

## **Mrs G Black: Application for Proposed Dwellinghouse, Letrualt Farm Lane, Rhu. 20/02264/PP**

### **ACCESS STATEMENT**

This Access Statement supports an application for a single dwellinghouse on a vacant plot of land at Letrualt Farm Lane, Rhu. The applicant is Mrs G Black. In addition, we have been made aware of the application consultation response from the Council Roads' Officer, recommending refusal of the application; we consider the Roads' Officer's recommendation and provide a statement of rebuttal below.

#### **Access Statement**

The case planning officer has pointed to the Council's Supplementary Guidance, SG LDP TRAN 4, as the defining policy position with regards to development proposals. SG LDP TRAN 4 is divided into two sections, section A relates to developments being served by a public road and Section B defines construction standards. Section A states that '*developments shall be served by a public road*'; it then goes on to list exceptions to that requirement. Sub-section A(1) relates to new private accesses being acceptable in cases where the development is a single house, 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 under A(2), rather than A(1) as no new road is proposed. Section B, relates to the construction standards for new roads, stating that '*...roads, shall be constructed.....*'

Under Section A(2), further development is considered 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); 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 an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.*

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

The applicants discussed the proposed development with the planning authority by way of pre-application consultation in 2017, reference 17/02746/PREAPP. The Council's response highlighted only the greenbelt issue (the random green belt boundary cuts through the site). It stated however that if justification could be provided for a dwelling then '*we (the Council) may be able to support the application.*' The proposed development was also discussed with the Council's Road's Officer at that time and no objections were raised or issues identified beyond site access and sight lines at the site entrance/egress. It is understood that the Roads' Officer consulted at the time has since retired from service. It is assumed that the Pre-app response would also have been informed by consultation with Council Service departments, including Roads; it would be useful to have sight of any response.

The applicants subsequently made representation to the last LDP review process with regards to the Green Belt boundary. As the emerging LDP2 realigns the boundary to bring the application site wholly into the settlement boundary, it is argued that justification for the additional dwelling has been provided, as the site is now within the settlement boundary. Although the new LDP2 has still to be adopted, the intention is that the site will be within the settlement. Adopted Policy LDP DM1– Development within the Development Management Zones positively encourages sustainable forms of development within settlements. Similarly, emerging LDP2 supports development within settlements.

Given the principle of support for the proposal in both the adopted LDP and the emerging LDP2, we have considered the matter of any ‘access issues’ as referred to in section A(2) of SG LDP TRAN 4 and cannot identify any. Moreover, we are not aware of any usage assessment undertaken by the Council to identify what issues there may be. The previous planning application for the new house opposite the application site (Tor Beag, approved in 2006) did not identify any technical issues with the access road other than those relating to localised sight lines, which were addressed through design work.

Any ‘*commensurate improvements*,’ as mentioned in the policy, should also be ‘*appropriate to the scale and nature of the new development*.’ If the improvements are to be determined on the basis of a user assessment and identification of existing access issues, which is what is stated in the policy, it is our position that the limited use of the existing road (which incidentally has been previously upgraded), and the very absence of any issues having been identified by residents, discussions with Roads’ officers or in pre-application consultation, indicates that there are no access issues.

Only where there are access issues identified, through user assessment, will commensurate improvements need to be considered.

#### **Consideration of current usage.**

The existing road provides access to a total of seven houses. Four of these, Ardlarich, Highveldt, Letruait Farmhouse and the recently built Tor Beag are located at points along the road length. Three properties (Tulach Ard, Ardwel and Waterside) are located at the extreme southern end, and almost have direct access to the A814; these three properties all have access within 50m distance from the point of the cycle path, within the A814 road verge. The Google street view image below shows the first stretch of the lane and the three property access points. The access to Tulach Ard is to the left just before Waterside, in the middle, and the access to the property Ardwel on the right, is directly opposite this. The access width is 4.2m wall to wall at the entrance off the A814 verge.



A closer view is shown below. All three properties take access from the lane at roughly the same point, and all within a distance from the public road of around 30m (Ardwel also has a rear access). The second image also shows the available road width at this point, allowing vehicles visiting these properties to turn within the lane itself if required.



The road continues to Letrualt Farmhouse and serves four additional properties, including the farm. The road is of sufficient width, at a minimum of 3.7m, and standard to accommodate fire tenders and ambulances, which have all historically had reason to access the farmhouse at the top of the road. The existing road is also used by the Council's domestic refuse lorry, which utilises land within the applicant's ownership at the farmhouse to turn. This allows the refuse lorry to be able to access every property on the lane without any need for turning or reversing on the lane; the refuse lorries then egress the lane in forward gear. Service and emergency vehicles utilising the road, and domestic refuse lorries, and for that matter delivery lorries, can all turn within our client's land at the top of the road.

The applicant also owns the road that abuts the application site for its entire frontage. The application as submitted shows a refuse bin collection point, an access that can accommodate two cars side by side and appropriate sight lines, with the application and the applicant's ownership. Vehicles can turn within the site and exit in forward gear. The site entrance width in effect also acts as a passing space should one be required if other vehicles are passing.

This Access Statement highlights the following key points:

- the application site is served from a private access, minimum width is 3.7m and at the site entrance within the adopted road verge the wall to wall distance is 4.2m,
- three properties that use the farm lane at its southern end have access within about 30m from the adopted road verge and have no need to use the lane beyond their accesses.
- There are four houses, including the farmhouse, that currently use the remainder of the lane,
- There are no known access issues, the lane works without any complaints from residents,
- Service and emergency vehicles all use the lane, in addition to the Council's scheduled domestic bin collection and other delivery vehicles,
- There is sufficient space within the applicant's land at the farmhouse to accommodate a turning area for refuse lorries and emergency vehicles, which all use the lane,

- There is limited traffic using the lane given that there are only four houses that would use most of the lane, there is no through access,
- The lane has in recent years been upgraded, including surfacing.

In summary, as there are no identifiable access issues and given that the usage is limited to effectively four dwellings, it is argued that no improvements are required. Any suggestion of upgrading to an adoptable standard are specifically rejected on the basis this would be inappropriate over-engineering of a quiet country lane. On this basis, we would contend that the existing lane has capacity to accommodate the proposed development of a single dwelling.

### **Roads Consultation Response**

We have been made aware that the Roads' Officer is recommending refusal of the application on the basis that the road already serves more than 5 dwellings and cannot serve any additional development without improvement works which the officer argues cannot be achieved. We would counter this recommendation with the following statement.

In the first instance, we have requested a site visit to discuss the Roads consultation response in the context of the site; this would be under Covid rules pertaining to social distancing and meeting outside. The Council has advised however that this is not possible.

The application consultation response recommendation from Roads is:

*Due to the existing private road (Letrault 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 (Letrault Farm Road) to adoptable standard.*

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

On questioning which specific adopted Local Development Plan policy states that a maximum of 5 dwellings are permitted from a private road, the planning officer has pointed to Supplementary Guidance SG LDP TRAN 4. Before considering the wording of TRAN 4 however we would challenge the Roads' Officer's recommendation. It states that the road '*does not have the capacity for the development ..... without improvement works... To bring the existing road to adoptable standard.*' Further, the recommendation states that '*these improvement works are unachievable due to geographic location.*'

This rather sweeping statement raises the following questions:

- On what basis does the road not have capacity? The road works perfectly well at the moment and is probably working at reduced historic traffic levels given the reduction in farm traffic.
- Improvement works – these are not specified other than a need to bring the road to an adoptable standard. The road is a single track private road or private access, the road has no through traffic and vehicle passing can be achieved at existing dwelling access points. It is difficult to see what would be gained from bringing the road to an adoptable standard, presumably with street lighting (not required) and footpath (not required as the road is not used by the public). An adoptable road here however would introduce an extreme urban

form into a quiet rural area. In addition, the first three houses are close to the southern end of the road within around 50m from the adopted A814, with direct line of sight.

- Improvement works are unachievable due to geographic constraints – what specific geographic constraints? No study has been carried out, or in any event presented, to determine whether the works are achievable or not.

SG LDP TRAN 4 relates to New and Existing, Public Roads and Private Access Regimes. The policy states that it *'provides additional detail to policy LDP 11 Improving our Connectivity and Infrastructure'* of the adopted Local Development Plan. It states further that *'street design for new developments must consider place before movement and take into account the principles regarding development setting, layout and design set out in policy LDP 9 of the LDP.'*

There is an explicit requirement here that street design *'must consider place before movement.'* With regards to placemaking, the application site is served by an existing private lane which gives access to the farm. There are three dwellings that take access from the road at its southern end and a further four dwellings that take access from the road along its length, including the existing farmhouse at the north end. The road is single width and has the characteristics of a country lane. Indeed, the road is named Letrualt Farm Lane. If the Council is truly considering place before movement, it would be obvious that insisting on the lane being upgraded to an adoptable standard, introducing a more urban form of roadway, would be incompatible with the character of this small group of houses.

Reference is made to policy LDP 9: Development Setting, Layout and Design and states that street design must take account of the principles set out in LDP 9. The policy says that *'development shall be sited and positioned so as to pay regard to the context within which it is located.'* If the context of development reflects a quiet rural lane that serves a small number of houses, it is incompatible with Policy LDP9 to insist on an urban form of adoptable road to serve the development on the basis of one additional house.

SG TRAN 4 also states that it provides further detail to LDP Policy LDP 11 – Improving our Connectivity and Infrastructure. LDP 11 states that *'Argyll and Bute Council will support all development proposals that seek to maintain and improve our internal and external connectivity and make best use of our existing infrastructure by ensuring that:*

- *rights of way and public access are safeguarded*
- *public access within the development is delivered, as appropriate, ensuring that any special mobility and safety requirements are addressed;*
- *consideration is given to the promotion of access to adjoining areas, in particular to the foreshore, core path network and green network;*
- *integration of the development with existing and potential public transport is taken fully into account;*
- *the proposed development is accessible by a range of modes of transport, including walking, cycling, public transport and car;*
- *an appropriate standard of access is delivered to serve new developments, including off-site highway improvements where appropriate;*
- *maximum and minimum car parking standards are applied;*
- *the location and design of new infrastructure is appropriate;*
- *standards for drainage, sewage, waste water and water supply are applied;*
- *new telecommunication proposals are encouraged where they comply with the criteria established in SG LDP TEL 1;*

There is nothing specifically within Policy LDP 11 that the proposed development conflicts with, especially in relation to site access and utilising the existing access road. The main criterion of relevance here is that the development should *'ensure an appropriate standard of access is delivered to serve new development.'* It is argued that the existing access road has capacity in its current form to accommodate an additional dwelling.

We note in the Roads' response, reference to a maximum of 5 dwellings. TRAN 4 section A(1) notes circumstances where a new private access may be acceptable, specifically where the private access serves a housing development not exceeding 5 dwelling houses, or where the access serves no more than 20 units in a housing court development. In the first instance, this Section of SG LDP TRAN 4 relates to the provision of new accesses. The circumstances where a new private access would be acceptable conflict significantly in scale between 5 dwellings or 20 dwellings in a courtyard development. It isn't clear why 20 dwelling units in a single development would be acceptable, only where the development is of a courtyard type, but only 5 dwellings would be acceptable. The impact from 20 units on the road network would be significantly greater than 5 dwellings. However, the section is not relevant to the current circumstances as no new private access is being provided. There is a specific section, section A(2), that discusses circumstances where additional development would utilise an existing private road or access.

There is also in our view a case to be made that the first three houses on Letrualt Farm Lane can be treated differently from the remaining four given their proximity to the A814 junction and the design and geometry of that junction between the A814 road kerb and the point where the access becomes private beyond the A814 verge.

Moreover, with regards to a new access, design principles require a 3.7m minimum width, and the design should facilitate effective and safe access by emergency service vehicles and, where appropriate, by public service vehicles and include a turning area. These requirements are already met.

In conclusion, we would argue that the development of an additional single dwelling to use Letrualt Farm Lane is, in the current circumstances an acceptable development, and one that can be assessed as being consistent with Policy.

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