

**ARGYLL AND BUTE COUNCIL LRB REFERENCE 21/0007/LRB - PLANNING APPLICATION 20/02264/PP
ERECTION OF DWELLING HOUSE AT LAND SOUTH WEST OF LETRUALT FARM, RHU, HELENSBURGH**

Appellants Statement in response to further comments from Council Officers

There are three further responses that have been made by officers to requests for information made by the LRB at the first sitting meeting on 9th February 2022 and which have been forwarded to us by the Committee Services Officer. Our comments in reply to officer responses are set out below.

As expected, the different officer responses are all in line, and double-down on the original position and decision. Having made a decision, it is unlikely that the officers involved would change their minds.

A. Response from Matt Mulderigg, Development Policy Manager in relation to Green Belt boundary.

We had previously stated that there was a single objection to the green belt boundary proposed in the draft LDP2. The officer, in their response, advises that there were 3 separate representations; he fails to recognise however that these were all from the Black family, and Mrs Black, is the applicant. The representations seek the same outcome.

The officer states that the representations gave their stated position as “Objection” and that they make it clear that they are objecting to the proposed greenbelt boundary; also, that this issue has been identified as a matter which requires to be referred to Examination by the reporters.

This response is disingenuous. The family made representation to the proposed green belt boundary change as it did not go far enough. In their opinion, the boundary should be placed to the rear of Letrualt Farm House, which is fully residential in use, rather than in front of the farm house. They were not objecting to the field in which Mrs Black hopes to build a home for herself, being fully removed from the green belt. That would be preposterous, and it is clear what they were seeking in their representations.

The officer notes that the Reporters in the upcoming Examination will examine the evidence submitted in relation to this issue and make their own recommendation as to where the boundary should be. The officer then states that

‘The course of action open to the Reporter is to make whatever recommendation which they see fit, this means that they do not necessarily have to agree with either the objectors or the Councils position.’

This is in my view misleading. The draft LDP2 recommends moving the boundary to take the whole field out of the green belt. The objection proposes to realign the boundary to the rear of Letrualt farm house, in line with the Council’s own previously commissioned evidence. Should the Reporter suggest a different scenario then such a proposed modification to the LDP would require further community consultation and the Council will be unable to adopt the LDP until that process has concluded. This isn’t going to happen, the Reporters will not delay the LDP adoption for this minor matter. If the Council had correctly identified the green belt boundary following the recommendations in their commissioned review, then this would have been addressed at the previous LDP stage.

The Officer knows very well that there will be one of two outcomes, the green belt boundary stays as recommended, or is moved to meet the objection. The outcome is the same, the application site is removed from the green belt. Realistically, there is no third option. All the evidence points to the boundary moving north to the farm house.

The Officer suggests that as the proposed change *'has specifically been objected to, this means that this element of the proposed LDP2 cannot be given weight as a material consideration in relation to the current application.'*

I disagree with this assumption. The Council's recommendation is to change the green belt boundary, that is their stated position. The Council's wish is for the site to be taken out of the green belt. Should the LRB now determine to approve planning permission they are at liberty to do so, on the basis that the decision would be a minor departure from the current adopted Local Plan, which meets the Council's own aspirations with regards to the new draft LDP. The earlier application for a new dwellinghouse across the access road was approved as a minor departure. In the current case however there is a difference in that there are no third party objections to the planning application.

It is also wrong to say that this single issue can not be given weight as a material consideration. The Council's green belt study (see our initial appeal statement) recommended this field be removed from the green belt, the Council's own draft LDP2 proposes to do just that; these two facts are also material considerations that should be taken into account in the decision-making process.

B. Development Policy Manager's response to Paragraph 6.19 of the proposed LDP2.

The officer advises that *'in more rural areas of Argyll and Bute, with a predominant system of single track roads with passing places; a "Variable Standard of Adoption" as set out in the Councils Roads Development Guide may be applied where the Roads Authority consider the variable standard appropriate, thereby allowing a more rural design solution.'*

The reference here is to the Council's Guide, yet the Roads Officer's response (see below) relates to the National Roads Development Guide. There is no consistency. The response also highlights that it relates to new roads where the road is liable to be adopted, with reduced standards. That is not the scenario currently faced, the Council has no intention of adopting this existing private access; the applicants have not sought adoption and there is no new road proposed.

C. Planning Officer Response

Not surprisingly, the officer is in agreement with her Policy colleague's response. The officer also highlights the point made above, with regards to the Development Policy Manager's response, that

'the above policy; 6.19 of LDP2 is not considered to be relevant to this application as the policy is in regards to new housing developments of 6-10 dwelling (inclusive) and is not relevant to adding a dwelling to an existing development.'

We take some issue with the officer's suggested condition 2, as it appears to attempt to circumvent the due process that requires the LRB to reach its own decision. The officer sets out the *'required commensurate improvements as requested by the roads area manager'* to be appended as a planning condition to any decision. The specific points were not included in the Officer's original response to the LRB, which was more general in its approach. Point 3 in this new set of requirements is the nub of this case. Officers have already argued that the application should be refused as this particular requirement cannot be met; now they propose the constraint as part of any consent.

I refer to our original appeal statement; all requirements are or can be met other than providing a full 5.5m passing place on the bend, which we do not believe is necessary given the volume and type of traffic using this road, and the minimum interference to forward visibility. I repeat previous comments with regards to these points:

1. Minimum carriageway width of 3.7m wall to wall for emergency services vehicles – is fully met for the length of the private access, and can be demonstrated as accommodating emergency service vehicles

2. Localised widening of 5.5m at points of Intervisibility – as with point 3 below, there is one single point where this matter cannot be met, this is where the road bends, even though there are compliant passing places within metres of the bend apex as discussed in our original appeal statement

3. Intervisible Passing places at a maximum of 100m spacing – again, with reference to our original appeal statement, vehicles can pass on the existing road at the following points:

- 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 Ardwel (see photo 3 in original statement) also allows passing and is situated 25m from the southern passing place
- from the passing space at the rear of Ardwel there is a distance of approx. 65m to the proposed passing place within the application site.
- From the new passing place to the existing turning area, with adequate passing room at the top of the road, is another 85m distance, not including the vehicle passing opportunities at the entrance to Tor Bheag and the entrance to the new house. This section of road is entirely within the applicant's ownership and can be made as wide as the Council wants it to be.

4. Road be widened to a minimum width of 5.5m for the first 10m. – effectively already met

5. A formal turning head – already available.

D. Roads Officer Response

The Roads Officer was asked to provide a copy of *'the roads usage assessment or provide further information in terms of how the assessment of the proposal was reached against Policy SG LDP TRAN 4.'*

The response from the Roads Officer cites the National Roads Development Guide and states that the forward visibility requirements cannot be met. We have previously requested a copy of the Usage Assessment, and none has been provided. The response from Roads does not provide a copy of their assessment of use, as undertaken at the time of their consultation response to the planning application. The meta data behind the pdf now provided, suggests that the document was created on the 23rd February 2022, in response to the LRB request for a copy of their assessment of use. This indicates that there was no actual user assessment at the time of the consultation response for the planning application. This is contrary to the policy requirement.

The evidence now submitted, the National Road Standards diagram, is new evidence which has been prepared and submitted after the event. The introduction of an extract from Designing Streets is also a new piece of evidence not previously shared with the applicants.

The table in the Roads Officer's response is a selective extract from Designing Streets. The table is found under the heading Stopping Sight Distance (SSD) and is in relation to (as the document suggests) the design of streets. The narrative relating to this table in Designing Streets states that *'the design of the whole street and how this will influence speed needs to be considered at the start of the process; e.g. the positioning of buildings and the presence of on-street parking.'* We are not designing a street.

The diagram regarding visibility is extracted from the National Road Development Guide and is found under part 3 to that document in a section headed 'Road Design.' **First of all, can Argyll and Bute Council confirm that it has adopted the National Road Development Guide?** If not, then this new evidence is not relevant. Secondly, the extract is shown in more detail below:

(h) Forward Visibility

Application

In residential developments, the reduction of drivers forward visibility heavily influences the reduction of vehicle speeds which is considered essential for the road network to function safely.

However, on main and strategic routes, forward visibility is considered where journey time is an economic factor.

Height of Visibility Envelope

Refer to page 33 of [Designing Streets](#).

Construction of Forward Visibility Splay

To ascertain whether the appropriate forward visibility will be achieved a line should be drawn along the vehicle path at a distance of 1.5 metres from the kerb to represent the driver's position (page 35 [Designing Streets](#)).

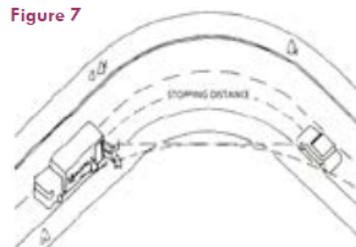
Visibility at Curves

Refer to [Designing Streets](#).

Reduced Forward Visibility

Forward visibility can be reduced below the constructed visibility splay process in [Designing Streets](#) page 35 by applying to the road authority and outlining the reasons justifying the reduction within the Quality Audit (see Figure 7).

Figure 7



The Review Board will note that the discussion under part (h) advises that reduction in drivers' visibility in residential areas influences reduction in vehicle speeds. The discussion goes on to say that forward visibility is a factor in designing main and strategic routes. The diagram used by Roads is the same one shown above, showing a standard two-lane road which can carry HGV traffic. This is incomparable to the planning application site.

The retrospective application of this standard, if indeed the Council has adopted these standards, is just wrong.

The Roads officer mentions passing spaces, and the need for these to be 5.5m wide. The Officer has again extracted information from the Guide, and highlights the following:

'All passing places should provide a minimum overall width of 5.5 metres. Locating passing places is dependent on gaining the maximum benefit balanced with planning legislation. Where possible, it is advisable to have intervisible passing places.'

So, the National Roads Development Guide says only that 'where possible, it is advisable to have intervisible passing places.' This is only advice from the Guide, not a strict standard. In any event the passing places shown on the application drawings are at least 5.5 wide.

The officer repeats their position with regards to other comments and sets out a range of *'Commensurate Improvements Required in the Interest of Road Safety.'* These have all been picked by the planning officer and inserted into a prospective planning condition. The first requirement is worth repeating:

1. Minimum carriageway width of 3.7m wall to wall for emergency services vehicles.

The road has a minimum wall to wall width of 3.7m. The existing road is already used by emergency service vehicles both by fire tender and ambulance. The existing road is also used by the Council's own refuse collection vehicle. None of these vehicles have experienced or expressed any concerns using the road as it is. The Council's refuse vehicle uses this road on an almost weekly basis. The Council's refuse vehicle also uses the existing turning area, without any evident difficulty. The existing private access road is suitable for emergency vehicle use.

E. Summary

In summary, we submit that the Development Policy Manager's response is rather disingenuous in so far as it places excessive weight on the representations to the draft LDP2. The Council's stated position is that the application site should be fully removed from the green belt. The Reporter at Examination will not reach any conclusion other than accepting the Council's stated position or those of the applicants. The Council defended their position by not accepting the applicants request for the boundary to be removed. To say that the Council's position now carries no weight is wrong.

The Planning Officer has consistently taken a lead from their Roads' colleagues, even to the extent of copying the points of concern voiced by Roads into a draft planning condition.

The Roads Officer has introduced new evidence to this case, both Designing Streets and extracts from National Development Roads Guidance. Their case relies on this evidence, however the Guide with regards to intervisible passing places is advisory, it is not policy. It is not clear whether the Council has in fact adopted the National Development Roads Guidance. Roads and Planning repeat a set of design requirements which are mostly either met or can be met. What is clear however is that there has been no 'usage assessment' which should have been carried out to inform the Roads Officer's initial consultation response.

It remains the case that the road is not unsafe. There is limited traffic using this private access. It should be clear that if the road was considered unsafe, the Council's refuse collection vehicle would not be using this road to collect refuse, and would not be using the road terminus to turn around.

The site visit will provide Members with a clearer understanding of the existing road characteristics.

Steven Cameron
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9th March 2022