Letrualt Farm Rhu, [OFFICIAL]
Attachments: FR_067_Douglas Black.pdf; FR_077_Gay Black.pdf; FR_085_Gordon Black.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Classification: OFFICIAL

Dear all,

Further information request: Local Review Board 21/0007/LRB

I would advise that 3 separate representations in relation to the proposed Green Belt boundary at Letrualt Farm were received from Douglas Black (rep ID 67), Gay Black (Rep ID 77) and Gordon Black (Rep ID 85). All three representations gave their stated position as "Objection" and make it clear that they are objecting to the proposed greenbelt boundary. This issue has been identified as a matter which requires to be referred to Examination by the reporters. Copies of the objectors representations are attached.

At Examination the Reporter will examine all the evidence submitted in relation to this issue and having considered this will make their own recommendation as to where the boundaries of the greenbelt should be. The course of action open to the Reporter is to make whatever recommendation which they see fit, this means that they do not necessarily have to agree with either the objectors or the Councils position.

The greenbelt boundaries at Letrualt Farm in the proposed plan are different from those in the Adopted 2015 plan, and as this change has specifically been objected to, this means that this element of the proposed LDP2 cannot be given weight as a material consideration in relation to the current application.

In relation to Paragraph 6.19 of the proposed LDP2 this provides the introduction to proposed Policy 38 – Construction Standards for Public Roads. This recognises that in more rural areas of Argyll and Bute, with a predominant system of single track roads with passing places; a "Variable Standard of Adoption" as set out in the *Councils Roads Development Guide* may be applied where the Roads Authority consider the variable standard appropriate, thereby allowing a more rural design solution. Neither paragraph 6.19 or Policy 38 of the proposed LDP2 have been objected to, and can be treated as relevant material considerations, although they do not change the assessment against the current adopted development plan policy where SG LDP TRAN 4 (B) 1. (ii) makes the same provision.

Regards

Matt Mulderrig



Argyll and Bute Council classify the sensitivity of emails according to the Government Security Classifications. The adopted classifications are:

NOT PROTECTIVELY MARKED

Non public sector business i.e. does not require protection.

OFFICIAL

Routine public sector business, operations and services.

OFFICIAL-SENSITIVE

Particularly sensitive information that can be shared on a need to know basis, where inappropriate access or release could have damaging consequences. Disclosure in response to FOISA should be verified with the data owner prior to release.

OFFICIAL-SENSITIVE PERSONAL

Particularly sensitive information that can be shared on a need to know basis relating to an identifiable individual, where inappropriate access or release could have damaging consequences. For example, where relating to investigations, vulnerable individuals, or the personal / medical records of people.

OFFICIAL-SENSITIVE COMMERCIAL

Commercial or market-sensitive information, including that subject to statutory or regulatory obligations, that may be damaging to Argyll and Bute Council, or to a commercial partner if improperly accessed. Disclosure in response to FOISA should be verified with the data owner prior to release.

Customer ID 67 **Name** Douglas Black (67)

Representation ID 111 **Stated Position** **Objection**

Category other

Value Greenbelt, Letrualt Farm, Rhu, G84 8NL
Argyll and Bute Proposed Local Development Plan 2
Map Number 59
Rhu
Map of area is attached

Location

Comment

I wish to strongly object to the proposed greenbelt boundary at Letrualt Farm, Rhu North.

In my view, the proposed greenbelt boundary around Letrualt Farm does not meet the objectives of Greenbelt outlined in Scottish Planning Policy and importantly does not align to the Council's own independent expert Landscape Expert who was commissioned to review the greenbelt in 2010.

My family have owned Letrualt Farm since 1972 and are currently seeking to invest, regenerate and repopulate the farm as new generation wish to move back to the farm. My mother is 64 and wishes to downsize within the farm steading whilst 3 adult sons wish to move back to the farm with their young families.

I understand it is one of the overarching aims of Argyll and Bute Council to grow the population – by including my farms teading in the greenbelt the Council are limiting our family's ability to pass the farm down to future generations and keeping 3 local families from relocating to the area. Affordable homes have not been built in Rhu for decades.

The proposed greenbelt boundary is only 30 yards from my farmstead. It cuts right across my front garden on a weak and largely undefined boundary. When standing at this proposed boundary and looking into the proposed greenbelt all you will see or experience is my farmhouse, array of sheds and outbuildings – it will not look or feel like greenbelt. It will cause no harm to land use, landscape impact or visual impact by including my farmstead in the settlement area. This is a largely private area and public views and access are largely restricted.

Modification Proposed

Customer ID 67 **Name** Douglas Black (67)

This is not only my view but also the opinion of Ironside Farrar who independently assessed the greenbelt boundary for the Council in 2010. I understand this is the last time a landscape architect has reviewed the boundary. The site was RN02 and they concluded that:-

‘RN02—The weakest boundaries are immediately to the south of Letrualt Farm which are not clearly defined as they do not tie in with existing features. We recommend moving the green belt boundary to follow the track and change in slope, to the rear of the farm buildings

www.argyll-bute.gov.uk/moderngov/mgConvert2PDF.aspx?ID=48060 – Page 81

Moving the greenbelt boundary to the rear of Letrualt Farm as suggested by your commissioned Landscape Architect would achieve the following objectives:-

- Create a strong and sustainable greenbelt boundary based on longstanding landscape features (ie not cross my garden or unclear locations) – this would be a longterm and clearly defined boundary;
- Round off the settlement area and create undeveloped greenbelt looking north – improving scenic quality of greenbelt compared to proposed boundary;
- Support farm regeneration – allowing next generation of family to move back to farm, supporting population growth;
- Allowing the farmstead to be removed from greenbelt and regenerated will complement and enhance whole landscape as the sons would help improve farm and landscape management in the area.

Attachments See Attachment(s)

Representation ID 136 **Stated Position** **Objection**

Category other

Value Greenbelt, Letrualt Farm, Rhu, G84 8NL
Argyll and Bute Proposed Local Development Plan 2
Map Number 59
Rhu
Map of area is attached

Location

Comment

Argyll and Bute Proposed Local Development Plan 2
Map Number 59

21 January 2022

Customer ID 67 **Name** Douglas Black (67)

Rhu

The green belt line looks like it cuts through the middle of my two front fields and as the Argyll and Bute Council Green Belt Landscape Study suggests this line is undefined and is hard to tell exactly where the line runs.

There was an independent study done back in February 2010 by
Ironsides Farrar
111 McDonald Road
Edinburgh
EH7 4NW

There was a recommendation made that,
"The weakest boundaries are immediately to the south of Letrualt Farm which are not clearly defined as they do not tie in with existing features. We recommend moving the green belt boundary to follow the track and change in slope, to the rear of the farm buildings"
See pages 80 - 82 of the Green belt landscape study.

Modification Proposed

I would like to recommend that the green belt line be moved to the rear of the farm steading to create a more defensible boundary, (as is stated in the Argyll and Bute Council Green Belt Landscape Study). Once it is removed from green belt it should be made a settlement zone as we would like to improve the area and help promote a successful and prosperous Argyll and Bute.

I feel that the land could be better used as housing for my family and we would all hopefully live there for the rest of our lives.

At the moment the land isn't being used for anything so it's going to waste, it is all becoming overgrown and unsightly.

I would like to build a house for my myself and my family in the near future and am also planning to start a small farming business at the farm along with my younger brother. My younger brother wants to take on the original farmhouse and As my mother is getting older she feels it would be beneficial to build herself a bungalow to save going up and down stairs.

Attachments See Attachment(s)

Representation ID 398 **Stated Position** **Objection**

Customer ID 67 **Name** Douglas Black (67)

Category other

Value Greenbelt, Letrualt Farm, Rhu, G84 8NL
Argyll and Bute Proposed Local Development Plan 2
Map Number 59
Rhu North

Location

Comment

I wish to strongly object to the proposed greenbelt boundary at Letrualt Farm, Rhu North.

In my view, the proposed greenbelt boundary around Letrualt Farm does not meet the objectives of Greenbelt outlined in Scottish Planning Policy and importantly does not align to the Council's own independent expert Landscape Expert who was commissioned to review the greenbelt in 2010.

My family have owned Letrualt Farm since 1972 and are currently seeking to invest, regenerate and repopulate the farm as new generation wish to move back to the farm. My mother is 64 and wishes to downsize within the farm steading whilst 2 adult sons wish to move back to the farm with their young families.

I understand it is one of the overarching aims of Argyll and Bute Council to grow the population – by including my farm steading in the greenbelt the Council are limiting our family's ability to pass the farm down to future generations and keeping 2 local families from relocating to the area. Affordable homes have not been built in Rhu for decades.

The proposed greenbelt boundary is only 30 yards from my farmstead. It cuts right across the front garden on a weak and largely undefined boundary. When standing at this proposed boundary and looking into the proposed greenbelt all you will see or experience is my farmhouse, array of sheds and outbuildings – it will not look or feel like greenbelt. It will cause no harm to land use, landscape impact or visual impact by including my farmstead in the settlement area. This is a largely private area and public views and access are largely restricted.

Modification Proposed

I would recommend that the greenbelt line be moved to the rear of the farmhouse to follow the farm track, this would be a more natural line and would make the boundary more defensible.

This is not only my view but also the opinion of Ironside Farrar who independently assessed the greenbelt boundary for the Council in 2010. I understand this is the

Customer ID 67 **Name** Douglas Black (67)

last time a landscape architect has reviewed the boundary. The site was RN02 and they concluded that:-

'RN02—The weakest boundaries are immediately to the south of Letrualt Farm which are not clearly defined as they do not tie in with existing features. We recommend moving the green belt boundary to follow the track and change in slope, to the rear of the farm buildings

www.argyll-bute.gov.uk/moderngov/mgConvert2PDF.aspx?ID=48060 – Page 81

Moving the greenbelt boundary to the rear of Letrualt Farm as suggested by your commissioned Landscape Architect would achieve the following objectives:-

- Create a strong and sustainable greenbelt boundary based on longstanding landscape features (ie not cross my garden or unclear locations) – this would be a long term and clearly defined boundary;
- Round off the settlement area and create undeveloped greenbelt looking north – improving scenic quality of greenbelt compared to proposed boundary;
- Support farm regeneration – allowing next generation of family to move back to farm, supporting population growth;
- Allowing the farmstead to be removed from greenbelt and regenerated will complement and enhance whole landscape as the sons would help improve farm and landscape management in the area.

Attachments See Attachment(s)

Representation ID 399 **Stated Position** **Objection**

Category other

Value Greenbelt, Letrualt Farm, Rhu, G84 8NL
Argyll and Bute Proposed Local Development Plan 2
Map Number 59
Rhu
Map of area is attached

Location

Comment

Customer ID 67 **Name** Douglas Black (67)

I wish to strongly object to the proposed greenbelt boundary at Letrualt Farm, Rhu North.

In my view, the proposed greenbelt boundary around Letrualt Farm does not meet the objectives of Greenbelt outlined in Scottish Planning Policy and importantly does not align to the Council's own independent expert Landscape Expert who was commissioned to review the greenbelt in 2010.

My family have owned Letrualt Farm since 1972 and are currently seeking to invest, regenerate and repopulate the farm as new generation wish to move back to the farm. My mother is 64 and wishes to downsize within the farm steading whilst adult sons wish to move back to the farm with their young families.

I understand it is one of the overarching aims of Argyll and Bute Council to grow the population – by including my farm steading in the greenbelt the Council are limiting our family's ability to pass the farm down to future generations and keeping 3 local families from relocating to the area. Affordable homes have not been built in Rhu for decades.

The proposed greenbelt boundary is only 30 yards from my farmstead. It cuts right across my front garden on a weak and largely undefined boundary. When standing at this proposed boundary and looking into the proposed greenbelt all you will see or experience is my farmhouse, array of sheds and outbuildings – it will not look or feel like greenbelt. It will cause no harm to land use, landscape impact or visual impact by including my farmstead in the settlement area. This is a largely private area and public views and access are largely restricted.

Modification Proposed

I would make the recommendation that the boundary line be moved to the rear of the farmhouse and buildings. there is a farm track that runs along the back and this would be a much more natural line in the landscape.

This is not only my view but also the opinion of Ironside Farrar who independently assessed the greenbelt boundary for the Council in 2010. I understand this is the last time a landscape architect has reviewed the boundary. The site was RN02 and they concluded that:-

'RN02—The weakest boundaries are immediately to the south of Letrualt Farm which are not clearly defined as they do not tie in with existing features. We recommend moving the green belt boundary to follow the track and change in slope, to the rear of the farm buildings

www.argyll-bute.gov.uk/moderngov/mgConvert2PDF.aspx?ID=48060 – Page 81

Moving the greenbelt boundary to the rear of Letrualt Farm as suggested by your commissioned Landscape Architect would achieve the following objectives:-

- Create a strong and sustainable greenbelt boundary based on longstanding landscape features (ie not cross my garden or unclear locations) – this would be a longterm and clearly defined boundary;
- Round off the settlement area and create undeveloped greenbelt looking north – improving scenic quality of greenbelt compared to proposed boundary;
- Support farm regeneration – allowing next generation of family to move back to farm, supporting population growth;

Customer ID 67 **Name** Douglas Black (67)

- Allowing the farmstead to be removed from greenbelt and regenerated will complement and enhance whole landscape as the sons would help improve farm and landscape management in the area.

Attachments See Attachment(s)

Representation ID 449 **Stated Position** **Objection**

Category other

Value Greenbelt, Letrualt Farm, Rhu, G84 8NL
Argyll and Bute Proposed Local Development Plan 2
Map Number 59
Rhu
Map of area is attached

Location

Comment

I wish to strongly object to the proposed greenbelt boundary at Letrualt Farm, Rhu North.

In my view, the proposed greenbelt boundary around Letrualt Farm does not meet the objectives of Greenbelt outlined in Scottish Planning Policy and importantly does not align to the Council's own independent expert Landscape Expert who was commissioned to review the greenbelt in 2010.

My family have owned Letrualt Farm since 1948 and are currently seeking to invest, regenerate and repopulate the farm as new generation wish to move back to the farm. My mother is 64 and wishes to downsize within the farm steading whilst 3 adult sons wish to move back to the farm with their young families.

I understand it is one of the overarching aims of Argyll and Bute Council to grow the population – by including my farm steading in the greenbelt the Council are limiting our family's ability to pass the farm down to future generations and keeping 3 local families from relocating to the area. Affordable homes have not been built in Rhu for decades.

The proposed greenbelt boundary is only 30 yards from my farmstead. It cuts right across my front garden on a weak and largely undefined boundary. When standing at this proposed boundary and looking into the proposed greenbelt all you will see or experience is my farmhouse, array of sheds and outbuildings – it will

Customer ID 67 **Name** Douglas Black (67)

not look or feel like greenbelt. It will cause no harm to land use, landscape impact or visual impact by including my farm stead in the settlement area. This is a largely private area and public views and access are largely restricted.

Modification Proposed

This is not only my view but also the opinion of Ironside Farrar who independently assessed the greenbelt boundary for the Council in 2010. I understand this is the last time a landscape architect has reviewed the boundary. The site was RN02 and they concluded that:-

‘RN02—The weakest boundaries are immediately to the south of Letrualt Farm which are not clearly defined as they do not tie in with existing features. We recommend moving the green belt boundary to follow the track and change in slope, to the rear of the farm buildings

www.argyll-bute.gov.uk/moderngov/mgConvert2PDF.aspx?ID=48060 – Page 81

Moving the greenbelt boundary to the rear of Letrualt Farm as suggested by your commissioned Landscape Architect would achieve the following objectives:-

- Create a strong and sustainable greenbelt boundary based on longstanding landscape features (i.e. not cross my garden or unclear locations) – this would be a long term and clearly defined boundary;
- Round off the settlement area and create undeveloped greenbelt looking north – improving scenic quality of greenbelt compared to proposed boundary;
- Support farm regeneration – allowing next generation of family to move back to farm, supporting population growth;
- Allowing the farmstead to be removed from greenbelt and regenerated will complement and enhance whole landscape as the sons would help improve farm and landscape management in the area.

Attachments See Attachment(s)

Customer ID 77 **Name** Gay Black (77)

Representation ID 133 **Stated Position** **Objection**

Category other

Value Greenbelt, Letrualt Farm, Rhu, G84 8NL
Argyll and Bute Proposed Local Development Plan 2
Map Number 59
Rhu
Map of area is attached

Location

Comment

I would like to object to this proposed part of the plan,

Argyll and Bute Proposed Local Development Plan 2
Map Number 59
Rhu

The green belt line looks like it cuts through the middle of my two front fields and as the Argyll and Bute Council Green Belt Landscape Study suggests this line is undefined and is hard to tell exactly where the line runs.

There was an independent study done back in February 2010 by
Ironside Farrar
111 McDonald Road
Edinburgh
EH7 4NW

There was a recommendation made that,
"The weakest boundaries are immediately to the south of Letrualt Farm which are not clearly defined as they do not tie in with existing features. We recommend moving the green belt boundary to follow the track and change in slope, to the rear of

21 January 2022

Customer ID 77 **Name** Gay Black (77)

the farm buildings"

See pages 80 - 82 of the Green belt landscape study.

Modification Proposed

I would like to recommend that the green belt line be moved to the rear of the farm steading to create a more defensible boundary, (as is stated in the Argyll and Bute Council Green Belt Landscape Study). Once it is removed from green belt it should be made a settlement zone as we would like to improve the area and help promote a successful and prosperous Argyll and Bute.

As I am getting older I would like to build myself a bungalow on the land for myself. My youngest son and family are wanting to move in to the farmhouse and my second oldest son and family would like to build themselves a house on the farm. Both sons are planning on starting a farming business which could help support the local community and surrounding area with local produce.

Attachments See Attachment(s)

Customer ID 85 **Name** Gordon Black (85)

Representation ID 140 **Stated Position** **Objection**

Category other

Value Greenbelt, Letrualt Farm, Rhu, G84 8NL.
Argyll and Bute Proposed Local Development Plan 2, Map Number 59, Rhu. Map of area is attached.

Location

Comment

Argyll and Bute Proposed Local Development Plan 2, Map Number 59, Rhu.

The green belt boundary here is undefined by a natural barrier, which is the norm. It looks like it cuts through the middle of the field in front of the farm house. An independent study, done in February 2012 by Ironside Farrar (111 McDonald Road, Edinburgh, EH7 4NW), stated that "The weakest boundaries are immediately to the south of Letrualt Farm which are not clearly defined as they do not tie in with existing features. We recommend moving the green belt boundary to follow the track and change in slope, to the rear of the farm buildings". See pages 80-82 of the Green Belt landscape study.

Modification Proposed

As the study has recommended, I too would recommend the green belt boundary be moved to the rear of the farm house, to give a clear and defined boundary (as is stated in the Argyll and Bute Council Green Belt Landscape Study). Once the area below the boundary has been removed from green belt, it should be made in to a settlement zone, as we would like to improve the area with housing. I am moving into the original farm house, however my aging mother (who currently resides in the farmhouse) would like to build herself a bungalow, to save her having to go up and down stairs, nearby in the current green belt area - an area which is currently waste land and is overgrown and unsightly.

Attachments See Attachment(s)

This page is intentionally left blank

21/0007/LRB: further information from Planning Officer

(Planning Ref: 20/02264/PP)

Land South West of Letrualt Farmhouse, Letrualt Farm Lane, Rhu, G84

I have noted below in blue my response to the request for further information;

- Having noted that there has only been one objection/representation to the designation of the new greenbelt/settlement boundary proposed by the Council in LDP2, and that this has come from the Applicant, can the Planning Officer or Development Policy Manager comment on this and confirm if it would be correct to say that the option for the Reporter was to either agree to the Council's proposal that the boundary is in front of the farmhouse or to agree to the Objector's proposal that the boundary is the track behind the farmhouse. As such, can the Planning Officer confirm if sufficient weight could be attributed to the proposed LDP2 for it to be considered a material consideration which could potentially remove the first reason for refusal.
- Having considered the response provided from the Development Policy Manager in regards to the above; I agree with their comments and have nothing further to add.
- Confirmation from the Planning Officer or Development Policy Manager that there have been no objections received in respect of Section 6.19 of LDP2, and, if this is the case, can this be considered the settled will of the Council and used as a material consideration in regard to this application.
- Having considered the response provided from the Development Policy Manager in regards to the above; I agree with their comments however, I would further note that attention should be given the roads officers response to the above and would note that the above policy; 6.19 of LDP2 is not considered to be relevant to this application as the policy is in regards to new housing developments of 6-10 dwelling (inclusive) and is not relevant to adding a dwelling to an existing development.
- A full narrative of appropriate conditions and reasons should the LRB be minded to approve this application.
- I again would draw attention to the roads officers response and would consider the below (as per my LRB comments on behalf of the local planning authority submission) to be appropriate conditions should the LRB be minded to approve this application;

SUGGESTED CONDITIONS IN THE EVENT OF THE APPEAL BEING ALLOWED;

2. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the required commensurate improvements as requested by the roads area

manager to Letrault Farm Road have been submitted to and approved by the planning authority. The duly approved improvement works shall be implemented prior to occupation of the approved development and shall thereafter be maintained in perpetuity.

Reason: *In the interest of road safety.*

Note: - Condition 1 will be a standard planning condition requiring that development be carried out in accordance with the details on the application forms and the approved drawings.

Note: - the required commensurate improvements as requested by the roads area manager are as follows:

- 1. Minimum carriageway width of 3.7m wall to wall for emergency services vehicles.*
- 2. Localised widen of 5.5m at points of Intervisibility.*
- 3. Intervisible Passing places at a maximum of 100m spacing.*
- 4. Road be widened to a minimum width of 5.5m for the first 10m.*
- 5. A formal turning head.*

**ARGYLL AND BUTE COUNCIL LRB REFERENCE 21/0007/LRB - PLANNING APPLICATION 20/02264/PP
ERECTION OF DWELLING HOUSE AT LAND SOUTH WEST OF LETRUALT FARM, RHU, HELENSBURGH**

Appellants Statement in response to further comments from Council Officers

There are three further responses that have been made by officers to requests for information made by the LRB at the first sitting meeting on 9th February 2022 and which have been forwarded to us by the Committee Services Officer. Our comments in reply to officer responses are set out below.

As expected, the different officer responses are all in line, and double-down on the original position and decision. Having made a decision, it is unlikely that the officers involved would change their minds.

A. Response from Matt Mulderigg, Development Policy Manager in relation to Green Belt boundary.

We had previously stated that there was a single objection to the green belt boundary proposed in the draft LDP2. The officer, in their response, advises that there were 3 separate representations; he fails to recognise however that these were all from the Black family, and Mrs Black, is the applicant. The representations seek the same outcome.

The officer states that the representations gave their stated position as “Objection” and that they make it clear that they are objecting to the proposed greenbelt boundary; also, that this issue has been identified as a matter which requires to be referred to Examination by the reporters.

This response is disingenuous. The family made representation to the proposed green belt boundary change as it did not go far enough. In their opinion, the boundary should be placed to the rear of Letrualt Farm House, which is fully residential in use, rather than in front of the farm house. They were not objecting to the field in which Mrs Black hopes to build a home for herself, being fully removed from the green belt. That would be preposterous, and it is clear what they were seeking in their representations.

The officer notes that the Reporters in the upcoming Examination will examine the evidence submitted in relation to this issue and make their own recommendation as to where the boundary should be. The officer then states that

‘The course of action open to the Reporter is to make whatever recommendation which they see fit, this means that they do not necessarily have to agree with either the objectors or the Councils position.’

This is in my view misleading. The draft LDP2 recommends moving the boundary to take the whole field out of the green belt. The objection proposes to realign the boundary to the rear of Letrualt farm house, in line with the Council’s own previously commissioned evidence. Should the Reporter suggest a different scenario then such a proposed modification to the LDP would require further community consultation and the Council will be unable to adopt the LDP until that process has concluded. This isn’t going to happen, the Reporters will not delay the LDP adoption for this minor matter. If the Council had correctly identified the green belt boundary following the recommendations in their commissioned review, then this would have been addressed at the previous LDP stage.

The Officer knows very well that there will be one of two outcomes, the green belt boundary stays as recommended, or is moved to meet the objection. The outcome is the same, the application site is removed from the green belt. Realistically, there is no third option. All the evidence points to the boundary moving north to the farm house.

The Officer suggests that as the proposed change *'has specifically been objected to, this means that this element of the proposed LDP2 cannot be given weight as a material consideration in relation to the current application.'*

I disagree with this assumption. The Council's recommendation is to change the green belt boundary, that is their stated position. The Council's wish is for the site to be taken out of the green belt. Should the LRB now determine to approve planning permission they are at liberty to do so, on the basis that the decision would be a minor departure from the current adopted Local Plan, which meets the Council's own aspirations with regards to the new draft LDP. The earlier application for a new dwellinghouse across the access road was approved as a minor departure. In the current case however there is a difference in that there are no third party objections to the planning application.

It is also wrong to say that this single issue can not be given weight as a material consideration. The Council's green belt study (see our initial appeal statement) recommended this field be removed from the green belt, the Council's own draft LDP2 proposes to do just that; these two facts are also material considerations that should be taken into account in the decision-making process.

B. Development Policy Manager's response to Paragraph 6.19 of the proposed LDP2.

The officer advises that *'in more rural areas of Argyll and Bute, with a predominant system of single track roads with passing places; a "Variable Standard of Adoption" as set out in the Councils Roads Development Guide may be applied where the Roads Authority consider the variable standard appropriate, thereby allowing a more rural design solution.'*

The reference here is to the Council's Guide, yet the Roads Officer's response (see below) relates to the National Roads Development Guide. There is no consistency. The response also highlights that it relates to new roads where the road is liable to be adopted, with reduced standards. That is not the scenario currently faced, the Council has no intention of adopting this existing private access; the applicants have not sought adoption and there is no new road proposed.

C. Planning Officer Response

Not surprisingly, the officer is in agreement with her Policy colleague's response. The officer also highlights the point made above, with regards to the Development Policy Manager's response, that

'the above policy; 6.19 of LDP2 is not considered to be relevant to this application as the policy is in regards to new housing developments of 6-10 dwelling (inclusive) and is not relevant to adding a dwelling to an existing development.'

We take some issue with the officer's suggested condition 2, as it appears to attempt to circumvent the due process that requires the LRB to reach its own decision. The officer sets out the *'required commensurate improvements as requested by the roads area manager'* to be appended as a planning condition to any decision. The specific points were not included in the Officer's original response to the LRB, which was more general in its approach. Point 3 in this new set of requirements is the nub of this case. Officers have already argued that the application should be refused as this particular requirement cannot be met; now they propose the constraint as part of any consent.

I refer to our original appeal statement; all requirements are or can be met other than providing a full 5.5m passing place on the bend, which we do not believe is necessary given the volume and type of traffic using this road, and the minimum interference to forward visibility. I repeat previous comments with regards to these points:

1. Minimum carriageway width of 3.7m wall to wall for emergency services vehicles – is fully met for the length of the private access, and can be demonstrated as accommodating emergency service vehicles

2. Localised widening of 5.5m at points of Intervisibility – as with point 3 below, there is one single point where this matter cannot be met, this is where the road bends, even though there are compliant passing places within metres of the bend apex as discussed in our original appeal statement

3. Intervisible Passing places at a maximum of 100m spacing – again, with reference to our original appeal statement, vehicles can pass on the existing road at the following points:

- at the site entrance, A814 junction
- a point approx. 35m from the road entrance at the access to the three dwellings on the southern section of road
- proposed passing space at a distance of 90m from the above point, although the rear access to Ardwel (see photo 3 in original statement) also allows passing and is situated 25m from the southern passing place
- from the passing space at the rear of Ardwel there is a distance of approx. 65m to the proposed passing place within the application site.
- From the new passing place to the existing turning area, with adequate passing room at the top of the road, is another 85m distance, not including the vehicle passing opportunities at the entrance to Tor Bheag and the entrance to the new house. This section of road is entirely within the applicant's ownership and can be made as wide as the Council wants it to be.

4. Road be widened to a minimum width of 5.5m for the first 10m. – effectively already met

5. A formal turning head – already available.

D. Roads Officer Response

The Roads Officer was asked to provide a copy of *'the roads usage assessment or provide further information in terms of how the assessment of the proposal was reached against Policy SG LDP TRAN 4.'*

The response from the Roads Officer cites the National Roads Development Guide and states that the forward visibility requirements cannot be met. We have previously requested a copy of the Usage Assessment, and none has been provided. The response from Roads does not provide a copy of their assessment of use, as undertaken at the time of their consultation response to the planning application. The meta data behind the pdf now provided, suggests that the document was created on the 23rd February 2022, in response to the LRB request for a copy of their assessment of use. This indicates that there was no actual user assessment at the time of the consultation response for the planning application. This is contrary to the policy requirement.

The evidence now submitted, the National Road Standards diagram, is new evidence which has been prepared and submitted after the event. The introduction of an extract from Designing Streets is also a new piece of evidence not previously shared with the applicants.

The table in the Roads Officer's response is a selective extract from Designing Streets. The table is found under the heading Stopping Sight Distance (SSD) and is in relation to (as the document suggests) the design of streets. The narrative relating to this table in Designing Streets states that *'the design of the whole street and how this will influence speed needs to be considered at the start of the process; e.g. the positioning of buildings and the presence of on-street parking.'* We are not designing a street.

The diagram regarding visibility is extracted from the National Road Development Guide and is found under part 3 to that document in a section headed 'Road Design.' **First of all, can Argyll and Bute Council confirm that it has adopted the National Road Development Guide?** If not, then this new evidence is not relevant. Secondly, the extract is shown in more detail below:

(h) Forward Visibility

Application

In residential developments, the reduction of drivers forward visibility heavily influences the reduction of vehicle speeds which is considered essential for the road network to function safely.

However, on main and strategic routes, forward visibility is considered where journey time is an economic factor.

Height of Visibility Envelope

Refer to page 33 of [Designing Streets](#).

Construction of Forward Visibility Splay

To ascertain whether the appropriate forward visibility will be achieved a line should be drawn along the vehicle path at a distance of 1.5 metres from the kerb to represent the driver's position (page 35 [Designing Streets](#)).

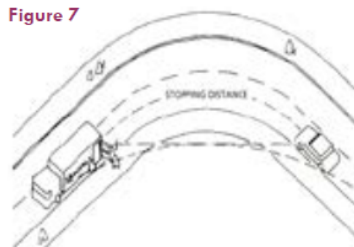
Visibility at Curves

Refer to [Designing Streets](#).

Reduced Forward Visibility

Forward visibility can be reduced below the constructed visibility splay process in [Designing Streets](#) page 35 by applying to the road authority and outlining the reasons justifying the reduction within the Quality Audit (see Figure 7).

Figure 7



The Review Board will note that the discussion under part (h) advises that reduction in drivers' visibility in residential areas influences reduction in vehicle speeds. The discussion goes on to say that forward visibility is a factor in designing main and strategic routes. The diagram used by Roads is the same one shown above, showing a standard two-lane road which can carry HGV traffic. This is incomparable to the planning application site.

The retrospective application of this standard, if indeed the Council has adopted these standards, is just wrong.

The Roads officer mentions passing spaces, and the need for these to be 5.5m wide. The Officer has again extracted information from the Guide, and highlights the following:

'All passing places should provide a minimum overall width of 5.5 metres. Locating passing places is dependent on gaining the maximum benefit balanced with planning legislation. Where possible, it is advisable to have intervisible passing places.'

So, the National Roads Development Guide says only that 'where possible, it is advisable to have intervisible passing places.' This is only advice from the Guide, not a strict standard. In any event the passing places shown on the application drawings are at least 5.5 wide.

The officer repeats their position with regards to other comments and sets out a range of '*Commensurate Improvements Required in the Interest of Road Safety.*' These have all been picked by the planning officer and inserted into a prospective planning condition. The first requirement is worth repeating:

1. Minimum carriageway width of 3.7m wall to wall for emergency services vehicles.

The road has a minimum wall to wall width of 3.7m. The existing road is already used by emergency service vehicles both by fire tender and ambulance. The existing road is also used by the Council's own refuse collection vehicle. None of these vehicles have experienced or expressed any concerns using the road as it is. The Council's refuse vehicle uses this road on an almost weekly basis. The Council's refuse vehicle also uses the existing turning area, without any evident difficulty. The existing private access road is suitable for emergency vehicle use.

E. Summary

In summary, we submit that the Development Policy Manager's response is rather disingenuous in so far as it places excessive weight on the representations to the draft LDP2. The Council's stated position is that the application site should be fully removed from the green belt. The Reporter at Examination will not reach any conclusion other than accepting the Council's stated position or those of the applicants. The Council defended their position by not accepting the applicants request for the boundary to be removed. To say that the Council's position now carries no weight is wrong.

The Planning Officer has consistently taken a lead from their Roads' colleagues, even to the extent of copying the points of concern voiced by Roads into a draft planning condition.

The Roads Officer has introduced new evidence to this case, both Designing Streets and extracts from National Development Roads Guidance. Their case relies on this evidence, however the Guide with regards to intervisible passing places is advisory, it is not policy. It is not clear whether the Council has in fact adopted the National Development Roads Guidance. Roads and Planning repeat a set of design requirements which are mostly either met or can be met. What is clear however is that there has been no 'usage assessment' which should have been carried out to inform the Roads Officer's initial consultation response.

It remains the case that the road is not unsafe. There is limited traffic using this private access. It should be clear that if the road was considered unsafe, the Council's refuse collection vehicle would not be using this road to collect refuse, and would not be using the road terminus to turn around.

The site visit will provide Members with a clearer understanding of the existing road characteristics.

Steven Cameron
Cameron Planning

9th March 2022

This page is intentionally left blank