

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
23 June 2022

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY MICROSOFT TEAMS** on **THURSDAY, 30 JUNE 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 20/00267/PP AT LAND SOUTH OF HIGH OAKS, ARTARMAN ROAD, RHU, HELENSBURGH - PREVIOUSLY ISSUED PAPERWORK**
 - (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)
 - (d) Minute from previous first calling held on 17 March 2022 (Pages 83 - 84)
 - (e) Note of Site Visit held on 30 March 2022 (Pages 85 - 86)
 - (f) Comments from Interested Parties following First Calling (Pages 87 - 90)
 - (g) Comments from Applicant following First Calling (Pages 91 - 94)
 - (h) Minute from Second Calling held on 29 April 2022 (Pages 95 - 98)
 - (i) Comments from Interested Parties following Second Calling (Pages 99 - 106)
 - (j) Comments from Applicant following Second Calling (Pages 107 - 108)

Argyll and Bute Local Review Body

Councillor Audrey Forrest
Councillor Amanda Hampsey

Councillor Kieron Green
Councillor Graham Hardie

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



Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: 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:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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"/>
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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>
Cc: Davies, Sandra <Sandra.Davies@argyll-bute.gov.uk>; handl, planning <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

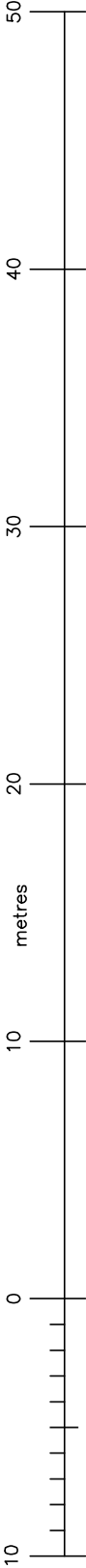
Mobile: 07554-773732

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

APPROVED CONSENT - Planning Ref: 20/01190/PP

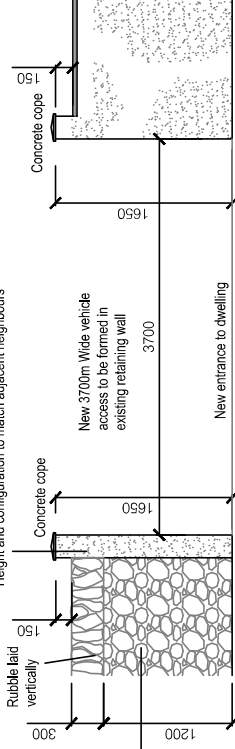


'A' 14.07.20 Drawing amended to suit planning
 'B' 27.08.20 Drawing amended to suit planning
 'C' 09.09.20 Drawing amended to suit planning



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

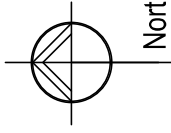
PART ENTRANCE ELEVATION as PROPOSED 1:50

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

Frydas Murray
 Head of Development and Economic Growth
 18 September 2020

Site indicated in red = 840.00sqm

Area of new extension - 29.00sqm



Existing tree to remain

New grass lawn to be formed Client to agree final spot levels.

Existing 2m high retaining wall and perimeter trees to remain along Torwoodhill Road boundary

New sleepers to be utilised to establish new finished levels for car parking etc

Regrade existing ground to suit new car park area

Rubble Wall:
 New 1.5m high gate pier complete with concrete cope to match roughcast wall

New 3700m Wide vehicle access to be formed in existing retaining wall

1m radius to be formed

New entrance to dwelling

Existing tree to remain. This tree is classified with TPO.

Torwood Lodge

Roughcast wall:
 New 1.5m high gate pier complete with concrete cope

BLOCK PLAN as PROPOSED 1:200

PLANNING

Serial number: 181759

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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

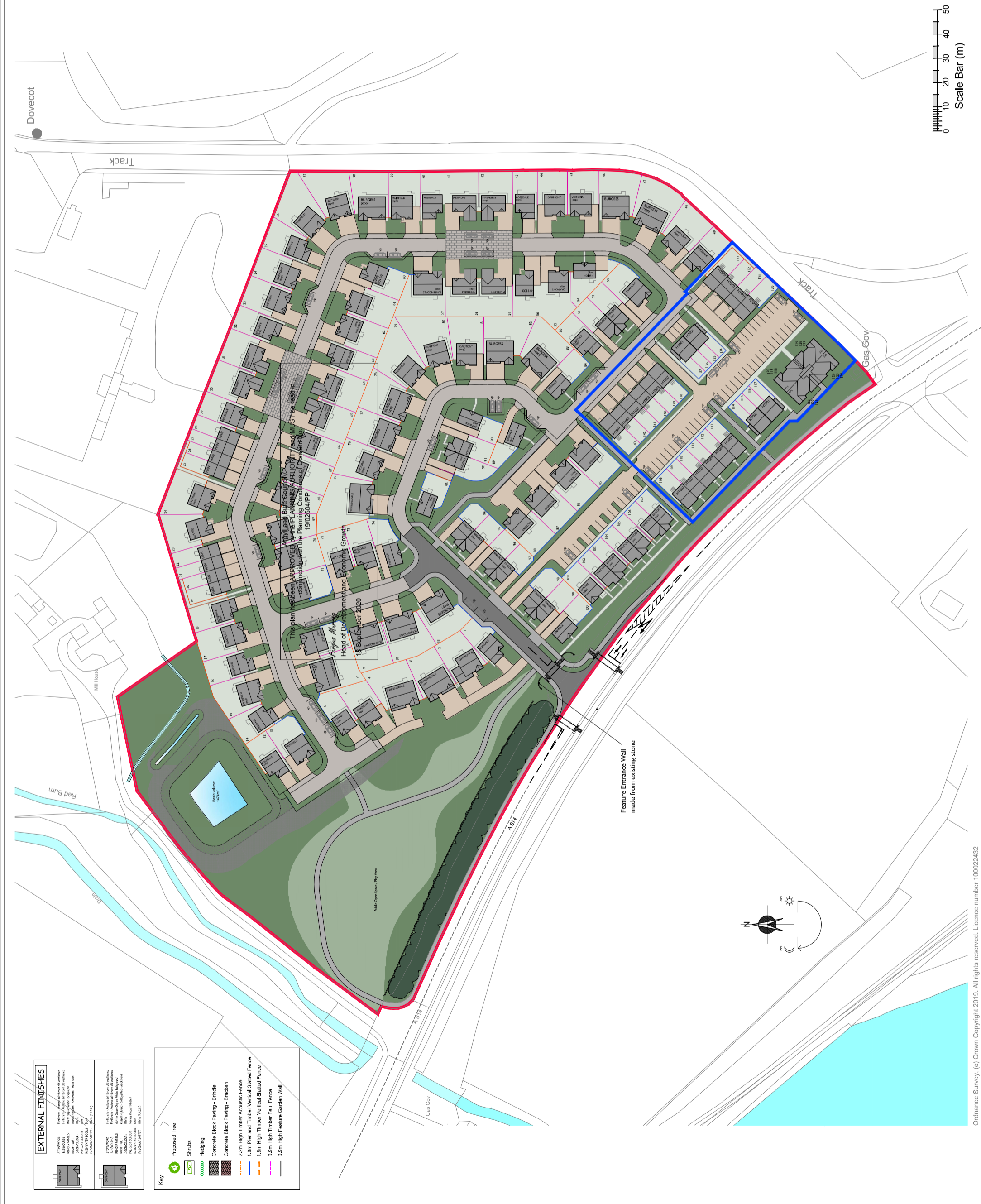
A B C

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

Revision	By	Date	Description
1
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Area	Area (sq ft)	Area (sq ft)	Area (sq ft)
2 bed flat	675	6	4050
2 bed semi	715	6	4290
2 bed terraced	665	6	3990
H1001 - 1 bed end terrace	955	9	8595
H1001 - 1 bed cottage flat	665	6	3990
Site office	30	0	180
Total	4700	42	27000

Item	Units	Area (sq ft)	Area (Acres)
Total Units	143	157,965	3.6
Total Gross Area	-	15,323	0.35
Total FOS	4.21	4,611	0.1
Total Net Area	11,111	120,743	2.75
Total Coverage sqft/Gross	10,287	-	-
Total Coverage sqft/Net	14,185	-	-



Symbol	Description
[Green circle]	Proposed Tree
[Green square]	Strubs
[Green rectangle]	Hedging
[Grey square]	Concrete Block Paving - Bricks
[Grey square]	Concrete Block Paving - Brackets
[Orange line]	2.2m High Timber Acoustic Fence
[Blue line]	1.8m Pier and Timber Vertical Slatted Fence
[Yellow line]	1.8m High Timber Vertical Slatted Fence
[Red line]	0.8m High Timber Feu Fence
[Purple line]	0.8m High Feature Garden Wall

Area	Area (sq ft)	Area (sq ft)	Area (sq ft)
1.47 acres (net)	157,965	3.6	4050
1.58 acres (gross)	17,250	17	11550

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Issue	Date	Detail
G	16.04.20	25% Visitor Parking & traffic lights added
F	04.12.19	Footpaths at site front altered to suit
E	14.11.19	Level: 100mm above finished ground level
D	14.08.19	Unit numbers increased to 143.
C	20.07.19	New 4-bed introduced.
B	20.07.19	Plot A2.2.3 value engineered.
A	06.07.19	HA installed

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

Project
Sawmill Field
Helensburgh

Drawing
Development Layout

Scale
1:500@A0 GK

Date
11.06.19

Checked
 Drawing No
HH/SK/01

G

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.

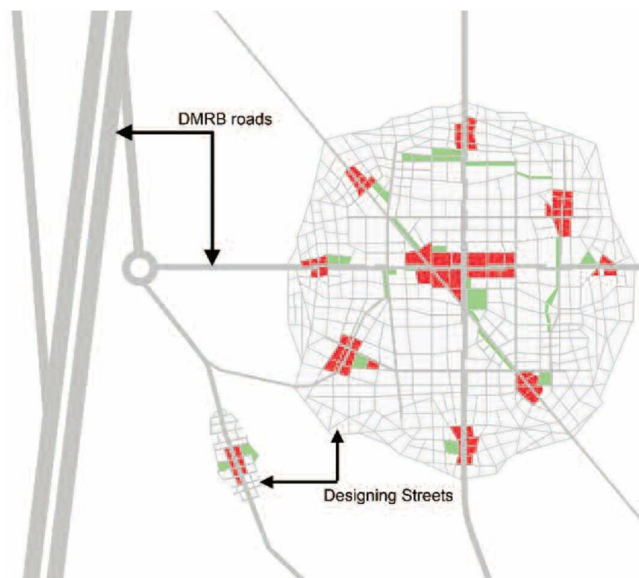
Roads/....

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 an 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

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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 23rd 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.

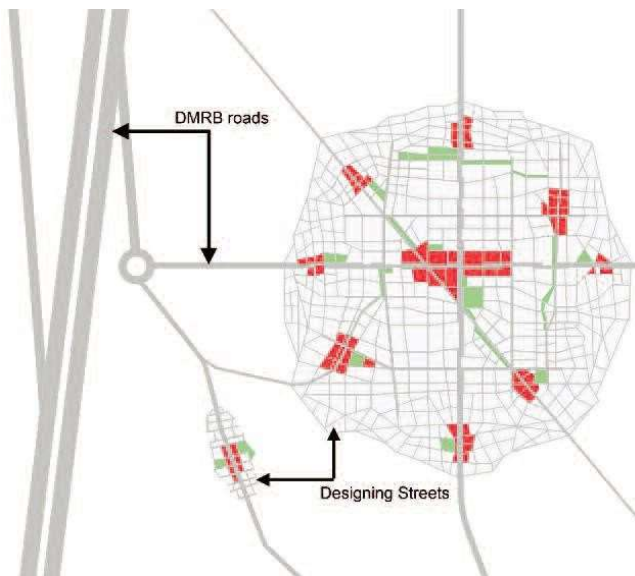
The diagram overleaf, taken from Page 4 of Designing Streets, clearly identifies where Designing Streets should apply and Artarman Road is clearly appropriate for the application of Designing Streets.

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 4th and 11th May 2021. The associated speed survey report is included in *Appendix A* for consideration. The survey identified that the 85th percentile 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 85th percentile 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.

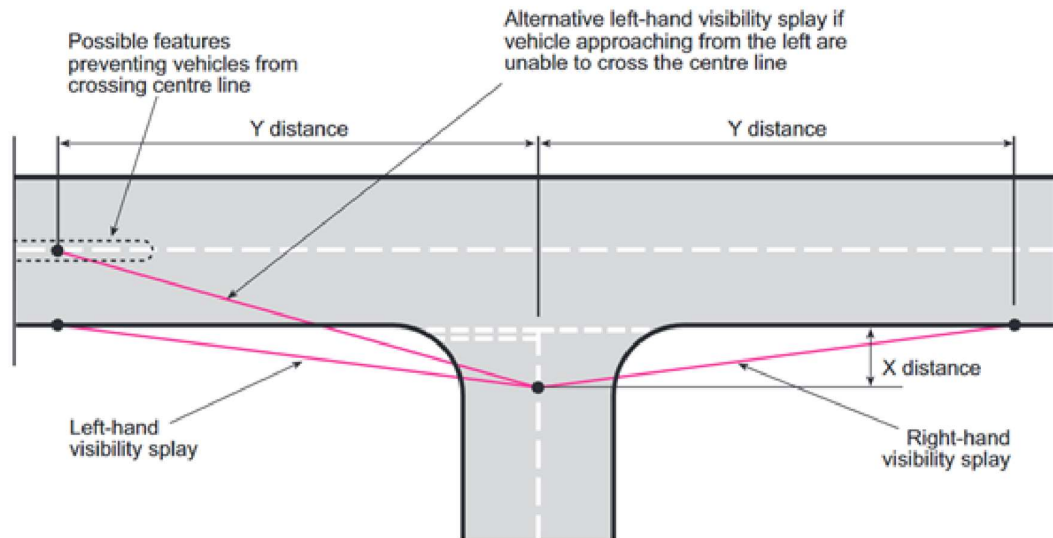
An X distance of 2.4m should normally be used in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye.

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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SURVEY NETWORK



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

CONTROL PANEL

Site 1

7-Day Weekly Average

Northbound

24hr (00:00-00:00)

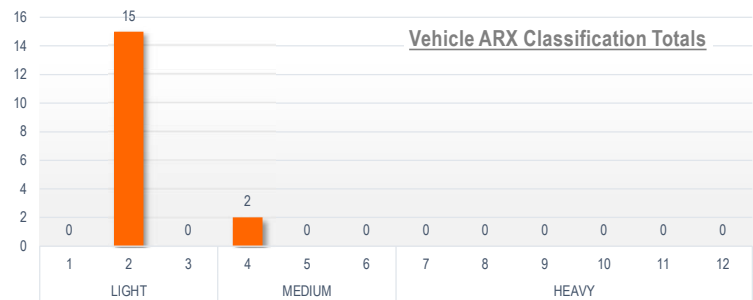
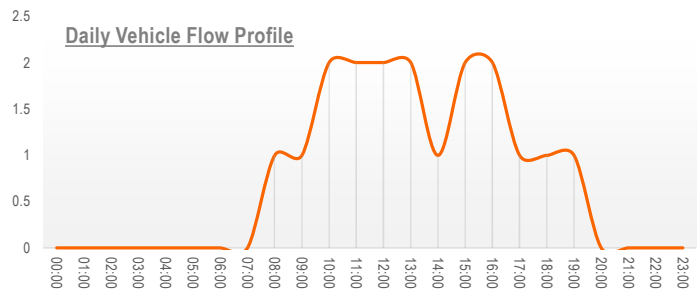
AGGREGATED VEHICLE CLASSIFICATIONS

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)
----	--------------------

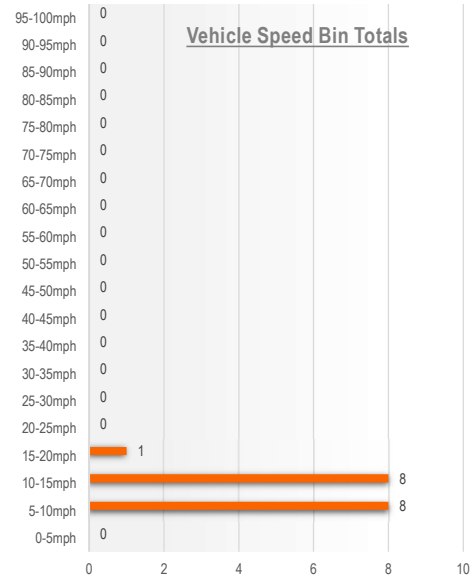
SPEED STATISTICS (ALL VEHICLES) (MPH)

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

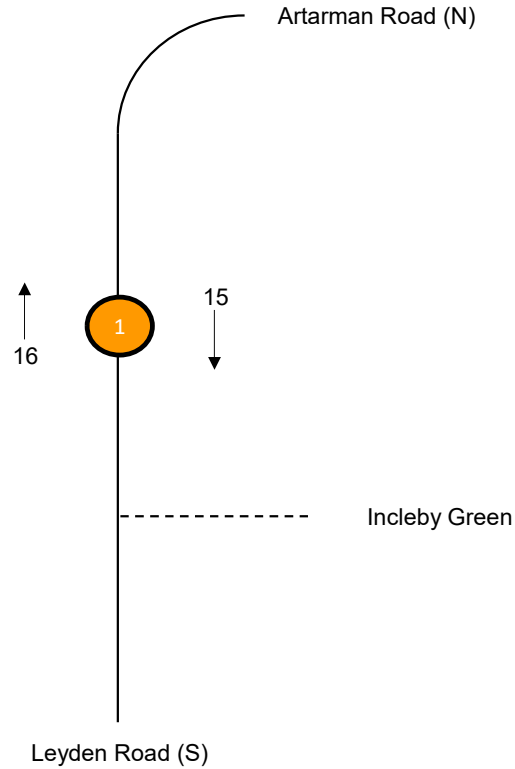














Table with columns: TIME, TOTAL, LIGHT, WEAVE, HEAVY, SPEED BIN TOTALS, SPEED BIN PERCENTS, and SPEED BIN AVERAGE. Rows include Date: 24 May 2021, Date: 25 May 2021, Date: 26 May 2021, Date: 27 May 2021, Date: 28 May 2021, Date: 29 May 2021, Date: 30 May 2021, and Daily (Weekly) Average.

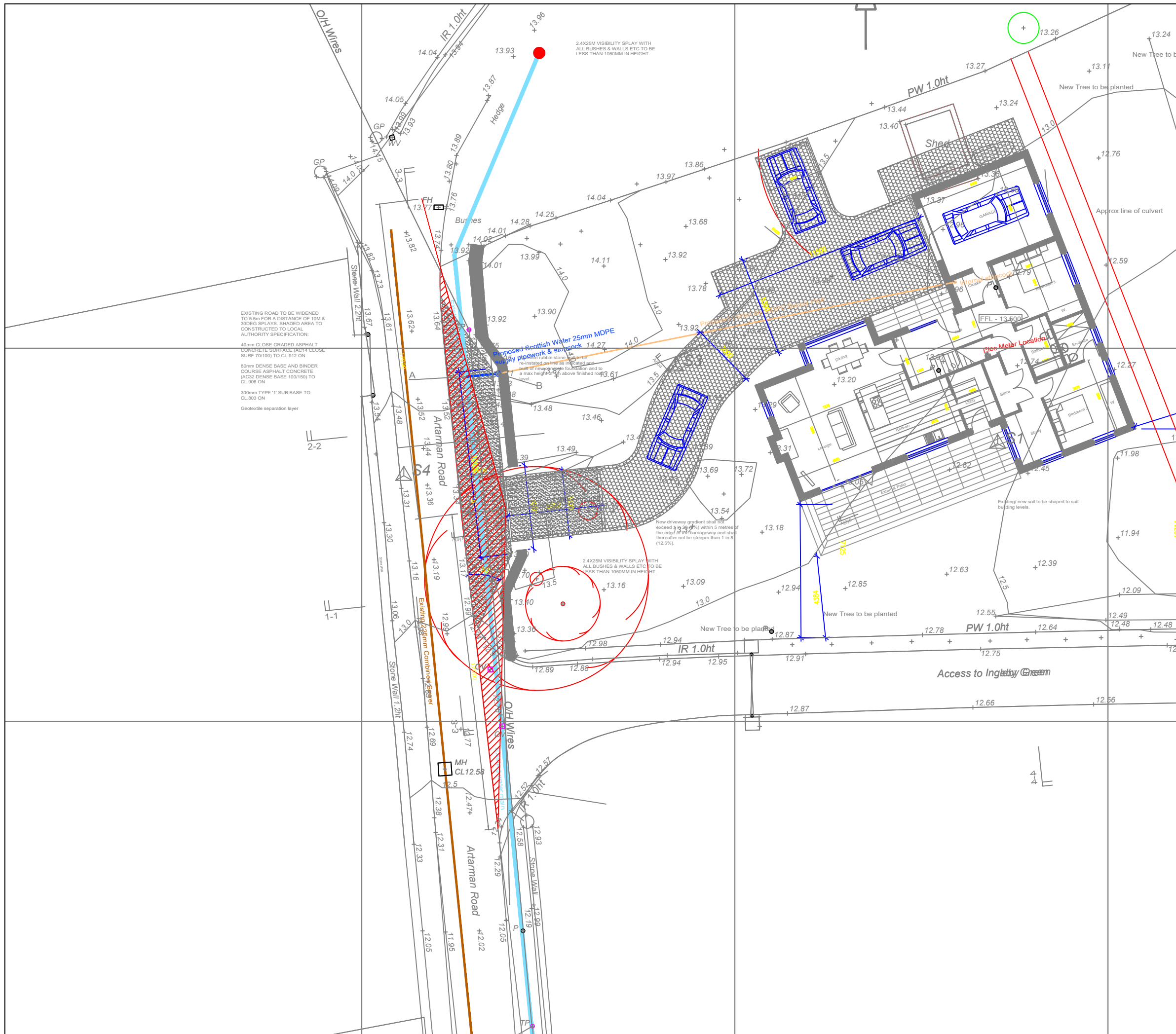
CLASS	AXLES	AXLE GROUPS	DESCRIPTION	DOMINATE VEHICLE	AGGREGATE
1	2	1 or 2	Very Short - Bicycle or Motorcycle		LIGHT
2	2	1 or 2	Short - Car, 4WD or Light Van		
3	3 / 4 / 5	3	Short Towing - Trailer, Caravan etc.		
4	2	2	2-Axle Truck or Bus		MEDIUM
5	3	2	3-Axle Truck or Bus		
6	>3	2	4-Axle Truck		
7	3	3	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

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 █



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

2.4X25M VISIBILITY SPY WITH ALL BUSHES & WALLS ETC TO BE LESS THAN 1050MM IN HEIGHT.

Proposed Scottish Water 25mm MDPE water supply pipeline & stopcock 14.27

New driveway gradient shall not exceed 9.9% (1 in 10) within 5 metres of the edge of the carriageway and shall thereafter not be steeper than 1 in 8 (12.5%).

2.4X25M VISIBILITY SPY WITH ALL BUSHES & WALLS ETC TO BE LESS THAN 1050MM IN HEIGHT.

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 SPY

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.

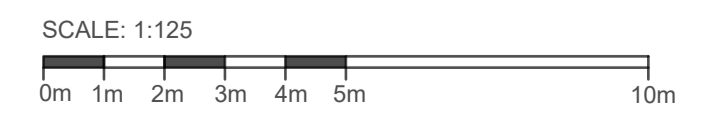
Alan G. Findlay BArch, RIBA, ARIAS e:design@agfarchitecture.co.uk
6 Ardenconnel Way, Rhu, Helensburgh, G84 8LU t:01436 645080
www.agfarchitecture.com



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 SUPER 70/90) TO CL.915 ON
 80mm DENSE BASE AND BINDER COURSE ASPHALT CONCRETE (AC6 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.
 New driveway gradient shall not exceed 1 in 20 (5%) within 5 metres of the edge of the carriageway and shall thereafter not be steeper than 1 in 8 (12.5%).
 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.
 TREE TO BE REMOVED SHOWN DASHED RED.
 New Tree to be planted
 New Tree to be planted
 New Tree to be planted

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: 19-118	Drawing number: 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 not 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

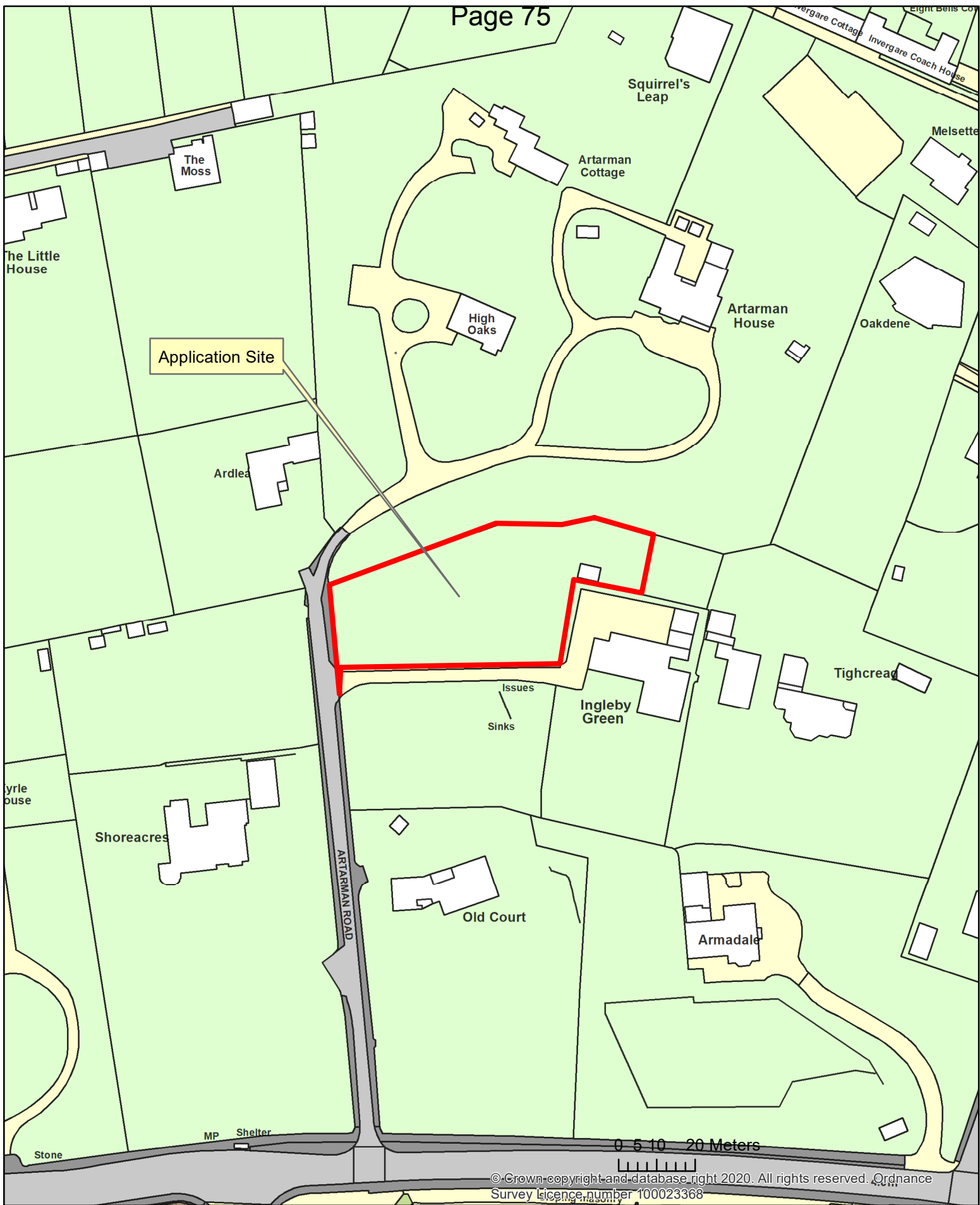
Appendix relative to application 21/01603/PP

- (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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**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT
TEAMS
on THURSDAY, 17 MARCH 2022**

Present: Councillor Rory Colville (Chair)
Councillor Kieron Green Councillor Jean Moffat

Attending: Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Lynsey Innis, Senior Committee Assistant (Minutes)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no 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**

The Chair, Councillor Colville, welcomed everyone to the meeting. He explained that no person present would be entitled to speak other than the Members of the Local Review Body (LRB) and Mr Jackson, who would provide procedural advice if required.

He advised that his first task would be to establish if the Members of the LRB felt that they had sufficient information before them to come to a decision on the Review.

Councillor Moffat advised that having considered the information provided, she felt a site visit was required to assess the situation in full.

Councillor Green advised that he too felt that, in order to appreciate the situation, a site visit was necessary.

The Chair, Councillor Colville advised that he felt that without the technical knowledge he was unable to form an opinion at this stage. He suggested that the Roads Officer demonstrate how, using design guidance, the sight visibility figures for the 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.

Councillor Moffat agreed with Councillor Colville and advised that it would appear that other properties in the area have less of a sight clearance, but reiterated that a site visit would inform her opinion of the case.

Councillor Green agreed with both Councillor Colville and Councillor Moffat and suggested that without a site visit he would find it difficult to justify any further leeway being given.

Having clarified that the information Councillor Colville was seeking was to take the form of a written representation, the Adviser provided advice in relation to the process and timescales involved.

Decision

The Argyll and Bute Local Review Body unanimously agreed to:

1. request that the Roads Department 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;
2. hold an accompanied site inspection to view the development site in context of the surrounding area and require both the Planning authority and Roads Department to attend with an invitation extended to all other interested parties; and
3. adjourn the meeting and reconvene at the earliest opportunity after the site inspection and following receipt of the further information and comments from interested parties.

(Reference: Notice of Review and Supporting Information, comments from Interested Parties and further comments from Applicant, submitted)

ARGYLL AND BUTE LOCAL REVIEW BODY**NOTE OF MEETING OF SITE INSPECTION RE CASE 22/0001/LRB
LAND SOUTH OF HIGH OAKS, ARTARMAN ROAD, RHU, HELENSBURGH
WEDNESDAY 30 MARCH 2022**

In attendance: Councillor Rory Colville, Argyll and Bute LRB (Chair)
Councillor Kieron Green, Argyll and Bute LRB
Councillor Jean Moffat, Argyll and Bute LRB
Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Lynsey Innis, Senior Committee Assistant (Minutes)
Polly Dunlop, Applicant
Maureen Paisley, on behalf of Applicant
Allan Murray, on behalf of Applicant
Councillor George Freeman, Interested Party
Emma Jane, Planning Officer
Donna Lawson, Traffic and Development Officer

The Argyll and Bute Local Review Body agreed on 17 March 2022 to conduct a site inspection in order to view the development site in context of the surrounding area.

The Local Review Body convened at 10.30am on 30 March 2022 at Land South of High Oaks, Artarman Road, Rhu, Helensburgh. The Chair welcomed everyone to the site inspection and introductions were made.

Councillor Colville asked the Traffic and Development Officer to demonstrate how the sight visibility figures for this application had been arrived at, and whether it would be possible for the figure of 25 to be reduced to 17, and still be within the guidance.

The Traffic and Development Officer outlined the visibility requirements, as outlined in the Roads Guidance for Developers, dated 28 October 2008, and advised that leeway had already been given to this application as a result of a previous site visit, based on the low volume and speed of vehicles travelling on the road, with the sight visibility figure reduced to 25 metres in both directions from the access.

Ms Lawson used equipment to further demonstrate the measurements involved and outlined the difficulties posed by the bend in the road to the north of the access point.

Discussion took place on the possibility of reducing the size of the hedge that ran along the edge of the road and taking it back to the fence that appeared to be the boundary of the neighbouring property, with it being noted that due to the height of the hedge within the boundary of the neighbouring property it would make no difference to the visibility requirements of this application.

Further discussion took place in relation to the status of the road and the possibility of introducing traffic calming measures or a reduction in the speed limit with it being noted that Roads and Infrastructure Services would not be in a position to support such measures, as there were currently no road safety concerns and the local

authority are unable to recognise a 10mph speed limit, but that it would be possible for a private landowner to make application to the Scottish Government in this regard.

Having established that Members had no further questions, the Chair thanked all in attendance for their input.

This concluded the site visit.

**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

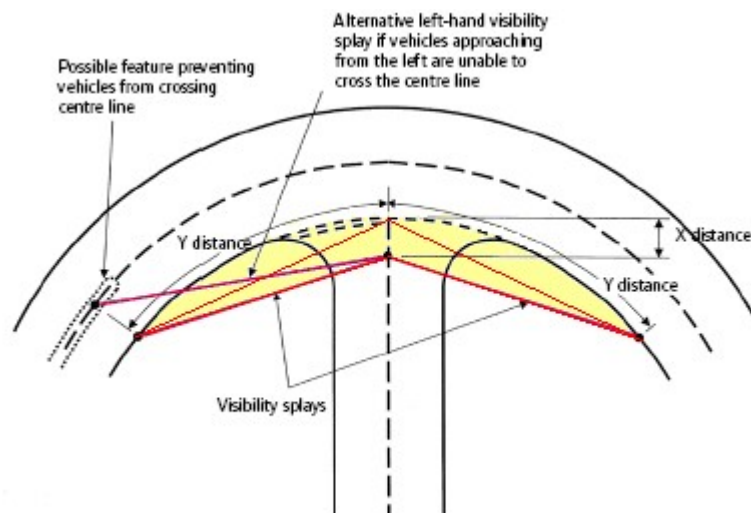


Fig 3 Visibility Splays for Accesses on Inside of Bends

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

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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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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**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT
TEAMS
on FRIDAY, 29 APRIL 2022**

Present: Councillor Rory Colville (Chair)
Councillor Kieron Green Councillor Jean Moffat

Attending: Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Lynsey Innis, Senior Committee Assistant (Minutes)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no 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 (Pages 5 -
6)**

The Chair, Councillor Rory Colville, welcomed everyone to the meeting. He explained that no person present would be entitled to speak other than the Members of the Local Review Body (LRB) and Mr Jackson, who would provide procedural advice if required.

Referring to the further information received, which had been requested at the previous meeting, and to the site inspection held on 30 March 2022 (note of site inspection attached at Appendix A of this Minute), Councillor Colville advised that his first task would be to establish if the Members of the LRB felt that they had sufficient information before them to come to a decision of the Review.

Councillor Moffat advised that she felt additional information would be required to come to a fair decision. She spoke of the site visit and the indication from the Roads Officer that there are no safety issues on Ardtarman Road that would require the need for traffic calming measures. She asked if the Roads Officer could provide comment on why, if that is the case, they consider that two vehicles approaching the bend to the north of the site, in opposite directions, potentially at 30mph, would appear to be less of a road safety issue than a vehicle exiting the site on to the road from either being stationary at the junction or at a speed which is likely to be less than 10mph.

Councillor Colville advised that he too was of a similar mind and advised that having considered the additional information together with the benefit of the site visit he had given some consideration to the proposed Local Development Plan 2 and suggested that the key was to determine whether material consideration should be given to the Designing Streets and Creating Places guidance.

Councillor Green advised that he felt he had sufficient information to come to a decision.

Councillor Colville read out the following Motion:

Both the current LDP and LDP 2 make reference to Designing streets and the importance of Place. LDP 2 Policy 05 references Design and Place making related documents: Creating Places – A Policy Statement on Architecture for Scotland and Designing Streets.

Designing Streets is national planning policy and its policies should be taken into account by local authorities when determining planning applications and producing guidance. Designing Places and Designing Streets stand together as the two key design policy statements for Scotland. Street design guidance, as set out in this document, can be a material consideration in determining planning applications and appeals. Designing Streets is expected to be used predominantly for the design, construction, adoption and maintenance of new streets, but it is also applicable to existing streets subject to re-design.

The following points are all taken from Designing Streets:

Junctions should be designed to suit context and urban form - standardised forms should not dictate the street pattern

An X distance of 2.4 m 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.

A minimum figure of 2 m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered.

Whilst appropriate driver sightlines should be maintained, vegetation can be used to limit excessive forward visibility to limit traffic speeds.

Taking the Designing Streets information into consideration the following further information is required:

- 1) The view of what weight can be given to Designing Streets and Creating Places as a material consideration from Planning, Roads
- 2) From the planners the minimum distance that would be acceptable between the new access and the neighbouring property known as Ingleby Green
- 3) To the applicant, applicants agent, and Roads , taking into consideration the planners response to distance between accesses above if using an X distance of 2m what result would result in sightline distance (Y)
- 4)From Roads a comment regarding the advice relating to the removal of vegetation from sightlines in relation to this specific single application “ Whilst appropriate driver sightlines should be maintained, vegetation can be used to limit excessive forward visibility to limit traffic speeds.”

This was seconded by Councillor Moffat.

Councillor Green advised that although he felt he could make a decision at this time, having considered the points raised by both Councillor Colville and Moffat, he was happy to consider the additional information, as this was the consensus view.

Having clarified that the information both Councillor Colville and Councillor Moffat were seeking was to take the form of a written representation, the Adviser provided advice in relation to the process and the timescales involved.

Decision

The Argyll and Bute Local Review Body agreed to:-

1. Request the following further written information from the Applicant, Applicant's Agent, and the Roads and Planning Services:-
 - The view of what weight can be given to Designing Streets and Creating Places as a material consideration (Roads and Planning Services);
 - The minimum distance that would be acceptable between the new access and the neighbouring property known as Ingleby Green (Planning Service);
 - Taking into consideration the Planners response to the distance between accesses above if using an X distance of 2m what result would result in sightline distance(Y) (Applicant, Applicant's Agent and Roads Service);
 - A comment regarding the advice relating to the removal of vegetation from sightlines in relation to this specific single application "Whilst appropriate driver sightlines should be maintained, vegetation can be used to limit excessive forward visibility to limit traffic speeds." (Roads Service); and
 - Confirmation of their position that there are no road safety issues on Ardtarman Road that would require the need for traffic calming measures, eg speed bumps and a comment on why, if that is the case, they consider that two vehicles approaching the bend to the north of the site junction in opposite directions, potentially at 30mph, would appear to be less of a road safety issue than a vehicle exiting the site on to the road from either being stationary at the junction or at a speed which is likely to be less than 10mph. (Roads Service)
2. Adjourn the meeting and to reconvene once this further information had been received and interested parties had been given the opportunity to comment on it.

(Reference: Further information received and comments made, submitted)

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

The view of what weight can be given to Designing Streets and Creating Places as a material consideration.

Designing streets is not applicable to Artarman Road as designing streets ethos is creating places for society and not about vehicle thoroughfare.

Designing streets is applicable in environments where public realm and pedestrian interactions is encouraged for social, leisure, retail and commercial usage.

Artarman Road is solely an access road to private accesses to dwelling houses with limited pedestrian movement and no existing pedestrian facilities.

Taking into consideration the Planners response to the distance between accesses above if using an X distance of 2m what result would result in sightline distance (Y).

An X distance of 2m is not suitable at this location as this X distance is for an urban/extra urban environment, Artarman Road is not an urban/extra urban environment as has no pedestrian facilities or social, leisure, retail or commercial use.

A comment regarding the advice relating to the removal of vegetation from sightlines in relation to this specific single application "Whilst appropriate driver sightlines should be maintained, vegetation can be used to limit excessive forward visibility to limit traffic speeds."

The visibility splays are required in the interest of safety of all road users, the visibility splays are to ensure that vehicles accessing and egressing from the access can see and be seen by all road users.

Forward visibility to be considered due intensification of use both in construction phase and subsequent occupancy

Using the natural vegetation as a screen /blind cannot be considered as an isolated traffic calming measure and also compromises the safety of all.

Confirmation of their position that there are no road safety issues on Artarman Road that would require the need for traffic calming measures, eg speed bumps and a comment on why, if that is the case, they consider that two vehicles approaching the bend to the north of the site junction in opposite directions, potentially at 30mph, would appear to be less of a road safety issue than a vehicle exiting the site on to the road from either being stationary at the junction or at a speed which is likely to be less than 10mph

We have no record of any accidents on Artarman Road that would require any traffic calming measures, any intensification of use will require the new junction with the public road to meet minimum standard set out in local and national guidance.

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LOCAL REVIEW BODY REFERENCE 22/0001/LRB

PLANNING APPLICATION 21/01603/PP

COMMENTS ON BEHALF OF THE LOCAL PLANNING AUTHORITY

**Land South of High Oaks Artarman Road, Rhu Helensburgh
Response to request for further information from the Planning officer
Dated 11.05.2022**

I would note that I have provided my response to the requested information below the subject query in *italics*.

Q: The view of what weight can be given to Designing Streets and Creating Places as a material consideration:

As per the roads officers response below which I am in agreement with I can confirm that the designing streets guidance is not relevant to this development and therefore, cannot be considered as a material consideration.

Roads officers' response to the above query for info: Designing streets is not applicable to Artarman Road as designing streets ethos is creating places for society and not about vehicle thoroughfare. Designing streets is applicable in environments where public realm and pedestrian interactions is encouraged for social, leisure, retail and commercial usage. Artarman Road is solely an access road to private accesses to dwelling houses with limited pedestrian movement and no existing pedestrian facilities.

Q: The minimum distance that would be acceptable between the new access and the neighbouring property known as Ingleby Green:

In accordance with Roads Guidance for Developers October 2008 item 4.1: The access shall be located a minimum of 25 metres away from the nearest adjacent junction. Further to a site visit on 27.10.2020 a relaxation for the access to be closer to Ingleby Green than 25 metres was agreed.

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LOCAL REVIEW BODY REFERENCE 22/0001/LRB

PLANNING APPLICATION REFERENCE 21/01603/PP – LAND SOUTH OF HIGH OAKS, ARTARMAN ROAD, RHU.

GEORGE FREEMAN - FURTHER SUBMISSION FOLLOWING THE ADDITIONAL INFORMATION PROVIDED BY DONNA LAWSON (ROADS OFFICER) IN RESPONSE TO LRB REQUEST FOR ADDITIONAL INFORMATION AT THEIR MEETING ON 29 APRIL 2022.

Following receipt of the additional information provided by Donna Lawson (Roads Officer) referred to above, I would submit the following further comments for consideration by the re-convened LRB when determining this appeal / LRB:

- a. The Roads Officer states in her further submission that Designing Streets is not applicable to Artarman Road as Designing Streets is applicable in environments where public realm and pedestrian interactions is encouraged for social, leisure, retail and commercial usage which she argues is not the case on Artarman Road. **I believe that the Roads Officer is wrong.** On Page 4 of Designing Streets, it clearly states that ***“All thoroughfares within urban settings and rural boundaries should normally be treated as streets and that reference should no longer be made to roads hierarchies based on terminology such as local distributor / local access roads”***. Designing Streets tries to move Councils away from rigid application of strict standards to one which promotes good design and supports an intelligent response to locations. Unfortunately, after 12 years, the Council’s roads guidance has not been updated to take account of Designing Streets which was issued in 2010.
- b. The Roads Officer argues that an X distance of 2m is not suitable at this location as this X distance is for an urban / extra urban environment and that Artarman Road is not an urban / extra urban environment and has no pedestrian facilities or social, leisure, retail or commercial use. As has been argued at a. above, this is not relevant. If the Roads Officer is willing to ignore Designing Streets with regards to Artarman Road, then I would argue strongly that, given the exceptionally low traffic movements on Artarman Road, that the Roads Guidance for Developers can also be set aside when considering this proposed development on Artarman Road.
- c. Although the Roads Officer argues that visibility splays are required in the interests of roads safety of all roads users and that visibility splays are to ensure that vehicles accessing and egressing from the access can be seen and be seen by all road users. Although visibility splays are generally required for road safety reasons, as has previously been stated, 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”***. It is clear that if the very small number of vehicles using Artarman Road are being driven within the regulations, then the addition of this development with limited visibility splays should not have an impact on roads safety on Artarman Road.
- d. The Roads Officer states that there is no record on any accidents on Artarman Road that would require any traffic calming measures. I do not disagree, that is why there are currently no traffic calming measures on Artarman Road. Given the current low level of development on Artarman Road, I am not arguing for traffic calming measures at this time. I am arguing that by attaching a condition requiring traffic calming measures to be introduced adjacent to the development site, that this development can be approved without any detriment to road safety. With such a condition relating to traffic calming measures, this application can be approved as a minor departure from Policy LP TRAN 4 of the Argyll & Bute Local Development Plan without impacting on road safety.
- e. It has been clear from the site visit and meetings relating to this LRB, that the three councillors on the LRB up to the elections on 5 May 2022 were very sympathetic to this appeal. If they had not been, then this application would have been refused at the first meeting of the LRB. It is a concern that going forward, the LRB will require at least two new members. It is hoped that when appointments to the LRB are being made, that experienced councillors are appointed to the LRB. It is hoped that Councillor Green who was a member of the LRB, can be reappointed to the ongoing LRB to provide a minimum level of continuity with regards to this LRB.

- f. Given the ongoing need for economic development across Argyll & Bute, it is essential that the Council / Council officers / councillors are doing all that they can to encourage development. This is an ideal opportunity for a development to be approved which will help to benefit the local economy and which should be welcomed.
- g. I would again strongly 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.
- h. By agreeing to the minor departure from Policy LP TRAN 4 of the Argyll & Bute Local Development Plan as detailed at g. above, this would ensure that there is no detrimental impact on road safety on Artarman Road as a result of this development being approved.
- i. I believe that this application can be approved with a simple motion to approve it as a minor departure and with a condition attached requiring traffic calming measure to be introduced.
- j. I am disappointed to have to say that instead of trying to be flexible and trying to encourage economic development which benefits Argyll & Bute, the Council appears to be looking at every opportunity to try and stifle development and trying to apply policies rigidly that impedes development.

George Freeman
31 May 2022

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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Architecture & Design

AGF/19-118-020

30 May 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 recent e-mail regarding the above and the request for additional information. Having received the planners response we advise that the proposal shown on drawing L(9)10 will remain unaltered and is outlined in Section 4 of our supporting statement. The reduction to a 2m distance will have limited effect to the visibility splay.

With regards to the Roads Department & Planning response we would comment as follows:

Relevance of Designing Streets – It is both our & our road consultants view that the Roads department's response is incorrect where they have stated this document does not apply as it is not applicable where it is a vehicle thoroughfare. Page 4 of DS clearly states that '*All thoroughfares within urban settings and rural boundaries should normally be treated as streets. Reference should no longer be made to road hierarchies based on terminology such as local distributor/local access roads.*'

Designing Streets is a fundamental document which tries to move Authorities away from a rigid application of their standards regardless of context to one which promotes good design and derives from an intelligent response to location. As per Section 4.00 of our submitted supporting statement by ECS Transport Planning, DS is 100% relevant to this location and it is disappointing that A&B have yet to revise their 2008 roads guidance to align with this document which was issued in 2010.

Vegetation within Sightlines - As Artarman Road was adopted by A&B Council without the provision for suitable pedestrian access then the relevance of Designing Streets is even more important to ensure pedestrian safety on what is actually a shared surface access. Psychology & Perception play a large part in influencing driver behavior – DS page 35 clearly states:

Visibility along the street edge - Vehicle exits at the back edge of the footway mean that emerging drivers will have to take account of people on the footway. The absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously.

Road Safety

The roads department have confirmed that there are no records of any accidents in Artarman Road. We don't feel that the addition of 1 new dwellinghouse will lead to an intensification of use. DS states

Concerns around risk and liability frequently lead to the rigid application of standards that can stifle design-led, contextual approaches. Roads authorities have often applied a very cautious approach in order to avoid potential liability in the event of damage or injury. This over-cautious approach is ill-advised, and restricts innovation and responses to local context. Recent case law has established that drivers are primarily responsible for their own safety and although road authorities have a general duty under Section 39 of the Road Traffic Act 1988 to promote safety, this does not create a duty of care.

It is obvious to any road user that Artarman Road is one of the quietest roads in Rhu and as we have previously highlighted the risk of meeting another car on this road is low. The proposal is for a domestic driveway access to a single dwelling where we have demonstrated that the proposed reduced visibility splays accord with good practice and exceed local new build large scale housing development driveway designs.

We have raised the following items previously and as they do not appear to have been considered we would re-iterate the following:

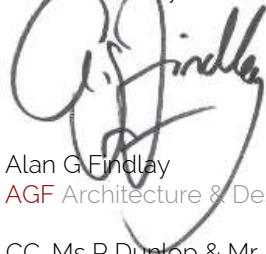
1. The precedent of a similar access has already been approved in the adjacent Torwood Hill Road (20/01190/PP). The application of roads & Planning guidance should be consistent and therefore we see no valid reason that the principles applied at Torwood hill Road are not applied on this application also. We appreciate that each application is viewed independently, however the standards & variance from them must be applied in a consistent manner.
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 sole reason for refusal of this variation is based on the grounds of 'safety'. It is clear to anyone that this proposal which allows entry & exit in a forward gear onto a street with 3 houses beyond the access 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.

Finally we would note our concern that a new LRB committee should either be fully conversant with the location of this site or if not then undertake a site visit, as it was obvious that this was of benefit to the last board to allow a greater understanding of the context of the site and the extremely quiet nature of Artarman Road and the proposal being put forward for consideration.

Having taken into account all aspects of our submission we would hope that the LRB will be able to support this variation.

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