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Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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20 April 2022

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY MICROSOFT TEAMS** on **FRIDAY, 29 APRIL 2022** at **9:00 AM**, 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) Further Information received from Roads Department (Pages 3 - 4)
 - (b) Comments from Applicant on further information (Pages 5 - 8)
 - (c) Comments from Interested Parties on further information (Pages 9 - 10)

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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**22/0001/LRB (Planning Ref: 21/01603/PP) –
Land South of High Oaks Artarman Road, Rhu Helensburgh**

Can you demonstrate how, using design guidance, the sight visibility figures for this application have been arrived at, and whether it is possible for the figure of 25 to be reduced to 17 and still be within the guidance.

Artarman Road has a speed limit of 30mph, in accordance with **ROADS GUIDANCE for DEVELOPERS 28 October 2008** a visibility splay of 42 meters in both directions is required at the proposed new access.

In response to a site visit on 27th October 2020 it was agreed that due to low volume and speed of vehicles a reduced visibility splay of 25 meters in both directions would be acceptable, this is the minimum visibility splay for a road with a speed limit of 20mph

The visibility splay cannot be reduced to 17 meters, this is the minimum visibility splay for a speed limit of 10mph, Argyll & Bute Council cannot set a speed limit of less than 20mph therefore we cannot accept visibility splay for a speed limit that cannot be set.

To set a speed limit of 10mph Consent from Scottish Ministers would need to be applied for.

ROADS GUIDANCE for DEVELOPERS 28 October 2008

2.0 Visibility Requirements

2.1 The provision of a new or improved access from a private access onto a public road must

Fig 2 Visibility Splays for Accesses on the Outside of Bends

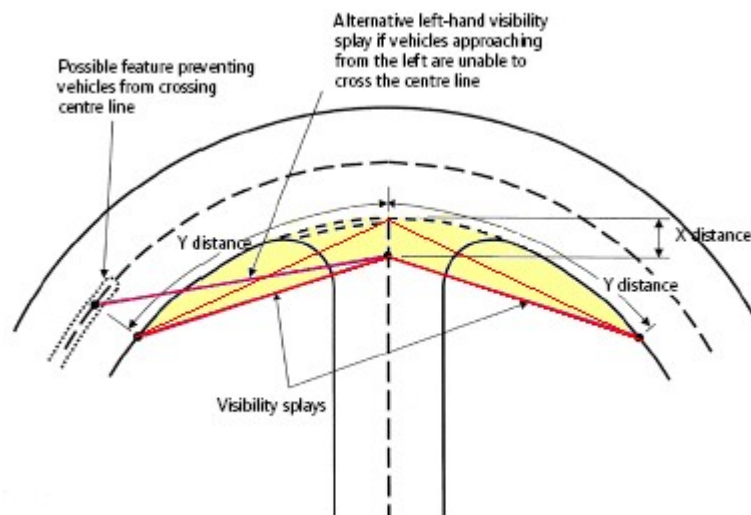


Fig 3 Visibility Splays for Accesses on Inside of Bends

The normal requirements for visibility distances are set out below.

X – distance (m)

The 'x' – distance is 2.4m.

Y – distance (m) and Forward Sight Distance (m)

The 'y' distance is based on a) the speed of the traffic on the public road, to ensure drivers can react in time to avoid a collision and b) the expected traffic flow on the public road, to avoid the need for traffic on the public road to slow down or stop in order to avoid a collision.

For quiet roads, Table 1 should be used. For Strategic Routes and other routes carrying traffic volumes greater than 3000 vehicles per day (vpd), use Table 2. See Appendix A for a list of Strategic Routes and those carrying higher volumes of traffic.

Table 1 Lightly Trafficked Roads

Public Road								
Vehicle Speed (mph)	60	50	45		40	35	30	20
'Y' dimension	136	103	84		75	53	42	25

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

AGF/19-118-019

28 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 18 March & today's subsequent e-mail from A&B Roads Department regarding the above. Having reviewed this submission please find enclosed our response from Michael Summers, Director of ECS Transport Planning Ltd which clearly demonstrates the application of the visibility splay measurement in accordance with Scottish Government Policy and current National Roads Guidance.

In addition to the attached response we would like to also highlight the following:

1. The precedent of a similar access has already been approved in the adjacent Torwood Hill Road (20/01190/PP). The application of roads & Planning guidance should be consistent and therefore we see no valid reason that the principles applied at Torwood Hill Road are not applied on this application also.
2. Despite numerous requests neither Planning nor Roads Department can explain the variance of their design guidance between a single house driveway and a new estate house driveway. This is a concerning item given the fact that their reason for refusal is based on 'safety' when it is clear that this proposal which allows entry & exit in a forward gear onto a street with 3 houses beyond is far 'safer' than the new consented estate developments where you reverse out of your drive onto the main access road with numerous traffic movements.

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

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Proposed Residential Property, Artarman Road, Rhu – Ref 22/0001/LRB

Argyll & Bute Council Roads Department (A&BCRD) has been asked by the Council's Local Review Body (LRB) to provide further information on the following question:

“Can you demonstrate how, using design guidance, the sight visibility figures for this application have been arrived at, and whether it is possible for the figure of 25 to be reduced to 17 and still be within the guidance.”

The A&BCRD provided a response which indicates the following:

“The visibility splay cannot be reduced to 17 meters, this is the minimum visibility splay for a speed limit of 10mph, Argyll & Bute Council cannot set a speed limit of less than 20mph therefore we cannot accept visibility splay for a speed limit that cannot be set. To set a speed limit of 10mph Consent from Scottish Ministers would need to be applied for.”

The above response is extremely disappointing and, at best, misleading. There is no requirement to change the speed limit of Artarman Road from the current 30mph when accepting the 17m visibility splay as indicated by A&BCRD in their response.

All roads design guidance, including Argyll & Bute Council, the Design Manual for Roads and Bridges and Designing Street, identifies that best practice for determining the visibility splay is by considering the 85thile speed of vehicles on the route. The application of the speed limit is only adopted if actual speed data isn't available to allow a worst-case approach to be determined.

As all drivers are aware, some routes with a 30mph speed limit are straight, have wide carriageways, limited pedestrians etc which can encourage higher vehicle speeds. Other routes with a 30mph limit are narrow, constrained and naturally enforce a much reduced vehicle speed. This is exactly why it is best practice to measure the vehicle speeds over a week long period to obtain actual speed data for the specific route.

The 85thile speed of Artarman Road was found to be 15mph from an independent speed survey which, based on best practice guidance, allows the visibility splay to be reduced to an appropriate distance. The Scottish Government policy document, Designing Streets, identifies the visibility requirements which are to be adopted by all Local Authorities without exception. The need for this to be undertaken is detailed in the extract of the document provided below:

“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.”

As per best practice, a 7 day speed survey was undertaken by Transurveys Ltd at the proposed access location between 4th and 11th May 2021. The associated speed survey report is included in Appendix A for consideration. The survey identified that the 85thile 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%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.

For the avoidance of doubt, A&BCRD's application of visibility standards in excess of those detailed in Designing Streets is contrary to the Scottish Government policy document. When considering the hierarchy of policy / guidance it is evident that Government policy carries a far higher status than roads guidance.

To further demonstrate the above point, A&BCRD did not require the applicant to change the speed limit of Artarman Road to 20mph despite them being willing to accept the visibility splay for a 20mph route. This demonstrates no consistency of approach or understanding of best practice and relevant policy / guidance in their latest response.

Based on the requirements of Scottish Government policy and the application of roads guidance, there is no requirement to change the speed limit to support a visibility splay of 17m which is wholly appropriate in this location based on the measured speed of vehicle on the route. 17m is the appropriate visibility splay for the speed of vehicles on the route and there is no liability to Argyll & Bute Council for being consistent with the Scottish Government document Designing Streets.

Michael Summers

Director



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LOCAL REVIEW BODY REFERENCE 22/0001/LRB

COUNCILLOR GEORGE FREEMAN

FURTHER SUBMISSION FOLLOWING SITE VISIT

Following on from the site visit held on Wednesday 30 March 2022 at Artarman Road, Rhu relating to the above LRB, I would submit the following further comments for consideration by the LRB at their virtual meeting due to be held on Friday 29 April 2022 as follows:

- a. At the site visit, it was clear that when a vehicle is exiting from the site on to Artarman Road, the sightlines looking down Artarman Road to the left do not create a problem as there is clear visibility almost to the bottom of Artarman Road.
- b. When a vehicle is exiting from the site on to Artarman Road and looking right up Artarman Road, it was clear that even the edge of the road adjacent to the site was visible for the full 17 metres from the proposed site entrance. When the Roads Officer placed the pedometer at the edge of the road 17 metres from the proposed entrance to the development site, the pedometer was clearly visible therefore there is clear visibility to the right up Artarman Road for at least 17 metres and more than 17 metres when viewing the centre of this narrow road.
- c. There are currently only 7 properties on Artarman Road, 3 below the proposed site and only 4 above the proposed site. None of these properties have the sightlines that Roads Officers are requesting for the development site.
- d. Although Artarman Road has a formal 30 MPH speed limit, having driven on this road on many occasions, it is clear it is virtually impossible to drive safely at 30 MPH on this road. Observations of the few vehicles driving up or down the road clearly demonstrate that vehicles drive at a relatively slow speed and well below the 30 MPH limit.
- e. The Roads Guidance for Developers provided by the Roads Officer clearly relates to all 30 MPH roads across Argyll and Bute and includes roads with a relatively heavy flow of traffic down to those where traffic flow is minimal. The traffic flow on Artarman Road is at the extreme bottom of this scale so it is considered that the LRB can apply flexibility with regards to the Guidance.
- f. The diagram provided by Roads Officers as part of the Roads Guidance for Developers is totally misleading with regards to this proposed development as it shows a sharp bend in a road which is clearly not the situation with this proposal on Artarman Road.
- g. Given the exceptionally low levels of traffic on Artarman Road, the application of the Guidance on this occasion cannot be justified.
- h. I would argue that this application can be approved as a minor departure from the provisions of Policy LP TRAN 4 of the Argyll & Bute Local Development Plan with a condition being attached to the approval which would require the developer to provide two sets of traffic calming measures (speed bumps) on Artarman Road in line with the top and bottom boundaries of the development site. This would ensure that vehicles are forced to travel at less than 10 MPH at this location. The developer would also have to agree to be responsible for any ongoing maintenance for such traffic calming measures. This would mitigate for the minor departure from the provisions of Policy LP TRAN 4 of the Argyll & Bute Local Plan.
- i. By agreeing to the minor departure from Policy LP TRAN 4 of the Argyll & Bute Local Development Plan as detailed at h. above, this would ensure that there is no detrimental impact on road safety on Artarman Road as a result of this development being approved.

It has been argued that by failing to comply with the Roads Guidance for Developers, the Council could be held responsible if there was an accident at this location. Legally, this is certainly not the case. The Highway Code makes it clear that drivers "***should always reduce your speed when the road layout or condition presents hazards, such as bends***" and instructs drivers that they should "***Make sure you can stop within the distance you can see to be clear***".

Councillor George Freeman
10 April 2022

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