

LOCAL REVIEW BODY REFERENCE 22/0001/LRB

PLANNING APPLICATION REFERENCE 21/01603/PP – LAND SOUTH OF HIGH OAKS, ARTARMAN ROAD, RHU.

GEORGE FREEMAN - FURTHER SUBMISSION FOLLOWING THE ADDITIONAL INFORMATION PROVIDED BY DONNA LAWSON (ROADS OFFICER) IN RESPONSE TO LRB REQUEST FOR ADDITIONAL INFORMATION AT THEIR MEETING ON 29 APRIL 2022.

Following receipt of the additional information provided by Donna Lawson (Roads Officer) referred to above, I would submit the following further comments for consideration by the re-convened LRB when determining this appeal / LRB:

- a. The Roads Officer states in her further submission that Designing Streets is not applicable to Artarman Road as Designing Streets is applicable in environments where public realm and pedestrian interactions is encouraged for social, leisure, retail and commercial usage which she argues is not the case on Artarman Road. **I believe that the Roads Officer is wrong.** On Page 4 of Designing Streets, it clearly states that ***“All thoroughfares within urban settings and rural boundaries should normally be treated as streets and that reference should no longer be made to roads hierarchies based on terminology such as local distributor / local access roads”***. Designing Streets tries to move Councils away from rigid application of strict standards to one which promotes good design and supports an intelligent response to locations. Unfortunately, after 12 years, the Council’s roads guidance has not been updated to take account of Designing Streets which was issued in 2010.
- b. The Roads Officer argues that an X distance of 2m is not suitable at this location as this X distance is for an urban / extra urban environment and that Artarman Road is not an urban / extra urban environment and has no pedestrian facilities or social, leisure, retail or commercial use. As has been argued at a. above, this is not relevant. If the Roads Officer is willing to ignore Designing Streets with regards to Artarman Road, then I would argue strongly that, given the exceptionally low traffic movements on Artarman Road, that the Roads Guidance for Developers can also be set aside when considering this proposed development on Artarman Road.
- c. Although the Roads Officer argues that visibility splays are required in the interests of roads safety of all roads users and that visibility splays are to ensure that vehicles accessing and egressing from the access can be seen and be seen by all road users. Although visibility splays are generally required for road safety reasons, as has previously been stated, the Highway Code makes it clear that drivers ***“should always reduce your speed when the road layout or condition presents hazards, such as bends”*** and instructs drivers that they should ***“Make sure you can stop within the distance you can see to be clear”***. It is clear that if the very small number of vehicles using Artarman Road are being driven within the regulations, then the addition of this development with limited visibility splays should not have an impact on roads safety on Artarman Road.
- d. The Roads Officer states that there is no record on any accidents on Artarman Road that would require any traffic calming measures. I do not disagree, that is why there are currently no traffic calming measures on Artarman Road. Given the current low level of development on Artarman Road, I am not arguing for traffic calming measures at this time. I am arguing that by attaching a condition requiring traffic calming measures to be introduced adjacent to the development site, that this development can be approved without any detriment to road safety. With such a condition relating to traffic calming measures, this application can be approved as a minor departure from Policy LP TRAN 4 of the Argyll & Bute Local Development Plan without impacting on road safety.
- e. It has been clear from the site visit and meetings relating to this LRB, that the three councillors on the LRB up to the elections on 5 May 2022 were very sympathetic to this appeal. If they had not been, then this application would have been refused at the first meeting of the LRB. It is a concern that going forward, the LRB will require at least two new members. It is hoped that when appointments to the LRB are being made, that experienced councillors are appointed to the LRB. It is hoped that Councillor Green who was a member of the LRB, can be reappointed to the ongoing LRB to provide a minimum level of continuity with regards to this LRB.

- f. Given the ongoing need for economic development across Argyll & Bute, it is essential that the Council / Council officers / councillors are doing all that they can to encourage development. This is an ideal opportunity for a development to be approved which will help to benefit the local economy and which should be welcomed.
- g. I would again strongly argue that this application can be approved as a minor departure from the provisions of Policy LP TRAN 4 of the Argyll & Bute Local Development Plan with a condition being attached to the approval which would require the developer to provide two sets of traffic calming measures (speed bumps) on Artarman Road in line with the top and bottom boundaries of the development site. This would ensure that vehicles are forced to travel at less than 10 MPH at this location. The developer would also have to agree to be responsible for any ongoing maintenance for such traffic calming measures. This would mitigate for the minor departure from the provisions of Policy LP TRAN 4 of the Argyll & Bute Local Plan.
- h. By agreeing to the minor departure from Policy LP TRAN 4 of the Argyll & Bute Local Development Plan as detailed at g. above, this would ensure that there is no detrimental impact on road safety on Artarman Road as a result of this development being approved.
- i. I believe that this application can be approved with a simple motion to approve it as a minor departure and with a condition attached requiring traffic calming measure to be introduced.
- j. I am disappointed to have to say that instead of trying to be flexible and trying to encourage economic development which benefits Argyll & Bute, the Council appears to be looking at every opportunity to try and stifle development and trying to apply policies rigidly that impedes development.

George Freeman
31 May 2022

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COUNCILLOR GEORGE FREEMAN

FURTHER SUBMISSION FOLLOWING SITE VISIT

Following on from the site visit held on Wednesday 30 March 2022 at Artarman Road, Rhu relating to the above LRB, I would submit the following further comments for consideration by the LRB at their virtual meeting due to be held on Friday 29 April 2022 as follows:

- a. At the site visit, it was clear that when a vehicle is exiting from the site on to Artarman Road, the sightlines looking down Artarman Road to the left do not create a problem as there is clear visibility almost to the bottom of Artarman Road.
- b. When a vehicle is exiting from the site on to Artarman Road and looking right up Artarman Road, it was clear that even the edge of the road adjacent to the site was visible for the full 17 metres from the proposed site entrance. When the Roads Officer placed the pedometer at the edge of the road 17 metres from the proposed entrance to the development site, the pedometer was clearly visible therefore there is clear visibility to the right up Artarman Road for at least 17 metres and more than 17 metres when viewing the centre of this narrow road.
- c. There are currently only 7 properties on Artarman Road, 3 below the proposed site and only 4 above the proposed site. None of these properties have the sightlines that Roads Officers are requesting for the development site.
- d. Although Artarman Road has a formal 30 MPH speed limit, having driven on this road on many occasions, it is clear it is virtually impossible to drive safely at 30 MPH on this road. Observations of the few vehicles

driving up or down the road clearly demonstrate that vehicles drive at a relatively slow speed and well below the 30 MPH limit.

- e. The Roads Guidance for Developers provided by the Roads Officer clearly relates to all 30 MPH roads across Argyll and Bute and includes roads with a relatively heavy flow of traffic down to those where traffic flow is minimal. The traffic flow on Artarman Road is at the extreme bottom of this scale so it is considered that the LRB can apply flexibility with regards to the Guidance.
- f. The diagram provided by Roads Officers as part of the Roads Guidance for Developers is totally misleading with regards to this proposed development as it shows a sharp bend in a road which is clearly not the situation with this proposal on Artarman Road.
- g. Given the exceptionally low levels of traffic on Artarman Road, the application of the Guidance on this occasion cannot be justified.
- h. I would argue that this application can be approved as a minor departure from the provisions of Policy LP TRAN 4 of the Argyll & Bute Local Development Plan with a condition being attached to the approval which would require the developer to provide two sets of traffic calming measures (speed bumps) on Artarman Road in line with the top and bottom boundaries of the development site. This would ensure that vehicles are forced to travel at less than 10 MPH at this location. The developer would also have to agree to be responsible for any ongoing maintenance for such traffic calming measures. This would mitigate for the minor departure from the provisions of Policy LP TRAN 4 of the Argyll & Bute Local Plan.
- i. By agreeing to the minor departure from Policy LP TRAN 4 of the Argyll & Bute Local Development Plan as detailed at h. above, this would ensure that there is no detrimental impact on road safety on Artarman Road as a result of this development being approved.

It has been argued that by failing to comply with the Roads Guidance for Developers, the Council could be held responsible if there was an accident at this location. Legally, this is certainly not the case. The Highway Code makes it clear that drivers "***should always reduce your speed when the road layout or condition presents hazards, such as bends***" and instructs drivers that they should "***Make sure you can stop within the distance you can see to be clear***".

Councillor George Freeman
10 April 2022