

# AGF

## Architecture & Design

**PROPOSED DWELLINGHOUSE,  
ARTARMAN ROAD,  
RHU**

**VARIATION TO PLANNING CONSENT REF 20/00267/PP  
CONDITION NUMBER 7  
PLANNING REFERENCE NUMBER 21/01603/PP**

**LOCAL REVIEW BOARD SUPPORTING STATEMENT**



## **SUPPORTING STATEMENT**

The Planning application ref: 21/01603/PP, which was refused on 12 November 2021 was in respect of a request to vary Condition 7 of the granted Planning Permission ref: 20/00267/PP for a new one & a half storey dwelling house and vehicular access on land at, Artarman Road, Rhu.

The original granted Planning Permission placed an onerous condition (No. 7) in relation to the sightlines for vehicle access to the new property which can not be achieved due to the sightlines falling on land out-with the ownership of the applicant. A Planning Consultant made the following comments, submitted to the planning department in our letter to them dated 12 Feb 2021 (Refer to Appendix E) - *This condition is ultra vires and contrary to the terms of Planning Circular 4/1998 (The Use of Conditions in Planning Permissions) as the stipulated visibility splay extends over land that is out with the application site and the applicants ownership. In that context, the condition is open to challenge, but we would hope that rather than having to resort to that that a reasonable compromise can be reached that satisfies all parties.*

Following unsuccessful attempts to reach agreement with the neighbours who control this area of land/ hedge in question, application 21/01603/PP was submitted to reduce the sightlines from the consented 42m (subsequently revised by roads to 25m) to 17m as this was the max distance which could be achieved on land owned by the applicant. Site Photographs are included in Appendix D.

Substantial additional information was provided in the submitted supporting statement including traffic survey, detailed Roads consultant's report, reference to current roads advice etc. It is disappointing that this information appears to have not been taken into account in determining the variation application.

The client has also discussed the proposal at length with the local ward councillor – Mr George Freeman and following a site visit and understanding of the site he fully supports this variation to the planning condition. Please refer to Appendix for a copy of his supporting e-mail to the planning department.

We appreciate/...

We appreciate that the reduced visibility splay does not accord with Argyll & Bute's Road guidance, however we have shown that the document 'Roads Guidance for Developers' dated 2008 is outdated. A number of Argyll & Bute Policy documents going back to 2013 also make reference that this guidance would be updated to reflect the guidance within Designing for Streets & the SCOTS National Road Development Guide. As far as we are aware this is still to be updated. ECS transport Planning Ltd report and reference to all current policy documents is contained within the Supporting Statement document which accompanied the variation Planning application.

In addition we are concerned at the seemingly inconsistent approach which is being taken to apply the road guidance and road safety within the local area . This inconsistency can be seen in the following granted Permissions:

Planning Ref: 20/01190/PP was approved for a new vehicle access to a new dwelling house in Torwoodhill Road. Please refer to enclosed Appendix B which shows the approved plan along with recent site photographs. The approved drawings clearly demonstrate a failure to provide visibility splays as 1.65m high gate posts obscure any sight lines. The location of adjacent entrances is also contrary to advice previously provided to an option we explored at Artarman road. From a site visit it is clear that this new entrance also does not have a level entry as required under the current roads guidance. The information on the Planning Portal shows a varied report from roads which removes the sightline requirement – there is no explanation as to the reason for this change, Planning advised that it had followed a site visit?

The position of this property on a dead end road is almost identical to our application, however our proposal provides a level entry, clear (but slightly reduced) sightlines and widened main access road. All of these items combined provide a far superior & 'safer' exit onto a public road.

Planning Ref: 19/02604/PP was approved for 143 Houses/ Flats on land East of Hermitage. The roads report contains limited comments on this proposal around vehicular access from the dwelling houses. Looking at the approved site plan and extracts (Appendix C) we are at a loss as to why it is acceptable to allow a multi-unit new build development to have driveways off the main access road which then involves you having to reverse across a footpath into oncoming traffic yet in a single new build dwelling this is not permitted, and where this manoeuvre is seen as being safer than being able to enter and exit a driveway in a forward gear?

The Main/.....

The main reason for the refusal to accept a reduced visibility splay appears to be around the question of 'road safety'. We have tried to demonstrate in the submitted Supporting Statement that through the very nature of the existing street, traffic volumes, vehicle stopping distances etc 'road safety' would not be compromised by this new access. In fact the formation of the access and the introduction of road widening across the width of the frontage would in fact improve the 'road safety' for users of the existing road as currently there is no passing place along the length of the single track road. We have also demonstrated that the safety that we have achieved with this revised proposal is far greater than any of the multi-unit new build developments which have been approved within Helensburgh in recent years.

We would welcome the opportunity to meet with the Local Review Board and the local ward councillor to undertake a site visit to enable them to see the location of this proposal and fully understand the position of the proposed entrance to allow them to support the variation application.

AGF Architecture & Design

20 January 2022

**APPENDIX A – LOCAL WARD COUNCILLOR SUPPORTING E-MAIL**

**From:** Freeman, George  
**Sent:** 13 September 2021 18:26  
**To:** Young, Howard <[Howard.Young@argyll-bute.gov.uk](mailto:Howard.Young@argyll-bute.gov.uk)>  
**Cc:** Davies, Sandra <[Sandra.Davies@argyll-bute.gov.uk](mailto:Sandra.Davies@argyll-bute.gov.uk)>; handl, planning <[planning.handl@argyll-bute.gov.uk](mailto:planning.handl@argyll-bute.gov.uk)>  
**Subject:** PLANNING APPLICATION 21/01603/PP [NOT PROTECTIVELY MARKED]  
**Importance:** High

**Classification: NOT PROTECTIVELY MARKED**

Dear Howard,

I refer to the above planning application from Ms Polly Dunlop for a Variation of Condition 7 relative to planning permission reference 20/00267/PP to reduce the conditioned visibility splay from 2.4 x 42 x 1.5m to 2.4 x 17 x 1.05m. This planning application is for a site within my Lomond North Ward. I can confirm that I have discussed this application and the original application 20/00267/PP with Ms Dunlop and would wish my full support for this application to be recorded and taken into account when officers are determining the application.

I believe that the application for a variation to Condition 7 to planning permission reference 20/00267/PP can be supported as a minor departure from policy based on the following considerations:

- a. There are / were no objections from statutory consultees to this application or to the original application.
- b. There are no objections from the public, including neighbouring properties to this application.
- c. There are no objections from the Community Council to this application.
- d. As far as I can determine, this application is in line with the adopted Argyll & Bute Council Local Development Plan.
- e. The level of traffic on Artarman Road is minimal as only a total of 7 properties are served by Artarman Road with only 3 properties before the development site and only 4 properties beyond the development site.
- f. Vehicles exiting the development site would be turning left down Artarman Road and remaining in the left hand lane. Vehicles exiting the development site would not be crossing over Artarman Road to the far lane to turn right to travel further up Artarman Road thus ensuring that any risk is minimal and well within acceptable limits.
- g. I have visited the site on two occasions and noted that over two separate 1 hour periods, no vehicles travelled up or down Artarman Road.

It would be appreciated if you could arrange for my support for this application to be recorded please.

Regards,

*George Freeman*

*The Councillor who Works for Communities with Communities*

*and Puts Communities First.*

Councillor George S Freeman

Independent Councillor

Ward 9 – Lomond North

Argyll & Bute Council

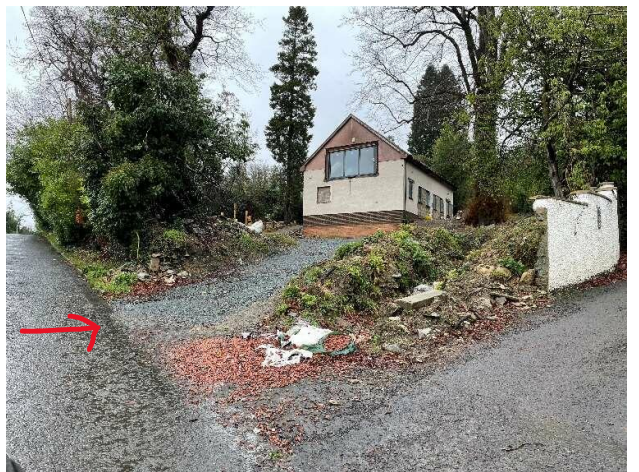
Tel: 01436-811325

Mobile: 07554-773732

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



APPROVED CONSENT - Planning Ref: 20/01190/PP

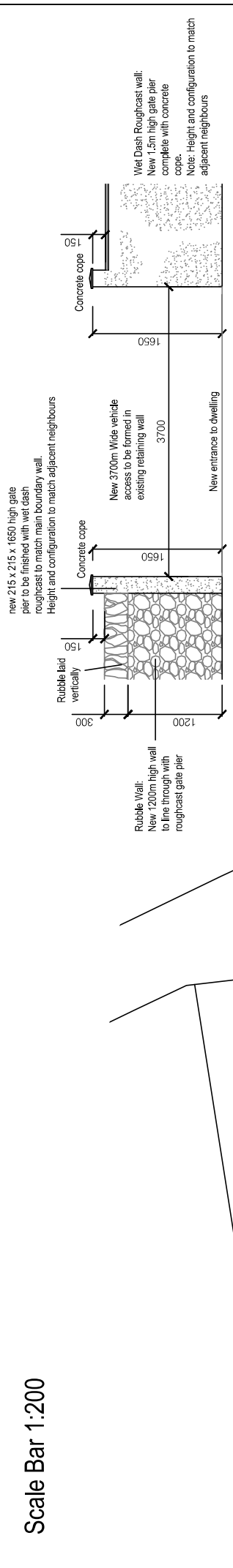




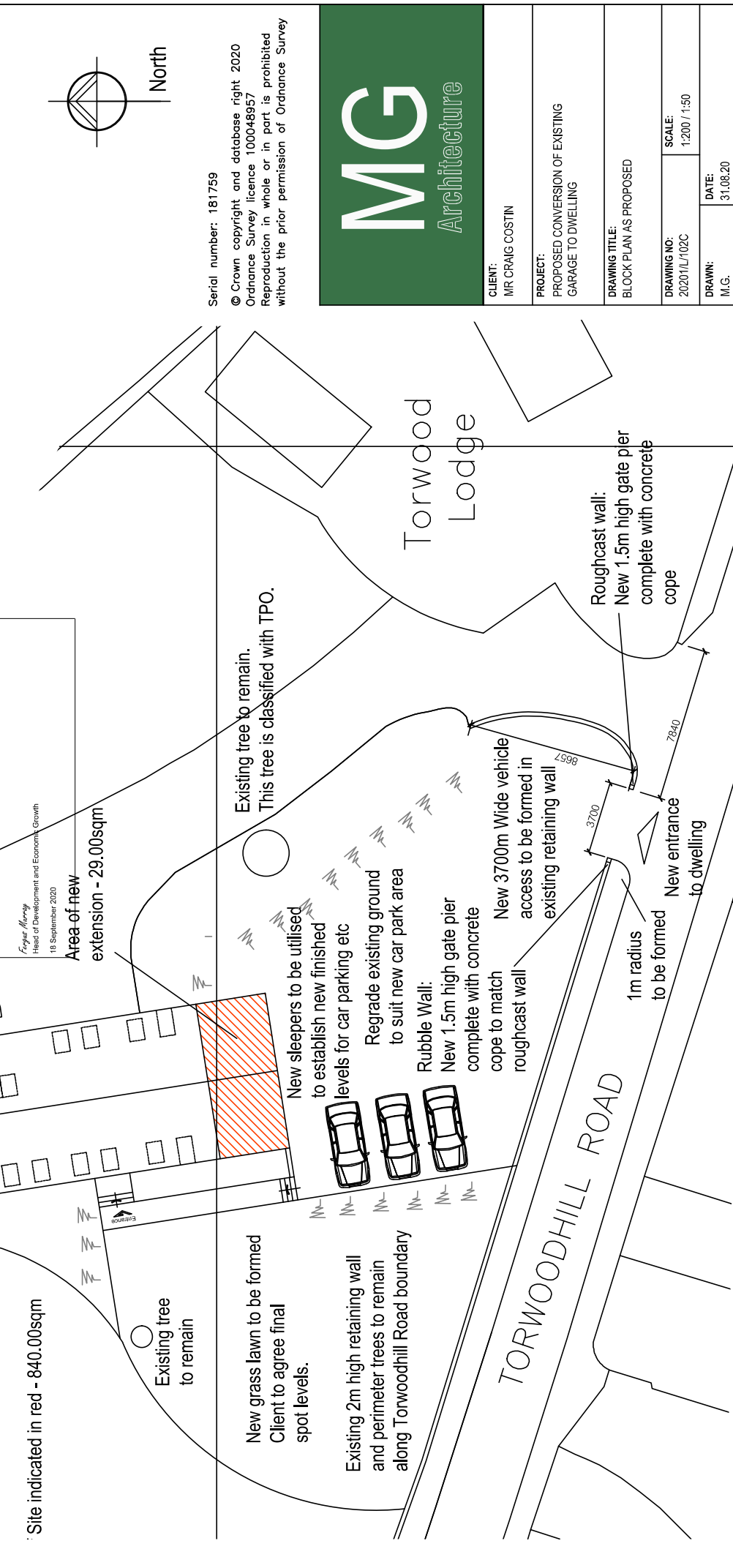
Scale Bar 1:200

0 10 20 30 40 50 metres

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



**PART ENTRANCE ELEVATION as PROPOSED 1:50**



Area of new extension - 29.00sqm

Site indicated in red - 840.00sqm

This plan has been APPROVED by the PLANNING AUTHORITY and MUST be constructed in accordance with the Planning Conditions of Consent No. 200/180/PP

*Frydas Murray*  
 Head of Development and Economic Growth  
 18 September 2020

Avon and Bath Council

Serial number: 181759

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CLIENT:	MR CRAIG COSTIN
PROJECT:	PROPOSED CONVERSION OF EXISTING GARAGE TO DWELLING
DRAWING TITLE:	BLOCK PLAN AS PROPOSED
DRAWING NO:	2020/L/102C
SCALE:	1:200 / 1:50
DRAWN:	M.G.
DATE:	31.08.20
AMENDMENT	A B C

**PLANNING**

**BLOCK PLAN as PROPOSED 1:200**

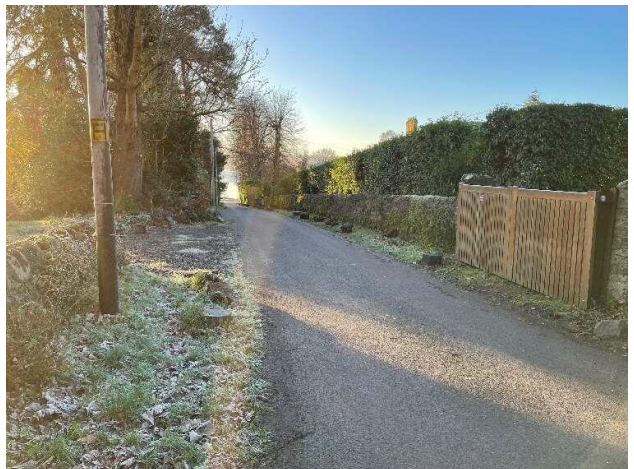
**APPENDIX C – PLANNING PERMISSION 19/02604/PP – SITE PLAN**



## **APPENDIX D – ARTARMAN ROAD – SITE PHOTOGRAPHS**



**Artarman Road Site Access Photographs**





**APPENDIX E – LETTER TO PLANNING DEPARTMENT DATED 12/2/21**



# A r c h i t e c t u r e & D e s i g n

AGF/19-118-017

12 February 2021

Emma Jane/ Howard Young  
Argyll & Bute Council  
Planning, Housing & Regulatory Services  
The Helensburgh and Lomond Civic Centre  
38 East Clyde Street  
Helensburgh  
G84 7PG

Dear Emma,

**PROPOSED DWELLING HOUSE, ARTARMAN ROAD, RHU  
PLANNING CONSENT REF: 20/00267/PP**

We refer to the above granted planning consent and in particular conditions 3 & 7 which relate to the imposed road widening/ passing place & visibility splay.

As you will be aware following a meeting on site with roads, agreement was reached with them concerning the location of the passing place and the visibility splay. As the existing road to the North curves round a bend they were looking for the visibility splay to extend round to the gate posts of Artarman House. Unfortunately there is an area of hedge which is out with the clients ownership and impinges the visibility height restrictions. An attempt has been made to reach agreement with the hedge owners to reduce the hedge height, however this has not been possible.

Alternative proposals were put forward to roads for consideration but have unfortunately been dismissed by them.

This site has belonged to the family of the applicant for many years and who still occupy the adjacent house, Ardlea. The applicant is building the house in order that she is on hand to look after her elderly parents so that they can stay in their own family home and not require to go into care.

Whilst the site has been a field it has always had vehicular access to it with a set of metal double gates. This combined with the fact that it is located on a single track dead end road with only 3 properties round the bend you will appreciate that both the applicant and ourselves are struggling to understand the onerous requirements being applied to this site. We are willing to accept the requirement to install the passing place which obviously provides betterment to the 3 properties beyond the site but feel that flexibility around the north visibility splay, which is out with the control of the applicant should be provided.

The project has been tendered and a contractor was due to be appointed for an immediate site start, however this has now had to be put on hold until this matter can be resolved.

In order to move this forward we have sought clarity around the requirements from both a planning consultant and a roads engineer, their comments are detailed below.

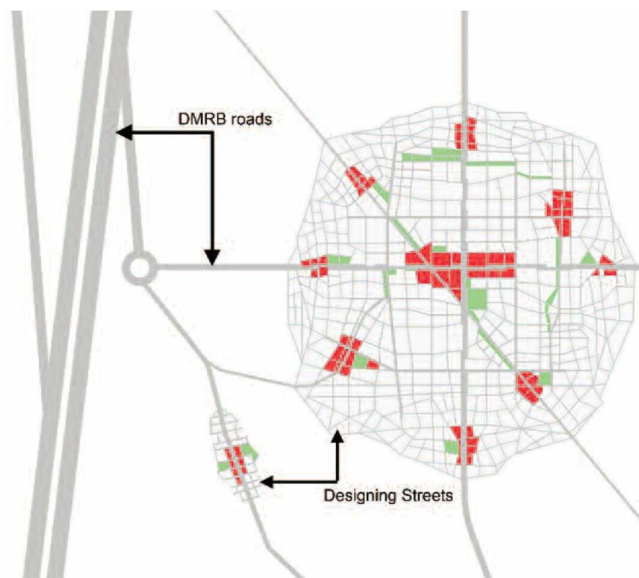
Roads/....

**Roads:**

As you are aware, Designing Streets was introduced by the Scottish Government in 2010 as a policy document with the Scottish Government's reasoning for making Designing Streets a policy document is explained at page 3:

*"The premise upon which the document is based is that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context. Designing Streets does not, thus, support a standards based methodology for street design but instead requires a design-led approach. This demands taking into account site specific requirements and involves early engagement with all relevant parties. Designing Streets marks the Scottish Government's commitment to move away from processes which tend to result in streets with a poor sense of place and to change the emphasis of policy requirements to raise the quality of design in urban and rural development."*

The diagram below taken from Page 4 of Designing Streets clearly identifies where Designing Streets should apply.



*Designing Streets* policy and guidance should be applied within all urban and rural boundaries.

Source: Designing Streets, 2010

Designing Streets is very clear that the policy document and the relevant criteria should be applied in all urban and rural boundaries. Indeed, even if a trunk road passes through an urban area Designing Streets may well be appropriate even though Transport Scotland had historically required the DMRB be applied to all trunk road sections.

This section makes it absolutely clear that Designing Streets should be applied in the urban area and Artarman Road is not an exception to this requirement of the policy document.

The SCOTS National Roads Development Guide has sought to take the design criteria and philosophy from Designing Streets and set this out in a typical guidance document for use by all design consultants. The document very clearly adopts all of the key design criteria from Designing Streets and provides some further context to acceptable variations on the application of the principles of Designing Streets.

We note that/.....

We note that Argyll & Bute Council (A&BC) has identified local variations to the SCOTS National Roads Development Guide which, in most circumstances, is common place. Many Authorities have sought to specify local variations to SCOTS to better accommodate the needs of the Authority given the mix of urban and rural demographics in Scotland. For example, parking standards are a key area where local variations have been introduced by many Authorities.

However, A&BC has identified variations to the visibility criteria as outlined within Designing Streets which is in effect contravening the policy. Designing Streets clearly indicates the visibility criteria which should be applied in all urban and rural boundaries on Page 33 of the document. SCOTS refers the reader to Designing Streets when considering visibility as this is a clear design criteria within the document and is not an aspect which is subject to variation.

We appreciate that the visibility splay requested by Argyll & Bute originally reflected the speed limit of the road given no evidence was provided to suggest otherwise, however, this is considered to be very onerous given the nature of the route. As a result, we are seeking assurance that if a speed survey is undertaken A&BC will accept the relevant visibility splay requirements as detailed within Designing Streets given this is an appropriate document for this area and takes precedence over guidance.

### **Planning:**

Designing Streets is Scottish Government policy, and so is a significant material consideration for any planning application, and the policy set out therein must accordingly be afforded due weight. Designing Streets establishes a number of policy themes, including that design should meet the six qualities of successful places, as set out in *Designing Places*, and be based on balanced decision-making and a multidisciplinary collaborative approach.

With that in mind, we are aware that the site at Artarman Road is within a Conservation Area, and as such the established character of the Artarman Road is of varying types and form of existing accesses. In this context, the Roads Dept's insistence on an solution which takes no account of this context and which is more typically applied in new and modern residential development areas would, in itself, result in an access that is somewhat alien and out of character with what prevails here, and so would have an adverse impact on the character and appearance of the Conservation Area. Designing Streets makes it clear that design and impact on established character are valid and reasonable considerations, and by association this confirms that flexibility on technical matters can be applied in response to specific circumstances, and that is what is being asked to be applied at Artarman Road.

Notwithstanding that above, the original planning permission 20/00267/PP includes condition no.7, which requires "*a sightline visibility splay of 2.4 x 42 x 1.05 metres at the new driveway access with Artarman Road shall be provided. Prior to work starting on site this visibility splay shall be cleared of all obstructions over one metre in height above the level of the adjoining carriageway and thereafter shall be maintained clear of all obstructions over one metre in height to the satisfaction of the Planning Authority*". This condition is ultra vires and contrary to the terms of Planning Circular 4/1998 (The Use of Conditions in Planning Permissions) as the stipulated visibility splay extends over land that is out with the application site and the applicants ownership. In that context, the condition is open to challenge, but we would hope that rather than having to resort to that that a reasonable compromise can be reached that satisfies all parties.

Taking these considerations together, we are hoping that you can provide an indication that the question of the visibility splay will be looked at with these various matters in mind, and we would welcome your guidance as to how this can be best regularised.

You will/....

You will appreciate that this matter is now causing distress to not only the applicant but her parents as well. It has also put additional unnecessary strain on relations with the adjacent neighbours in an attempt to reach an amicable solution which has not been possible.

The applicant is not a developer looking to make a quick profit from this site, this has been a family site for many years and this was to be her forever home.

We would appreciate if you would please review the above information and advise how we can reach a conclusion on this matter timeously.

Please let me know if you require any additional information.

Yours sincerely,

Alan G Findlay  
AGF Architecture & Design

CC. Ms P Dunlop & Mr A Murray



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