

Cameron Planning



Local Review Board Notice of Request for Review

Proposed Dwellinghouse

Letrualt Farm Lane, Rhu

App Ref: 20/02264/PP

Grounds for Review

December 2021

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1. Introduction

- 1.1 We have been instructed by Mrs G Black to submit a request to the Local Review Board at Argyll and Bute Council to re-consider the delegated decision to refuse planning permission for a single dwelling on land at Letrualt Farm Lane, Rhu, under reference 20/02264/PP. Our case is set out below.
- 1.2 In a 2017 pre-application consultation for this proposal, the Council's response identified only that the site was partially within the green belt. At this time, the proposed development was also discussed with the Council's Road's Officer and no objections were raised or issues identified beyond access sight lines onto the lane.
- 1.3 There are two reasons for refusal, set out in the Decision Notice (see Appendix 1). These relate to green belt policy and supplementary guidance relating to Roads' standards. In our view, the reasons for refusal are a clear misinterpretation of these policies and we would seek to address these matters as set out in detail in Section 3. Our response is summarised below:
 - The green belt reason for refusal is untenable. Under the adopted 2015 Local Development Plan (LDP) the application site is half within the settlement and half within the green belt (see figure 3.1). The boundary divides a field, it does not follow any physical boundary or feature. The Council's 2010 published Green' Belt Landscape Review, (Appendix 2), found the boundary here to be '*weak*' and that it '*served no green belt purpose.*' The Review recommended that the inner boundary be changed to follow the track to the rear of the farmhouse, bringing the property into the settlement. Unfortunately, the Council didn't adopt its own recommendations in the 2015 LDP. The new 2020 LDP, a significant material consideration in the decision-making process, places all of the application site within the settlement, although this still fails to adhere to earlier recommendations;
 - The second reason for refusal is in our view a misinterpretation of the Council's Supplementary Guidance, SG LDP TRAN4: New and Existing, Public Roads and Private Access Regimes. The Roads' Officer, in their application consultation response, has not followed the requirements set out in Policy and has therefore misapplied the policy. Unfortunately, misinterpretation of Roads' standards in the Helensburgh area is something that has been evident recently, as seen for example in the recent Planning Protective Services and Licencing (PPSL) Committee on 17th November 2021 relating to existing private access arrangements at West Clyde Street (21/01288/PP). In that scenario, Councillors clarified the Roads standards by questioning the stated Roads' Officer's position and ultimately overruled, correctly upholding policy and granting permission. We respectfully request a similar examination and review of Roads standards in our own application, as the case evidently rests on interpretation of existing standards.

2. The Proposed Development and Application Site

- 2.1 Mrs Black and her family have lived at Letrualt Farm for over 50 years and for most of that period operated the unit as a commercial hill farm. The application site is unused garden ground associated with Letrualt Farmhouse, which sits to the north of the site at the termination of Letrualt Farm Lane. The farmhouse is also now only in residential use, there has been no farming activity for a number of years following the passing of Mrs Black's husband. The proposed dwelling would be Mrs Black's new home, with the existing farmhouse being occupied by her son.
- 2.2 The application site slopes to the south and the proposed dwelling has been designed as a split-level home, set into the sloping ground to reduce potential visual impact and to be sustainable and make most of natural solar gain. The land to the southeast is bound by mature trees and a watercourse. There are existing houses on three sides of the site. The original farmhouse is to the north. A new dwellinghouse directly opposite the site (Tor Beag) was granted planning permission in 2005 and was subsequently built to the west of Letrualt Farm Lane, this sits north of the dwelling Highveld. To the south of the site is Ardlarich, a category B listed building.
- 2.3 There are a total of seven houses that take access from the A814 onto Letrualt Farm Lane; the Lane is private, it is not a through road and is used essentially by residents. The lane immediately adjacent to the application site northwards is wholly in the applicant's ownership. Over the years, Letrualt Farm Lane has been upgraded, most notably in 1999.
- 2.4 The first three dwellings take access from the southern end of the lane, near to the A814; these residents have no requirement to go beyond their individual accesses. The dwelling Ardwel, on the right, has a front and rear access, the latter at the point where the lane has a slight curve. Past this location, the road then serves the remaining four dwellings, with the proposed final house making a total of five at the northern end. The photographs provided below (or a site visit) would quickly highlight this point, that three of the homes are connected at the southern end of the Lane, close to the junction with the A814 where the access is most generous.
- 2.5 Other than by residents, Letrualt Farm Lane is used by the Council's refuse lorry on an almost weekly basis without encountering any difficulty. The vehicle turns in a turning area provided within the applicant's ground at the farmhouse. In the past, the road has also been used by fire engines and ambulances to attend to different emergencies at the farmhouse. Delivery vans service all properties on the lane and will generally turn within existing accesses. If required, they can turn at the end of the road if they need to serve the upper four houses. There is also adequate turning provision at the south end of the road for the first three houses. There have been no issues with access, and we understand no objections

have been raised to suggest that the road is unsafe – this is particularly noteworthy as none of the neighbouring Letrualt Farm Lane users have expressed a concern about the small increase in traffic that would result from this new family home for Mrs Black.

- 2.6 The design of the proposed dwelling has not been challenged. The proposed house is split level, with a two storey front. This includes a balcony that wraps around the south-eastern corner. The dwelling would be finished externally in a combination of natural stone to the lower level and vertical larch cladding at the upper level. The roof would comprise of a metal profile roof. The proposed dwelling complements existing developments.

3. Grounds for Review

- 3.1 This Section sets down our reasons for review and invites the Local Review Board to reconsider the decision to refuse planning permission, as required under current Regulations. The decision notice (Appendix 1) has two reasons for refusal, namely that the proposal is contrary to:

1. *Policy LDP DM1(G) seeks to ensure that new development in the greenbelt is acceptable only where they relate to, and fulfil, an essential or important function associated with operational characteristics of the green belt to help sustain and enhance the use of greenbelt. In order to manage the pressure for development new residential developments must meet one of the exemption criteria set out in policy LDP DM1 (G). Private housing which does not meet a greenbelt need or meet a policy exception does not contribute positively to the function or operation of the greenbelt and its objectives. The current proposal is considered to represent the provision of sporadic new housing development in an unsustainable location, which fails to positively contribute to the objectives of the greenbelt. The dwellinghouse does not comply with any of the permissible forms of development set out at LDP DM1 (G) and therefore it is considered that the proposed residential development should be refused. The introduction of an inappropriate and unjustified form of new development into the greenbelt will be visually intrusive, visually discordant, result in sporadic development in the greenbelt and will therefore have a detrimental impact upon the character and appearance of the area. As such the proposal is contrary Policy LDP DM1 (G) of the adopted Argyll and Bute Local Development Plan 2015.*
2. *Under Policies LDP 11 and SG LDP TRAN 4 further development that utilises an existing private access or private road will only be accepted if:-
(i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage);
AND the applicant can;*

- (ii) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,*
- (iii) Demonstrate that appropriate agreements have been concluded with the existing owners to allow commensurate improvements to be made to the satisfaction of the Planning Authority.*

The existing private road (Letrault Farm Road) serves 7 dwellinghouses and is already at capacity. The existing private road does not have the capacity for the development of any additional dwellinghouses without improvement works to bring the road up to adoptable standard as required by the Area Roads Manager. The works require Letrault Farm Road to be a width of 5.5m for the first 10m thereafter a minimum of 3.7m with passing places every 100m, localised widenings to 5.5m where forward visibility is not achieved and a vehicle turning facility at the road end. These off-site measures cannot be secured by way of planning conditions and therefore a legal agreement is required. The applicant has been unable to confirm ownership of the private road or demonstrate that an appropriate agreement has been concluded with existing owner(s) to implement the commensurate improvements. In the absence of such an agreement, vehicular and pedestrian safety on the approach road to the site would be compromised by the traffic generated by the scale of development proposed, contrary to the requirements of Policies LDP 11 and SG LDP TRAN 4 of the 'Argyll and Bute Local Development Plan'.

3.2 The reasons for refusal are addressed in the following discussion.

Reason 1 Green Belt

- 3.3 The first reason states that the proposed development is contrary to Policy DM1(G) in the 2015 adopted Local Development Plan as the site is contained in the green belt and the proposed development does not meet the exemptions under which new development would be supported.
- 3.4 This reason for refusal overstates the issue. It ignores the case set out in the Planning Statement submitted with the planning application, which in some detail addresses the Green Belt situation (see Appendix 3). It also ignores the fact that the emerging Local Development Plan is a significant material consideration in the decision-making process and one on which significant weight should be attached. Furthermore, it ignores the recommendations made by the Council's own review of the green belt (Appendix 2) which removes the whole site from the green belt.
- 3.5 With regards to the adopted LDP 2015 extract in figure 3.1 on the left, below, the application site is part within the settlement area and part within the designated green belt. The emerging 2020 LDP2 extract in figure 3.2, below, proposes an amendment to the settlement boundary

which would place all of the application site within the settlement by delineating the settlement boundary along the top of the slope associated with Letrualt Farmhouse. The boundary is then a prolongation of the new build plot curtilage across the access road. A similar situation faces the recently built, 2005 approved, dwelling directly opposite the application site, the site is half in and half out.



Figure 3.1 2015 Adopted LDP Extract



Figure 3.2 2020 Emerging LDP Extract

- 3.6 It is clearly the Council's intention that the application site is removed from the Green Belt and brought into the settlement boundary. The Council's assessment of the planning application ignores this fact. The reason for refusal states that *'The current proposal is considered to represent the provision of sporadic new housing development in an unsustainable location, which fails to positively contribute to the objectives of the greenbelt,'* also that it *'will be visually intrusive, visually discordant, result in sporadic development in the greenbelt.'*
- 3.7 It is also clear that the planning officer has not visited the site - either due to COVID operational restrictions or a lack of capacity. This is hugely disappointing and has had a material impact on the outcome of this application. If a visit had been carried out, far from being sporadic, the application site would be viewed as a rounding off development, with existing houses surrounding the application site on three sides, north, south and west. This is not sporadic development. If anything, the development strengthens boundaries. Drawing a strengthened greenbelt boundary, provided by this proposal, is essentially what was suggested by the Council in 2010.
- 3.8 The Council's published 2010 review of the Argyll and Bute Green Belt should have informed future Local Development Plans. At the time, one of the few changes that the Green Belt review recommended was with regards to the area that includes the application site, described as Rhu North. It was noted that the existing inner green belt boundary here *'is weak and undefined. A new robust boundary would be the track to the rear of Letrualt Farm.'*

3.9 In summary, the publication recommended the following boundary change, which fully incorporates the application site:

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

3.10 The application site has been found to serve no green belt function and its development would have no impact on the function of the green belt. This reason for refusal consequently wholly contradicts the green belt review recommendations and the very principles of green belt policy. The Council's Planning Officers have, for unknown reasons, ignored the recommendations in the 2010 Green Belt review. The 2015 LDP appears to have drawn the boundary here in error. The Council proposes a revised boundary in the new 2020 LDP2, to take the site out of the green belt, although the line proposed does not quite match the original recommendation. This intention however is also ignored by Officers.

3.11 If the site serves no green belt purpose, as the Council's own publication states, and there is intent to change the boundary, then this is a significant material consideration and it is fundamentally wrong to refuse the application on the basis that to do so would offend the green belt.

Reason 2: LDP 11 and SG LDP TRAN 4

3.12 When we submitted the planning application in December 2020, the requirements of SG LDP TRAN4 had not been considered in any detail as no relevant issues had previously arisen in either the 2005 application for the development opposite the application site (Tor Beag), nor the new house developed at the southern end of Letrualt Farm Lane (Waterside), approved in 2006. In addition, no access issues were raised in the 2017 pre-application consultation response from the Council's area planning team, reference 17/02746/PREAPP. The only issue that the Council raised was that the site was partially in the green belt. The response also stated that if justification could be provided for a dwelling, then '*we (the Council) may be able to support the application.*' At this time, the proposed development was also discussed with the Council's Road's Officer and no objections were raised or issues identified beyond access sight lines onto the lane.

3.13 We were therefore surprised to receive the Roads consultation response of 1st March 2021 (Appendix 4). This stated:

Due to the existing private road (Letrualt Farm Road) already exceeding the maximum of 5 dwelling houses gaining access from a private road, the existing private road does not have the capacity for the development of any additional dwelling house without improvement works being required to be carried out, to bring the existing private road (Letrualt Farm Lane) to adoptable standard.

Unfortunately, these improvement works are unachievable due to geographical constraints.

- 3.14 By way of response, we provided a detailed Access Statement in an email of 18th March 2021 to the Planning Officer (see Appendix 5). Our views were rejected (Appendix 6), and we provided further email response on 14th April (Appendix 7). Following further exchanges an amended Access Statement together with a Road Plan were submitted on 7th May, (Appendix 8) to no avail.
- 3.15 In our responses, we argued that the Roads' Officer's assessment was flawed. Their assessment was evidently based solely on the number of existing dwellings being served by the access. More specifically, we set out our understanding of the policy in detail, however, this was dismissed by the local Road's' Officer and in turn by the Planning Officers.
- 3.16 For clarification, SG LDP TRAN 4 (Appendix 9) is divided into two sections, Section (A) relates to developments being served by public road and private access regimes. Section (B) defines construction standards.
- 3.17 Section A states that '*developments shall be served by a public road*'; it then lists exceptions to that requirement. Sub-section A(1) relates to (i) **new** private accesses being acceptable in cases where the development is a single house, (ii) where it will serve a housing development not exceeding 5 dwelling houses, or (iii) where the access will serve no more than 20 units in a housing court development. **We are not however forming a new access road, section A(1) therefore does not apply.** Sub-section A(2) relates to '*further development that utilises an existing private access or private road.*' **The current application therefore falls within A(2), rather than A(1) as no new road is proposed.**
- 3.18 Under Section A(2), further development is acceptable where
- (i) the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage);
 - (ii) (the applicants can) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,
 - (iii) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.

- 3.19 The key points here are that 'commensurate improvements' may be required and that these should only be 'appropriate to the scale and nature of the proposed new development.' Moreover, the 'improvements' should address 'current access issues (informed by an assessment of usage).'
- 3.20 Despite several requests to have sight of the Roads' Officer's assessment of usage, to date, this has never been provided.
- 3.21 It appears that the officer's view is based only on the number of units that use Letrualt Farm Lane and nothing else. There has been no 'assessment of usage' to determine whether there are in the first instance any issues, and if there are, what commensurate measures would be required to address those issues.
- 3.22 If an assessment of usage had been undertaken, the Roads' Officer would have found that, of the seven existing dwellings on Letrualt Farm Lane, the first three from the bottom of the road are within approximately 25m from the public road. They have direct line of sight onto the A814 junction, and there is an adequate passing space on the Lane that serves all three properties. There is little requirement for residents of these three houses to go beyond their own accesses. That leaves only four houses where residents generally go beyond this point. As the road is private and serves only the properties on it, there is no through traffic, nor traffic that is not associated with the existing residents. The road is used by only four properties at a point some 25m – 30m from its junction with the public road. What is more, as the road is used by existing residents, they use it with requisite due care and attention.
- 3.23 An assessment of usage would also have noted that the road has been improved in the past and has a proper asphalt surface, including an anti-skid concrete surface at the only curve in the road. The road also incorporates traffic calming speed humps to ensure that traffic speeds are low. As it has not been possible to have sight of the Roads' Officers access usage assessment, it is not clear if the volume or average speed of traffic using the road have been considered.
- 3.24 The Council's initial response from 8th April, following our questioning, (see Appendix 6) stated that:

The existing private road (Letrualt Farm Road) already exceeds the maximum of 5 dwelling houses accessing from a private road. The existing private road does not have the capacity for the development of any additional dwelling house without improvement works being required to be carried out to bring the road up to adoptable standard. In general, the works required to the existing road to bring it up to an adoptable standard would be; widening to 3.5metres, passing places every 100 metres and localised widening at all bends to allow vehicles to pass. On this basis it has been noted that there are too many constraints for this to be achievable.

- 3.25 The response is clearly based on the Road Officer's view that as the road serves more than five dwellings it must be brought up to an adoptable standard. This is not what is stated in the policy.
- 3.26 We contested this response pointing out the low volumes of traffic using the road and the fact that most of the points raised were non-issues. Policy TRAN4 indicates that 'commensurate measures' should be employed to address any issues, these issues should be assessed through a user assessment. With no proper user assessment undertaken, the Roads Officer cannot properly define what measures would be required. The process in coming to a recommendation for refusal, based on the fact that the road already serves seven houses, is therefore flawed.
- 3.27 On the 7th May (Appendix 8) we submitted a revised Access Statement and included a commensurate improvement plan incorporating a proposed passing place within the application site (dwg 0961-EX-210). The plan also confirmed that the first 10m of the road, at the A814 junction, within the adopted public road verge, would meet any necessary standards. Also, that adequate vehicle passing provision at the entrance to the first three properties at the south end of the road is available. The combination of existing road width, existing passing opportunities, the new passing place, and a formal turning area at the termination point, addressed the stated concerns.
- 3.28 The Council's response from the 10th May (see Appendix 10) rejected the evidence we submitted as it did not meet the '*minimum required standard.*' This 'standard' was then set out in the Council's email. It is unclear however what adopted standard the Roads Officer refers to as, despite requests to be provided with a copy of the current standards, to date no details have been provided.
- 3.29 In the Council's response, the proposals were considered not to be in accordance with:

Adopted Local Development Plan 2015 SG LDP TRAN 4

(ii) The private access serves a housing development not exceeding 5 dwelling houses.

The existing private road (Letrault Farm Road) already exceeding the maximum of 5 dwelling houses gaining access from a private road. Prior to any further development the existing private road (Letrault Farm Road) shall be brought to adoptable standard.

A minimum of 5.5m width is required for the first 10m as in accordance with Local and National Guidance.

Forward visibility cannot be achieved at the bend in the road without localised widen of a minimum width of 5.5m being required at points of intervisibility.

- 3.30 The response suggests that no site visit has been undertaken and no user assessment had been recorded. The first 10m 5.5m width requirement is easily met. Our response of the 14th May (Appendix 11) again raises concern that the Council persist in misinterpreting their policy. They constantly refer to part A(1)(ii) of SG LDP TRAN4 as informing their assessment. However, as we have repeatedly pointed out, SG LDP TRAN4 Sub-

section A(1) relates to **new private accesses** being acceptable in cases where the development is a single house, or where it will serve a housing development not exceeding 5 dwelling houses, or where the access will serve no more than 20 units in a housing court development. Sub-section A(2) relates to *'further development that utilises an existing private access or private road.'* The current application falls within A(2), rather than A(1).

3.31 We submitted a further email to the Area Planning Manager on 18th May questioning the roads response and eventually received a reply from the Assistant Network and Standards Manager via Planning on the 7th July 2021 (Appendix 12). This raised more questions than it answered, displays a complete lack of understanding of the local area, and includes the following erroneous points, which we provide a response to:

- *note the agents comments that the application is only for a single dwelling, however there is enough available land to allow additional dwellings to be constructed* – My response to this comment is that decisions can only be taken in response to what is actually proposed; the comment ignores the fact that the application site is the last available plot on the road and that the northern boundary of the site is green belt, where, as stated, the Council will not support inappropriate development. The chance of there being any additional development is essentially nil. The fact that the Planning Officers did not comment on this point is disappointing, the point being made by Roads demonstrates a lack of understanding about the site;
- *The existing width between the A814 carriageway edge and the boundary wall narrows to 5.2m – this would need to be widened to at least 5.5m* – my response to the comment is that the requirement is in fact for only the first 10m to be widened, which it can as this is within the adopted road verge. We have always agreed to this widening if required. The first 10m of road measures 20m at the entrance and tapers slightly to 5.2m. We are discussing a potential 300mm increase at the 10m point, if anything. The remaining distance to the boundary wall is all within the adopted road verge and includes the cycle path. The comment actually conflicts with the standard that is advised by Roads, for the first 10m to be 5.5m wide, not a random 20m measurement to a boundary wall;
- *While I acknowledge that the private access road does not carry significant volumes of pedestrians; I remain concerned about the lack of pedestrian refuge* – my response to this comment would be that there is also limited volume of vehicle movements (which isn't acknowledged but would be evident if the Council undertake the assessment of use). We would suggest that there is adequate step off locations that a pedestrian could use if required;
- *The private access road does not have a formal turning head. Noting the agent's comments that the RCV already uses this route, my concern that the access road doesn't have a suitable turning head is only heightened* – my response to this comment is that we have repeatedly made the point that there is an existing turning area within our client's land, the Refuse Collection Vehicle (RCV) uses this

without any issue. I would emphasise that this is our client's private land however and that the turning area can be formalised, we have also agreed to that improvement.

- 3.32 The response from the Network Manager sought to back up the Roads' Officer's position and their interpretation of the Council's policy. In our view it highlights that no proper consideration has been given to the application, there is consequently a misinterpretation of SG LDP TRAN4 and then an assertion that the road must be made up to an adoptable standard. This is not what the Policy says. Indeed, the Network Manager in his email response to Planning now states that *'there is no suggestion that the applicant needs to make improvements to allow this route to be adopted; I do not think that such improvements could be made to that standard.'* Moreover, *'the applicant would need to purchase or have agreements to build on third party land (widening, passing places, verges/footways).'*
- 3.33 This last point (in 3.32, above) is incorrect. As has been pointed out repeatedly to Planning and Roads,
- the access road meets the minimum 3.2m width requirement for its full length, the narrowest point wall to wall is 3.7m but it is generally wider than this,
 - The first 10m are 99% in excess of 5.5m width but narrow to 5.2m, this can be widened within the adopted road verge with limited cost, the verge here is open,
 - There is an existing passing space at the property entrances at the southern part of the road,
 - a new passing place is proposed to be incorporated into the frontage of the application site,
 - the existing turning area can be improved.
- 3.34 The only issue that requires to be taken into account in our view is that of forward visibility. The Roads' Officer suggests this matter is unacceptable. It is useful to look at this in detail. There is only one bend over the full length of the road. The three lower properties have direct visibility to the A814 junction (see photographs 1 & 2 below).
- 3.35 Photographs 3 & 4 below show the forward visibility at the bend. Traffic on this road however travels extremely slowly. In the rare event that a vehicle meets another vehicle on the bend, either vehicle can reverse to the first available passing place. The distance from the passing place to the south of the curve from its apex is around 25m. Once on the road curve, visibility north up the road is uninterrupted for its full length, to the turning area, some 150m. Presently, vehicles can pass using the increased width at the existing driveways. The intention however is to include a new passing place at the south end of the application site (as shown in Road Plan 0961-EX-210).
- 3.36 Looking at the vehicles travelling in the opposite direction, going down the road, there is a clear line of sight from the turning area to the bend, this is a distance of around 150m. There is a rear access to the back of Ardwel. This access is visible from the top end of the road, as shown in

photos 5, 6, and 7, below. The driveway access allows two cars to pass and is visible from the top of the road. The distance from the new proposed passing place to the rear access at Ardwel is around 60m. Again, cars travelling on this road do so slowly, and in the unlikely event that two cars meet on the bend, the new passing place proposed will give further support with a short reverse manoeuvre to allow oncoming traffic to pass each other.

3.37 The following photographs show the route on Letrualt Farm Lane. The Local Review Board will hopefully appreciate from these photographs that the road is both suitably constructed, carries little traffic, and more importantly provides opportunities for passing within the road as it currently stands.



1.



2.



3.



4.

3.38 Photograph 1 shows the southern section of the road approaching the junction with the A814. The view to the A814 is uninterrupted and is of adequate width, this area also provides a passing place for vehicles as the available road width, access to access, is around 8m.

3.39 Picture no. 2 shows the view as the driver travels north uphill from the A814, with the wide access point, at the driveways servicing Tulach Ard, Ardwel and Waterside.

3.40 Photograph No.3 shows the rear access to Ardwel, looking north and the available passing space that it provides.

- 3.41 Photograph No.4 is taken immediately past the rear access to Ardwel, this is on the outside of the road curve. From this point looking north, it can be seen that there is clear sight for the full length of the road to the turning area. What is not obvious in the photo due to scale is that there is a car parked at the turning area adjacent to Letrualt farmhouse, a distance of some 150m.
- 3.42 The next series of photographs show the driver's view whilst travelling in the opposite direction, from north to south.



5.



6.



7.



8.

- 3.43 Photograph No.5 shows the view from the top of the road looking south. The application site is on the left. The road is clear all the way to the rear access to Ardwel. A new passing place would be provided on the left hand side, opposite the access to the property Highveld.
- 3.44 Photograph No.6 is taken from the point where the new passing place would be provided. Immediately beyond this is the entrance to Ardlarich, which already provides a wider section of road and again allows space for vehicles to pass. The view to the rear access at Ardwel is clear.

- 3.45 Photograph No.7 is a google street view image which shows a closer view just before the road curves to the right. The rear access into Ardwel is visible; this is the same access seen in photo 3. Past this point, the view opens up into the view shown in photo 1. It also shows the change in surface from asphalt to ridged concrete, which provides an anti-skid surface on the road curve.
- 3.46 Photograph No.8 shows the view towards the passing space shown in photos 1 and 2.
- 3.47 We would argue that the above photographs show Letrualt Farm Lane is a well surfaced and infrequently used road which already benefits from an informal passing place and good forward visibility. Traffic is generally slow moving as the road is used essentially only by residents.
- 3.48 The Network Manager made a comment in his email response to Planning that he was concerned there was no pedestrian refuge on the road. There are seven residential entrances and areas of verge that provide adequate step-off space from the road. The rear access to Ardwel is located at the apex of the curve (photo 3) and allows pedestrian refuge if required. A pedestrian standing in the driveway can see the full length of the road northwards (photo 4) and also southwards towards the passing place in photo 1.
- 3.49 To sum up the key points of this Statement
- Our principal point is that the Roads' Officer has from the outset misinterpreted and misapplied the SG LDP TRANS 4
 - TRANS 4 supports a new dwelling off an existing private access. The policy requires
 - That issues with regards to user safety are identified through an assessment of use
 - That if issues are identified through that assessment, commensurate measures are required to improve the road
 - Without an assessment of use and subsequent identification of issues, the Roads Officer's response is fundamentally flawed
 - The Road Officer has variously intimated standards that would be required:
 - Starting with adoption – the policy doesn't require the road to be adopted
 - The first 10m to be 5.5m wide – the bellmouth at the A814 is approximately 20m wide with 8m radii. This tapers to a throat width at 5.2m at a point 10m from the junction.
 - Passing places – there are existing passing spaces along the road; a further additional passing place is proposed within the application site
 - Turning area – there is an existing turning area, this is used weekly by the Council's own RCV, with no negative effects
 - Pedestrian refuge – as discussed, there are adequate refuge opportunities if required, within existing access indents.
 - Forward visibility – there is one curve on the road. The road beyond the curve serves 4 dwellings, with only residents, the Council RCV, deliveries and emergency vehicles using the road. This is not a through road and the road is not used by members of the

public, either walking or in vehicle. In the extremely unlikely event that vehicles would meet at the curve apex, there is space to manoeuvre, in either direction, to allow passing.

3.50 A further concern is that the Roads Officer and Planning Officer have been fairly consistent in requesting that the road width must be a minimum of 3.5m. Reason for Refusal 2 however states that the road has to be *'a minimum of 3.7m with passing places every 100m, localised widenings to 5.5m where forward visibility is not achieved and a vehicle turning facility at the road end.'*

3.51 The reason for refusal conflicts with previous email advice from Roads. The fact is that the road:

- is of sufficient width for its full length. It is generally understood that minimum road widths should be 3.25 – 3.5m for single track roads (i.e. Roads and not private accesses). The reason for refusal states that the minimum road width should be 3.7m and the Roads Officer consistently referred to 3.5m. The width could be 3.25m; in any event the road width is wholly in excess of this 'requirement.' There is just no consistency in what the Roads Officer is saying.
- there are also passing places located as follows:
 - at the site entrance, A814 junction
 - a point approx. 35m from the road entrance at the access to the three dwellings on the southern section of road
 - proposed passing space at a distance of 90m from the above point, although the rear access to Adwel (photo 3) also allows passing and is situated 25m from the southern passing place
 - the turning area, with adequate passing room at the top of the road is another 85m distance
- there is an existing turning area at the top of the road under the applicant's control
- forward visibility is marginally impeded at one single point on the road curve. As discussed above, there is limited vehicle movement and cars drive slowly on this road. In the unlikely event that cars meet on the curve, there is potential to pass and also an opportunity for either party to reverse a short distance to allowing passing.

3.52 Reference is also made to the National Roads Design Guide, which provides design guidance for **new** road construction. It states in para 2.1.4 that *'Generally 5 or fewer dwellings (more if a 'brownfield site', eg redeveloped farm steadings) will be served by a 'private access' which, as there is no right of public access, will not require Construction Consent and will not be available for adoption. Such layouts should provide adequate turning facilities and a satisfactory junction with a public road.'*

3.53 The national design guide recognises that a private access would 'generally' serve up to 5 houses, but more importantly recognises that this could be more, for example from farm steading redevelopments. This is to some extent reflected in the SG LDP TRAN4 which recognises that up to 10 dwellings could be served from a private access where this is a 'courtyard' development (although this will be a new access). The principal point

here is that the policy and national guidance are not explicit, they are just guidance. Moreover, decision must be made on the basis of an assessment of use.

4. Summary

- 4.1 In summary, the planning authority has refused our client's application to erect a single detached dwelling within the garden ground of Letrualt farmhouse served by a private access, Letrualt Farm Lane. The reasons for refusal are twofold, first of all on green belt grounds, and secondly on a perceived conflict with Roads' standards.
- 4.2 The green belt issue is in our view a non-issue. The Council previously published a report that recommended the green belt boundary should be moved to the rear of Letrualt Farmhouse. The subsequent 2015 LDP, ignored that recommendation. The emerging 2020 LDP2 proposes to move the green belt boundary to allow this entire site to be brought into the settlement. At the moment, the green belt boundary serves no purpose, it bisects an area of garden ground. The reason for refusal alleges that the development would be 'sporadic in nature.' This is simply not true, the application site is bound by existing dwellings on three sides and the application comprises 'rounding-off.'
- 4.3 SG LDP TRAN4 clearly distinguishes between new developments and existing development scenarios. The Council are seemingly applying their understanding of standards that relate to new access roads. This is incorrect. The application of the Supplementary Guidance in this case should be on the basis of section A2, which relates to development that uses an existing private access. The approach requires 'commensurate measures' to improve the access, that must be informed by an 'assessment of use' that would identify specific issues with regards to the access. No such assessment would appear to have been carried out. No copy of an access usage statement from the Roads' Officer has not been provided; it is therefore difficult to understand the Council's position.
- 4.4 The Councils reason for refusal therefore misapplies the Council's own adopted Local Development Plan Policies and Supplementary Guidance.
- 4.5 The case rests potentially on a single issue, that of forward visibility. Given that the road is existing and is used weekly by the Council's own RCV and has been used by fire engines and ambulances, with no record of unsafe incidents, it is difficult to see that this is such a determining factor on its own. The frequency of vehicle movements is minimal, restricted to four dwellings, which would be five if this appeal is successful. Road use is essentially restricted to residents, there is no through road. The road width is acceptable, passing places are available and can be added to, a

turning area already exists, and pedestrian refuge is available at various locations along the road length, if required. Some improvements have been offered, increasing the throat of the road at the A814 junction, if required, providing an additional passing place within the application site and formalising the turning area, again, if required. It must also be noted that there have been no objections to this application and no concerns raised from the existing neighbours who take access directly from Letrualt Farm Lane.

- 4.6 We are confident that an assessment of use would have demonstrated infrequent vehicle movement, slow traffic speeds and principally, no issues with regards to road users. It is telling also that none of the residents that use this private access have objected to the planning application or raised any concerns with regards to its current standards nor the impact of a single additional dwelling.
- 4.7 In light of the foregoing, we would respectfully request that the Review Board supports this request for reconsideration of the planning officer's decision to refuse the application and grants planning permission for the proposed development.