

# AGF

Architecture & Design

**PROPOSED DWELLINGHOUSE,  
ARTARMAN ROAD,  
RHU**

**VARIATION TO PLANNING CONSENT REF 20/00267/PP  
CONDITION NUMBER 7**

**SUPPORTING STATEMENT**



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## **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 23<sup>rd</sup> 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.

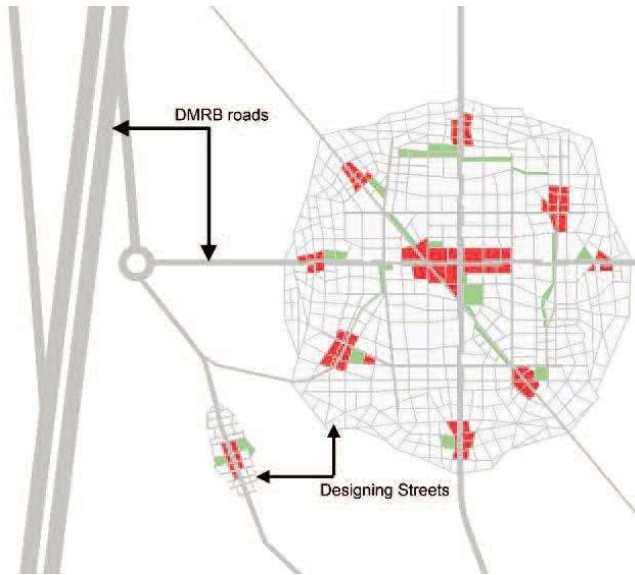
The diagram overleaf, taken from Page 4 of Designing Streets, clearly identifies where Designing Streets should apply and Artarman Road is clearly appropriate for the application of Designing Streets.

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 Governments 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 4<sup>th</sup> and 11<sup>th</sup> May 2021. The associated speed survey report is included in *Appendix A* for consideration. The survey identified that the 85<sup>th</sup>ile speed of the route is 13.4mph northbound and 15.4 southbound. The total flow on the route is 18 two-way vehicles during the full 24hrs period which is considered to be a very low flow route.

The visibility requirements for the measured speed of the route are identified within the table contained on page 33 of *Designing Streets*. For an 85<sup>th</sup>ile speed of 15mph the visibility splay should be 17m from the centre of the access which is known as the Y distance. The Y distance represents the distance that a driver who is about to exit from the minor arm can see to his left and right along the main alignment.

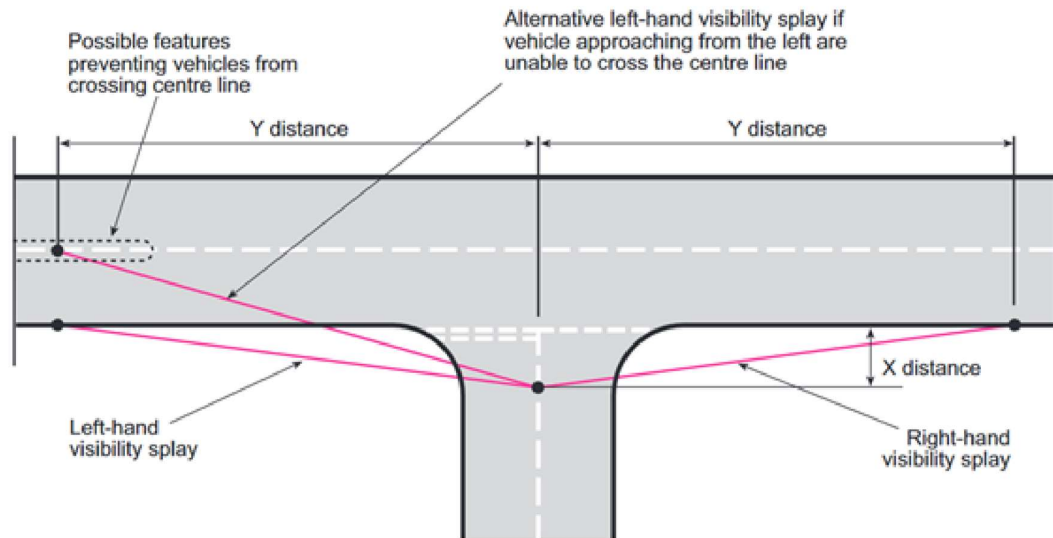
An X distance of 2.4m should normally be used in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver's eye.

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

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## 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)

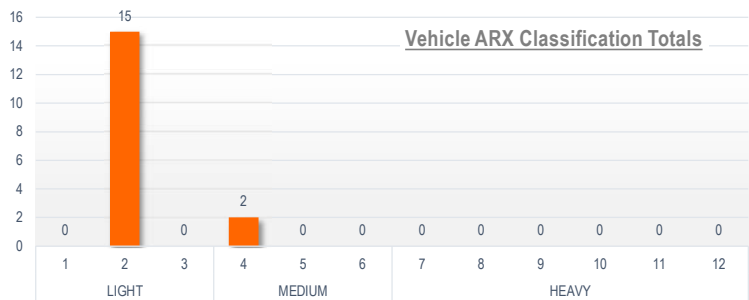
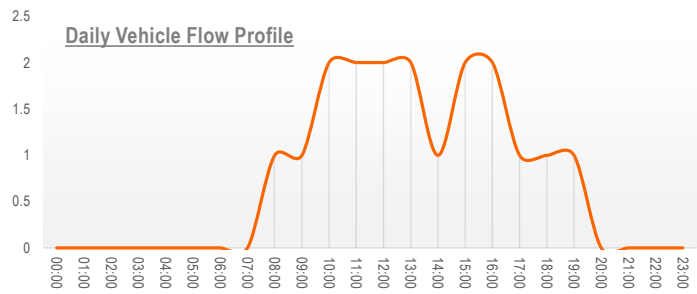
**AGGREGATED VEHICLE CLASSIFICATIONS**

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)
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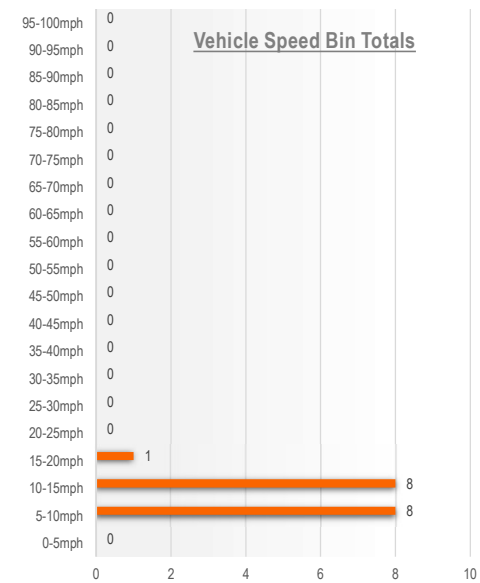
**SPEED STATISTICS (ALL VEHICLES) (MPH)**

Minimum	5.6
Mean	10.6
85th %ile	13.4
Maximum	21.2

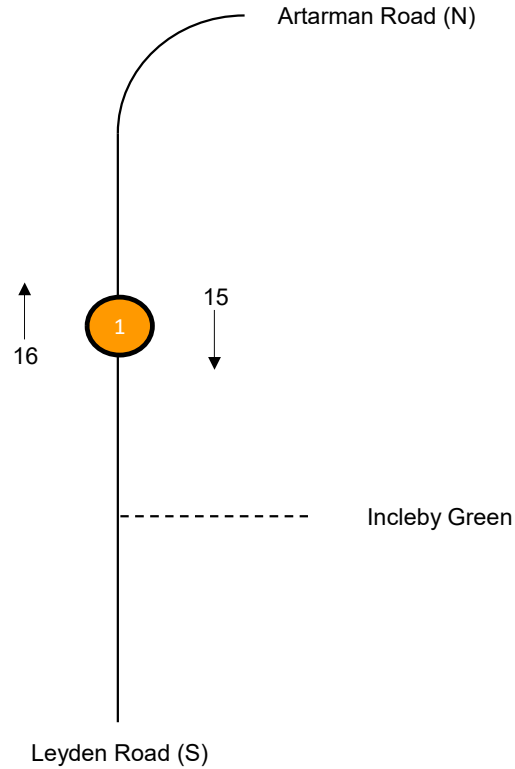
**SPEED STATISTICS (FREE FLOW CONDITIONS) (MPH)**

Minimum	5.6
Mean	10.7
85th %ile	13.4
Maximum	21.2

## TRANSURVEYS



## SURVEY NETWORK TRAFFIC FLOW DIAGRAM

















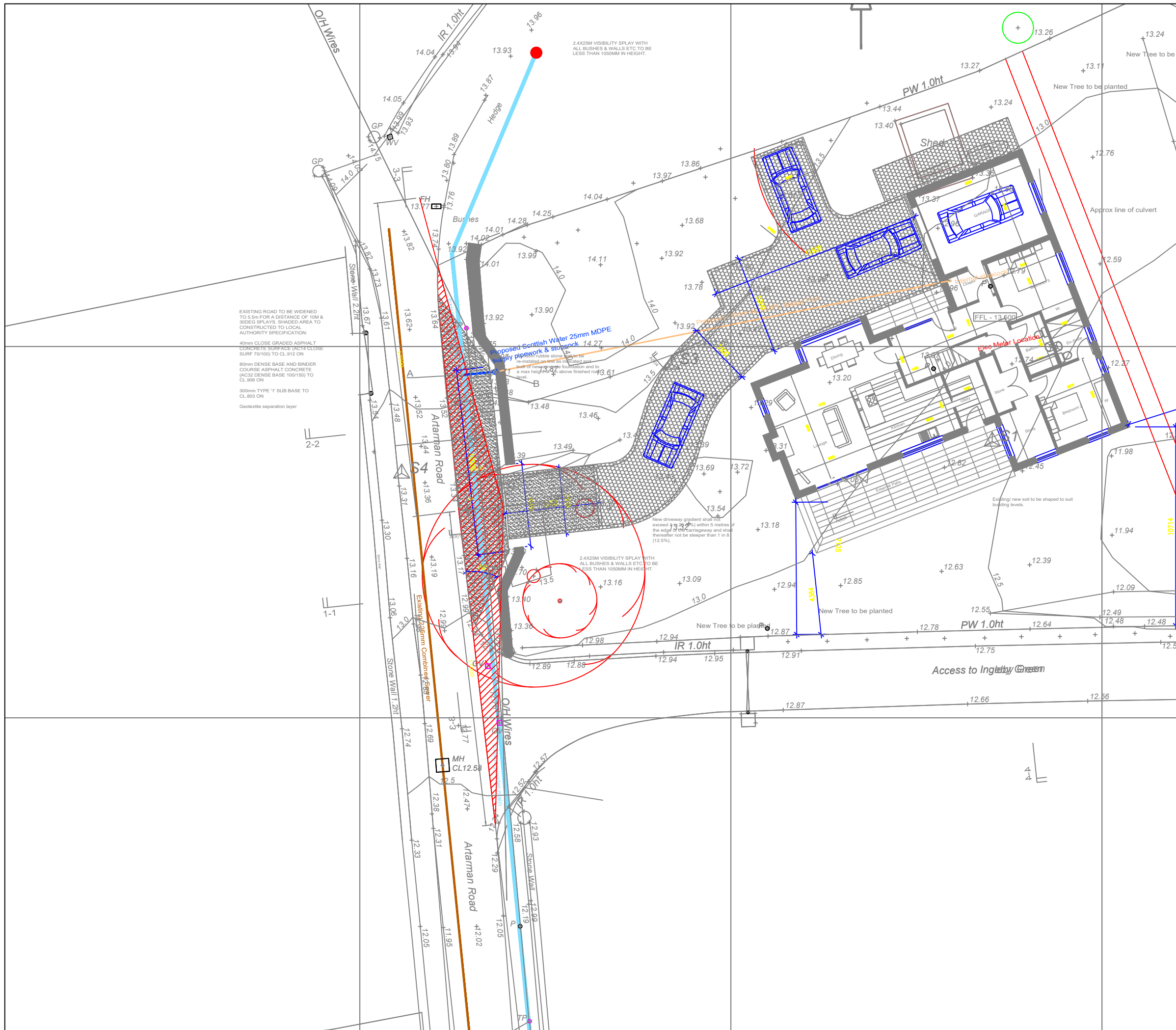






CLASS	AXLES	AXLE GROUPS	DESCRIPTION	DOMINATE VEHICLE	AGGREGATE
1	2	1 or 2	Very Short - Bicycle or Motorcycle		LIGHT
2	2	1 or 2	Short - Car, 4WD or Light Van		
3	3 / 4 / 5	3	Short Towing - Trailer, Caravan etc.		
4	2	2	2-Axle Truck or Bus		MEDIUM
5	3	2	3-Axle Truck or Bus		
6	>3	2	4-Axle Truck		
7	3	3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



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

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Note:  
 Visibility Splays 2.4m x 17m ———

REV	DATE	AMENDMENTS	DRAWN	CHK	APP
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Client  
**MS POLLY DUNLOP & MR ALAN MURRAY**

Project  
**ARTARMAN ROAD, RHU**

Title  
**SITE ACCESS VISIBILITY SPLAY**

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

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