

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 17/00983/PP
Planning Hierarchy: Local
Applicant: Dr Norman MacDonald
Proposal: Improvements to junction and access
Site Address: Land Opposite Ferlum, Benderloch, Oban, Argyll and Bute, PA37 1QS

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Improvements to junction and access

(ii) Other specified operations

- N/A
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(B) RECOMMENDATION:

That planning permission be granted subject to the conditions and reasons appended to this report.

(C) CONSULTATIONS:

Area Roads

No objection subject to conditions. Amended Report dated 26th February 2018

Archaeology

No response at time of report and no request for an extension of time

Community Council

No response at time of report and no request for an extension of time

(D) HISTORY:

15/00863/PP

Improvements to junction and access, withdrawn 29th September 2015

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 29th June 2017.

(F) REPRESENTATIONS:

15 Representations have been received regarding the proposed development comprising 11 objections and 4 expressions of support.

OBJECTION

Kathryne Mayre, Ferlum, Benderloch, OA37 1QS (Letter 06.06.2017)
Adrian Jackson-Stark, Rudhachnell, Benderloch, PA37 1QS (e-mail 03.06.2017)
Mr J Barrington, Failte, Benderloch (e-mail 12.06.2017. Letter 14.06.2017)
Mr Stephen Wilson, Cuan, Benderloch (e-mail 12.06.2017. letter 13.06.2017)
Mrs Susannah Wilson, Cuan, Benderloch (e-mail 12.06.2017. letter 13.06.2017)
Roy Stirrat FRTPI, Stirrat Planning Consultancy (e-mail 12.06.2017)
Mrs Jane Isaac, Baravullin Beag, Benderloch, PA37 1QS (e-mail 12.06.2017)
Mrs E.M. Trigg, Creagavullin, Benderloch, By Oban, Argyll, PA37 1QS (04.06.17)
D & J Campbell Limited (14.06.17)
Michael Turner, Korora, Benderloch, Oban, Argyll, PA37 1QS (10.06.17)
Ann Colthart, Duriehill, Connel, Oban, PA37 1PQ (22.06.17)

- The proposal will result in the loss of an unofficial passing place directly in front of Ferlum. This is in frequent daily use as the safe stopping point for postal workers, delivery drivers, and collection of refuse/recycling. It is used by visitors to houses in the vicinity and visitors to the area. The service bay was previously used as a scheduled stop for the mobile library. This bay has been in daily use throughout our time at this address (6+ years) and its removal would be a significant loss of amenity for the neighbourhood.

Comment: Whilst the proposal will result in the loss of an unofficial passing place, the area roads officer has not raised any objection in this regard. The Shenavallie Road junction is approximately 50 metres to the west, and the entrance to Ferlum is also approximately 50 metres (m) to the east and these areas are also being used as unofficial passing places.

- The proposal will result in an uneven verge with an inadequate width and any pedestrians, pushchair/wheelchair users or cyclists would have a step up or down to allow vehicles to pass. Argyll and Bute's proposed amendments to the National Roads Development Guide require that ... "pedestrians and cyclists must be provided for to allow safe practical refuge from vehicles. Verges must be wide enough, flat and uniform enough to provide adequate step off." The combination of the height, vertical face, resulting slope and narrow width of the proposed verge

remove an actively used safe step-off from this route to school.

Comment: The area roads officer has stated that the proposed northern verge should be a minimum of 1m wide. The sloping verge is to be levelled and a new retaining wall is to be provided between the verge and the boundary of Ferlum. Amended plans have been submitted which illustrate a verge width of 1m and any grant of planning permission would be subject to a condition to ensure that this was implemented and a further condition would be imposed seeking full details of the retaining wall in plan form.

- The application fails to demonstrate a situation of 'difficult circumstance' or an 'exceptional situation' as required by the Highways Agency in order that a Departure from Standard be allowed. The existing roads department stipulation of a 1.2m verge given in planning application 15/00863/PP should therefore remain in force.

Comment: The area roads officer has not raised any objection to the proposed development. The revised site plan indicates that the road and verge widths are in compliance with the Roads Development Guide for single track roads. The Highways Agency has no remit in Scotland and there is no requirement in this case to demonstrate 'difficult circumstance' or an 'exceptional situation'

- It is doubted that painting white lines on the roadway will have any meaningful positive impact on road safety. Most road users will be unaware of what these white lines are for, and are unlikely to be able to see them in time and process what they might be for on their approach to them for it to make any alteration in their driving pattern. If they even notice them at all. Also, once the lines have been painted is the council going to maintain them in perpetuity?

Comment: An amended plan has been submitted which substitutes white lines for a grassed verge. This is to the satisfaction of the area roads officer and a planning condition will be applied in terms of the specification of these verges.

- The realignment of the public road will adversely affect the visibility splay currently enjoyed by Rudhachnell, Ferlum and Korora. They will be moved so that they now cross part of the garden of Ferlum. As a result they will fall outwith both the owners of Korora and Rudhachnell control. Even at the present time this would mean a fence would lie within the splay for our access and in the future there would be nothing to stop bushes/trees etc being planted by the owner of Ferlum and neither the owner of Korora or Rudhachnell would be able to stop this happening. This would clearly represent a significant road safety hazard to the owners of Korora and Rudhachnell at the present time and in perpetuity.

Comment: The proposed development will not adversely affect the current level of visibility enjoyed by the access to Korora and Rudhachnell.

There will be no changes to the formed carriageway position within the road corridor at either this access junction or at the end point of the western visibility splay from this junction. Condition 7 of outline planning permission 98/00960/OUT, providing for the formation of a dwellinghouse at Rudhachnell, required a visibility splay of 90m by 2.5m to be maintained

at the junction of Korora and Rudhachnell. The end point of the western splay at this junction is beyond the proposed road realignment works and will not change as a result of these works. All works proposed by this development are entirely within the existing road corridor and will not detrimentally change the character of the road at this location. As no works are located within private garden ground, full control of the visibility splays both east and west at the access junction to Korora and Rudhachnell remains within the control of the relevant property owners. In effect the works will alter the outlook from the junction at Korora and Rudhachnell in that the road layout will differ, consisting of slightly less verge than that which currently exists along the northern side of the road. This will be reduced from 1.9m and 2.0m to 1.7 and 1.4 m respectfully. However, any change in the verge width is considered to be negated through the applicant's proposal to level off the road verge to the same level as the existing carriageway. This will remove a small raised area of ground currently within the road corridor and may in fact improve visibility of the carriageway from this junction. The levelling off of the road verge will be achieved through the placement of a small retaining wall within the road corridor following the fence line of the property at Ferlum.

- If the carriageway is moved towards Ferlum and the white lines have the desired effect in moving traffic towards Ferlum, then this also moves the northwards visibility splay at the Shenavallie junction also towards Ferlum as it follows the carriageway edge. This introduces/increases the impact of existing obstructions into this visibility to the north of the junction and also moves part of this northwards splay into the garden of Ferlum, at which point the council would no longer have any control over this visibility splay.

Comment: The area roads officer has not raised any concerns in this regard. The existing junction arrangement will remain as it is currently and the end point for visibility will be at the same location as before. The difference in this case is that the road will be curved between the two points. Vehicles will be visible to any drivers at the Shenavallie junction checking traffic from the east before coming out onto the road. Visibility may be slightly reduced for cyclists if they are cycling in the right-hand channel of the road (wrong side).

- The drawings are inadequate being only two dimensional, the proposal involving removal of the verge opposite and the necessity therefore of constructing a retaining wall and verge offset to maintain the stability of the garden ground.

Comment: The information submitted with the application is sufficient to allow a professional assessment to be made.

- The new layout would be a hazard in a speed de-restriction area.

Comment: The area roads officer has not raised any objections to the proposal. The proposal has been assessed in accordance with the local development plan and all material planning considerations.

- The reduced width of the road would not benefit large goods vehicles

Comment: The area roads officer has not raised any objections in this regard. The proposed width of the road of 3.5m as illustrated in the revised

site plan complies with the Roads Development Guide for single track roads.

- The driveway has been in use for perhaps 30-40 years without incidents

Comment: Whilst this may be the case, each application must be assessed on its own merits. The application will result in improved visibility at the existing private junction and it will not adversely affect the existing public road nor will it adversely affect existing visibility splays of existing junctions. The proposed development would therefore result in a net improvement to highway safety.

- The land does not belong to the applicant.

Comment: The land necessary to implement the proposal is all within the public road corridor.

- Who would be paying for this scheme? There are no costings which I can see on the planning application.

Comment: The applicant/developer is responsible for the construction of the development. There is no requirement to provide costings.

- At present the verge outside Ferlum is wide enough for locals, visitors and children travelling to school to safely step onto when traffic comes along the road. It also acts as a stopping off point for delivery vans to access the 5 properties at the site. By reducing this verge and having traffic directed towards you, the safety of pedestrians would be compromised. The verge also contains services for telephone and water, who is to pay for their relocation?

Comment: The area roads officer has stated that the proposed northern verge should be a minimum of 1m wide. The sloping verge is to be levelled and a new retaining wall is to be provided between the verge and the boundary of Ferlum. Amended plans have been submitted which illustrate a verge width of 1m and any grant of planning permission would be subject to a condition to ensure that this was implemented and a further condition would be imposed seeking full details of the retaining wall in plan form. If any services are to be relocated as part of the development the applicant/developer would be responsible for costs.

- I am involved with the RDA Carriage Driving Group which is based at Baravullin Beag, further along the C26. Our Disabled drivers often use this section of road, either turning down the Sheavallie Road or continuing to Tralee Bay Caravan site and often use the ground outside Ferlum as a passing place. Its reduction will mean vehicles passing closer to our horses and carriages.

Comment: The area roads officer has not raised any objections in this regard. The proposed width of the road of 3.5m as illustrated in the revised site plan complies with the Roads Development Guide for single track roads. Whilst the proposal will result in the loss of an unofficial passing place, the area roads officer has not raised any objection in this regard. The Shenavallie Road junction is approximately 50m to the west and the entrance to Ferlum is also approximately 50m to the east and these are being used as unofficial passing places.

- If Mr MacDonald is concerned over the speed of vehicles as he exits his drive, surely a sign “SLOW – CONCEALED ENTRANCES” would have the same effect as these white lines are going to have at a fraction of the cost as it would not involve any road works at all.

Comment: Each application is assessed on its own merits. The application will result in improved visibility at the existing private junction and it will not adversely affect the existing public road nor will it adversely affect existing visibility splays of existing junctions. There would be no guarantee that users of the road would take heed of any signage.

- It is out of character and disruptive to safety for the single carriageway road to be disrupted by the proposed protruding junction.

Comment: It is not considered that the proposed works would be out of character. The area roads officer has not raised any road safety concerns subject to the imposition of planning conditions.

- The existing junction is appropriate despite there being no sightlines at present; safety arising by habitual slow movement and visual care. But the increased vehicle generation from additional houses would be an unacceptable material intensification.

Comment: The proposal does not involve an intensification of use of the access. No additional houses form part of this planning application.

- Moving the junction forward as a radical alternative unacceptably reduces the carriageway alignment, introduces novel white line road markings and also an as yet unspecified retaining wall engineering feature. I judge these proposals therefore to be prejudicial to safety and not an improvement on the present low traffic existing volume.

Comment: The area roads officer has not raised any objection to the proposal on road safety grounds subject to the imposition of planning conditions. Whilst the width of the road has been reduced, it remains in accordance with the Roads Development Guide for single track roads. The area roads officer has stated that the proposed northern verge should be a minimum of 1m wide. The sloping verge is to be levelled and a new retaining wall is to be provided between the verge and the boundary of Ferlum. Amended plans have been submitted which illustrate a verge width of 1m and any grant of planning permission would be subject to a condition to ensure that this was implemented and a further condition would be imposed seeking full details of the retaining wall in plan form. The proposed white line markings have been replaced with proposed grass verges in the interests of road safety. The detail of these can be secured via planning condition.

- The close proximity of the road junction to the west must not be prejudiced by the proposed junction involving contrived alteration, and obscured sightline and narrowing of the main road carriageway: to do so would be to introduce traffic management confusion to the prejudice of road safety.

Comment: Whilst the area roads officer raises no objection to the proposed development, including any potential impact of the proposed

works upon existing road junctions, a swept paths analysis of the existing road junction to the north west of the proposed improved access has been requested from the applicant in light of the concerns raised by third parties. This information and analysis of it by officers is anticipated prior to the committee meeting.

- The Argyll and Bute Road Guidelines, reducing the long established “y” distance sightline distances in conformity with national guidance, emphasise that they need to be strictly enforced. It is thus important that the established rural character and carriageway appearance of the C26 is not prejudiced by a visually disruptive contrived alteration.

Comment: The area roads officer has not raised any objection to the proposal, subject to conditions. The visibility at the existing private junction is severely restricted and the proposal will greatly improve the situation. The area roads officer has stipulated that the critical dimensions in this case are the northern verge to be a minimum of 1m and the road width to be a minimum of 3.5m. This is illustrated on the amended plans and can be secured through the use of planning conditions.

- Objects on either the C26 or Shenavallie road will be obscured by the height of the verge at the corner of Ferlum and Shenavallie road junction. The application proposes diverting vehicles and other road users northwards into this blind spot, further impairing the existing visibility at the Shenavallie junction. This will be to the detriment of the safety of road users, particularly children walking and cycling to school. The drawings make no assessment of the impact that the proposal will have on existing visibility splays of the Shenavallie junction, in either the horizontal or vertical plane and is contrary to Scottish Transport Agency Policy whereby objects of “between 0.26m and 1.05m” high must be visible. We argue that the proposed verge height of 1.25m (0.75m verge plus 0.5m vegetation as per [7]) would obscure such objects present on the displaced carriageway.

Comment: The area roads officer has not raised any concerns in this regard. The existing junction arrangement will remain as it is currently and the end point for visibility will be at the same location as before. The difference in this case is that the road will be curved between the two points. Vehicles will be visible to any drivers at the Shenavallie junction checking traffic from the east before coming out onto the road. Visibility may be slightly reduced for cyclists if they are cycling in the right-hand channel of the road (wrong side).

- The application proposes an arbitrary, contrived hazard and uncharacteristic impediment to the flow of traffic by the imposition of an unnecessary narrowing of carriageway and an artificial chicane.

Comment: The area roads officer has not raised any road safety concerns subject to conditions.

- The white lines painted on a road offer no improvement to the track junction. Isolated white lines painted on a road offer no protection to a vehicle emerging from the track. Vehicles would not be able to emerge from the private access into the proposed white lined area and give way safely. The visibility splays will therefore not be improved.

Comment: An amended plan has been submitted which substitutes white lines for a grassed verge. This is to the satisfaction of the area roads officer and a planning condition will be applied in terms of the specification of these verges. Visibility has been improved to approximately 53m.

- The application contradicts itself on the proposed effectiveness of the white lines. On the one hand the applicant is expecting vehicles on the main carriageway to obey the proposed white lines in order that they may offer refuge to vehicles exiting the private access, yet on the other hand the applicant is expecting vehicles to ignore the white lines in order to negotiate the corner at Shenavallie junction and maintain the existing vehicle swept paths.

Comment: An amended plan has been submitted which substitutes white lines for grassed verge. This is to the satisfaction of the area roads officer and a planning condition will be applied in terms of the specification of these verges. Whilst the area roads officer has not requested a swept paths analysis, one has been requested from the applicant which shall be submitted prior to the committee meeting.

- The vehicle movement swept path at Shenavallie junction should account for the high proportion of agricultural vehicles and trailers turning in and out of this Shenavallie junction from all directions, which are in conflict with vehicles emerging from the applicant's proposed access. Designing overrun areas at junctions goes against national policy specified in "Designing for Streets" as they are "visually intrusive, interfere with pedestrian desired lines and pose a hazard for cyclists". The application therefore does not address existing issues raised by the Council Roads department regarding vehicle swept paths in the previous application 15/00863/PP.

Comment: An amended plan has been submitted which substitutes white lines for a grassed verge. This is to the satisfaction of the area roads officer and a planning condition will be applied in terms of the specification of these verges. Whilst the area roads officer raises no objection to the proposed development, including any potential impact of the proposed works upon existing road junctions, a swept paths analysis of the existing road junction to the north west of the proposed improved access has been requested from the applicant in light of the concerns raised by third parties. This information and analysis of it by officers is anticipated prior to the committee meeting.

- Maintenance of the white lines would be crucial to the presumed purpose of the application, yet the relevant authority has been unable to maintain the integrity of other white lines on the same road from Benderloch to South Shian.

Comment: An amended plan has been submitted which substitutes white lines for grassed verge. This is to the satisfaction of the area roads officer and a planning condition will be applied in terms of the specification of these verges.

- Maintenance of the shrub line in private ground at Tunnag Cottage within the South-Western visibility splay is also critical to achieving the applicant's desired visibility dimensions. Government policy recognises that trees and shrubs within 3m of a visibility sightline have the potential

for growth that would impede the required standards of visibility. Given that the maintenance of both these features is outwith the applicant's control, the application is therefore contrary to both National and Local policy. The applicant's drawings show the visibility splay line crossing over land outwith the control of the applicant or the Council, notably the incursion over the gate of Baravullin Cottage. The visibility splay within the applicant's control to the west is therefore reduced. Visibility splay requirement of 53m is inadequate given the realistic speeds of vehicles on the road. Referring to Councils proposed local roads policy, the applicant's 53m visibility splay equates to an opinion that the 85th percentile speed of road users is 35mph, which we believe is a vast underestimate. Based on a conservative figure (bearing in mind that this is a straight road within a 60mph speed limit) of 40mph, the applicant would need to demonstrate a 75m visibility splay "y" dimension, which is not achievable.

Comment: The development significantly improves the existing visibility within land within the public road corridor. There is no increase in traffic associated with the development therefore the proposal does not need to satisfy the criteria for new development.

- Insufficient detail is given in the drawings regarding the substantial engineering solution needed to stabilise the proposed vertical wall at the northern verge; the design of which should be taken into consideration as part of the application and be open to comment.

Comment: Written details of the retaining wall have been provided by the applicant. Full details can be adequately controlled through the imposition of a planning condition. The area roads officer has not raised any objections in that regard.

- The drawings make no account of existing street furniture towards which the proposal will divert traffic, namely the Shenavallie junction sign, valve markers, and two telegraph poles; one adjacent to the Shenavallie sign and one in the north-east of the application are opposite Cluan.

Comment: Any relocation of street furniture is the responsibility of the Roads and Amenity Services section of the Council and it would be the applicant's responsibility to ensure that any such works were carried out satisfactory and to their own expense.

- I have difficulty understanding how this proposal is really intended to improve road safety, and suspect the underlying objective is to try and meet 'Operational Services Standards' for the access track, which would then allow future intensification.

Comment: Each application is assessed on its own merits and the planning authority cannot base its decision on speculation. If an application were proposed for further development which is to be served from this access then that would be assessed on its own merits.

- Removing the verge and widening the road will make it faster, and therefore more dangerous, with nowhere for pedestrians, people on horseback and cyclists to move to when the frequent large lorries, going to and from the fish farm, come along.

Comment: A 1m verge is proposed in accordance with the area roads officer's recommendation. The road width is not being widened, it is in fact being reduced, which in turn is likely to reduce vehicle speeds.

SUPPORT

Norman MacDonald Snr (21.07.17)

Alison MacDonald

Hector MacDonald (20.07.17)

Mrs MacDonald, Fascadale, Tobermory, Isle of Mull, PA75 6QA (21.07.17)

- I spend a lot of time in this area, and have experienced several close accidents and recommend you support this application before there is a serious accident.
- It is really difficult to see cars coming round both corners, none of which would have been reported because there was fortunately no contact with cars. I drive with real caution when turning out of this junction, but despite this, it is very dangerous to turn out of the junction. Visibility is poor, and is often compromised by cars parked in the passing place. I have experienced my incidents of having to brake sharply or to perform an emergency stop. I want to reinforce that this traffic calming measure is an attempt to improve the safety of all road users at this junction and I would hope that common sense prevails.
- I also ride and as a rider the current road safety is extremely precarious for horse and rider as they access this track onto the main road.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|--|-----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | Yes |
| (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
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(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Policy

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 14 – Landscape
SG LDP TRAN 4 – New and Existing Public Roads and Private Access Regimes

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

Scottish Planning Policy
Argyll and Bute Roads Development Guide
Roads & Amenity Services Roads Guidance For Developers
Consultee Responses
Third Party Representations

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for a hearing: No

The Planning authority has determined that a pre-determination hearing is not required in respect of this application. In deciding whether to hold a discretionary

hearing, Members should consider:

- How up to date the Development Plan is, the relevance of the policies to the proposed development, and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations, together with the relative size of community affected, set against the relative number of representations and their provenance.

15 representations have been received regarding the proposed development, including 11 objections.

The objections received are either from local addresses and or a planning consultant who is acting on behalf of local residents. Whilst this level of interest in this application is considered to be of significance in the context of the size of community in this instance, it is not considered that the objections raise any complex or technical issues that haven't been fully addressed in the report. It is not considered that a discretionary local hearing would add value to the planning process or any determination made. It is therefore recommended that the Committee does not hold a hearing prior to the application being determined.

(P) Assessment and summary of determining issues and material considerations

This is an application for planning permission for improvements to the existing junction and access onto the C26 Benderloch to South Shian public road from an existing private road on Land Opposite Ferlum, Benderloch.

Policy LDP DM 1 of the Local Development Plan states that encouragement shall be given to sustainable forms of development within the Key Rural Settlements up to and including medium scale on appropriate sites. Given that this application relates to relatively minor road works the principle of development under this policy is acceptable.

The proposal involves the realignment of a small section of the C26 Benderloch to South Shian public road to provide an improvement to the existing visibility splays of the junction of the private access between Cluan and Baravullin Cottage. There is currently extremely restricted visibility at this junction due to the existing road alignment and the position of adjacent properties. The works involve the realignment of the existing road carriageway in front of the junction so that it is situated further to the north with its width being reduced from 4m to 3.5m. The new junction will effectively project beyond its current position into the current carriageway. A new area of grassed verge will be constructed either side of the new junction so that the alignment of the road and the location of the new junction is obvious to traffic. This is an improved amendment to the initial proposal which was to paint white lines on the road surface. The proposed junction length is illustrated to be 2.4m back from the edge of the realigned public road to the private access. As the road is being located further to the north the existing sloped verge opposite the junction is being reduced in width from 1.8m wide to 1m wide.

The resulting works will mean that the visibility at the junction with the private access is improved to 53m. However, in order to accommodate a new flat northern verge of 1m (considered to be the safe minimum along a walk to school route) it is necessary to construct a retaining structure. Details of this structure will be required to be submitted and approved by planning condition.

In his response the area roads officer has stated that the critical dimensions in this case in terms of road safety are a minimum verge of 1m and a minimum road width of 3.5m. In order to accommodate these widths the set-back distance of 2.4m will be slightly reduced which will in turn slightly reduce the visibility splays. Under normal circumstances visibility splays of 75m would be required having regard to the average speed of vehicles using the road (40mph) with a set-back distance of 2.4m. However given that the existing visibility splay is non-existent, the proposed visibility splays are a marked improvement on the existing situation. Furthermore, these standards are required when it is intended to serve new development. In this case the proposed improvements are to serve 3 existing properties only and not any additional development. There will be no increase in traffic at this junction. No objections have been received by the area roads officer subject to conditions regarding minimum dimensions, new road layout signage, construction details and a road opening permit.

Various objections have been received and amongst other things it has been stated that the proposed realignment will adversely affect the existing visibility splays enjoyed by the access to Ferulm etc. and from the Shenavallie junction. Calculations have indicated that the existing visibility splays will not be affected and again no objection has been received from the area roads officer in that regard.

It is the conclusion of this assessment that the proposed works will improve the visibility at an existing private road junction which is currently extremely poor. The road width realignment is in accordance with the roads development guide and although the northern verge is being reduced in width, it is being regraded to a level surface and its width meets the minimum standards. This will be achieved by placing a small retaining wall along the boundary to the property identified as Ferlum but within the public road corridor. The proposed works will improve road safety at the existing road junction and the safety of users on the C26 Benderloch to South Shian public road will not be compromised by the development. The development is in accordance with Policy LDP 11 which supports all development proposals that seek to maintain and improve internal and external connectivity.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why Planning Permission or Planning Permission in Principle should be approved:

1. The proposed development will improve the visibility at an existing private road junction which is currently extremely poor. The proposed width realignment is in accordance with the roads development guide and although the northern verge is being reduced in width, it is being regraded to a level surface and its width meets the minimum standards. The safety of users on the C26 Benderloch to South Shian public road will not be compromised by the development.
2. The proposed road safety improvements are to serve 3 existing properties only and not any additional development. There will be no increase in traffic

using this existing junction. No objections have been received by the area roads officer subject to conditions regarding minimum dimensions, new road layout signage, construction details and a road opening permit.

3. The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 11, and supplementary guidance SG LDP TRAN 4 of the adopted Argyll and Bute Local Plan and there are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A – the proposal is in accordance with the development plan.

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Jamie Torrance **Date:** 09.03.2018

Reviewing Officer: Tim Williams **Date:** 07.03.2018

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 17/00983/PP

GENERAL

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 23rd March 2017 and the approved drawing titled D01_r1 – existing and proposed site plan and sections, dated 13/01/2018 and stamped approved by Argyll and Bute Council.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

Standard Note: In terms of condition 1 above, the council can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997 although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the application, an application for a non-material amendment (NMA) should be made in writing which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.

ROADS, ACCESS AND PARKING

2. Notwithstanding the provisions of Condition 1, the proposed public road realignment shall be constructed of 300 millimetre Type 1 material, 130 millimetre combined road base / basecoat and 40 millimetre CGWC wearing coat. Existing public road to be planed out and resurfaced with 40 millimetres thickness of CGWC over the full length of the realignment. Resurfaced carriageway to be lined with 100 millimetre wide edge lines. The minimum carriageway width of the public road at the private access shall be 3.5 metres. The minimum verge width on the north side of the carriageway shall be 1.0 metres.

Reason: In the interests of road safety.

3. “New Road Layout” signs are to be installed and maintained within the C26 public road corridor for a minimum period of 3 months following completion of the works. The location and final appearance / design of the signs shall be agreed in writing to the satisfaction of the Planning Authority prior to works commencing.

Reason: In the interests of road safety to advise users of the public road of the altered junction.

4. Notwithstanding the provisions of Condition 1, no works shall commence until the final finished design of the proposed retaining structure and new grass verge at the private access junction (being the southern side of the carriageway) have been submitted to and agreed to the satisfaction of the Planning Authority.

Reason: In the interests of road safety and in accordance with Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 4 of the adopted Argyll and Bute Local Development Plan 2015.

NOTE TO APPLICANT

- **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- A Section 56 agreement with Argyll & Bute Council Roads and Amenities Services will be required prior to commencement of works.