

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

13/0015/LRB

**REFUSAL OF PLANNING PERMISSION FOR THE
VARIATION OF CONDITION 2 (OCCUPANCY
RESTRICTION) RELATIVE TO PLANNING
PERMISSION REFERENCE 08/01309/DET
(RETROSPECTIVE)**

**LAND ADJACENT TO DUNDONALD, NORTH
CONNEL, OBAN, ARGYLL, PA37 1RE**

PLANNING PERMISSION NUMBER 12/01669/PP

14th October 2013

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ("the Council"). The appellant is Mr and Mrs G Nicholsby ("the appellant") who has employed an agent Mr Allan MacAskill to act upon their behalf ("the agent").

Planning application 12/01669/PP which proposed the variation of condition 2 (occupancy restriction) relative to planning permission reference 08/01309/DET (retrospective) on land adjacent to Dundonald, North Connel, Oban, Argyll, PA37 1RE ("the appeal site") was refused under delegated powers on the 18th July 2013.

The planning decision has been challenged and is subject of review by the Local Review Body.

DESCRIPTION OF SITE

The application site is located to the south of Dundonald, on the adjacent side of the C25 Bonawe public road, on the northern shore of Loch Etive.

SITE HISTORY

08/01345/DET

Installation of pontoon (retrospective) granted on the 11th of May 2009

08/01309/DET

Erection of gazebo (retrospective) - Granted on the 18th of September 2008

09/00983/DET

Installation of wooden ramp (retrospective) - Granted 7th September 2009

10/00658/PP

Erection of 4 chalets for holiday letting purposes – Withdrawn 10th January 2011

10/02167/PP

Erection of three 'studicons' for holiday letting purposes – Granted 14th April 2011

12/01884/PP

Erection of decking (part retrospective) – Withdrawn 21st November 2012

12/02364/PP

Erection of decking (part retrospective) – Granted 19th December 2012

00/00041/ENFOTH

Unauthorised erection of fence

02/00178/ENFOTH

Unauthorised excavation/engineering works

05/00215/ENFOTH

Unauthorised erection of a summer house

07/00235/ENFOTH

Unauthorised siting of pontoons

11/00276/ENBOC2

Breach of conditions

12/00166/ENBOC2

Unauthorised use of gazebo for holiday letting

12/00185/ENBOC2

Breach of condition 1 relative to 08/01345/DET

12/00224/ENBOC2

Breach of Conditions relative to 10/02167/PP

13/00265/ENOTH1

Unauthorised erection of fence

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan and determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is the test for this planning application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- Whether the material planning considerations asserted by the appellant are sufficient to outweigh the fact that the planning application is contrary to the current adopted Argyll and Bute Development Plan; or whether in fact the Argyll and Bute Development Plan remains the primary determining factor.

The Report of Handling (please refer to Appendix 1) sets out Planning and Regulatory Services assessment of the planning application in terms of policy within the current adopted Argyll and Bute Development Plan and all other material planning considerations.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

Additional information has been submitted by the appellant which was not available to the planning authority during the determination of planning application 12/01669/PP (Please see section "Comment on Appellant's Submission" below for further information).

The proposal constitutes a Local Development in accordance with the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, has no complex or challenging issues and has only been the subject of 3 objections from local residents, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The Review Body should be aware that the Vector Transport Consultancy Report submitted as grounds of appeal by the appellant is additional information which was not submitted to the planning authority during the determination of planning application 12/01669/PP and therefore was not subsequently taken into account. In light of this report the planning authority has consulted the area roads manager and his comments are reproduced below:

Andrew

The minimum distance between the edge of the carriageway and for a pedestrian would be a maximum of 1 metre to a minimum of 0.5 metres with the pedestrian standing between the maximum and minimum distance. It is policy that when erecting road signs the minimum distance from the road edge is 0.5 metres, this is to prevent damage from wing mirrors, overhangs etc., these measurements are based on this.

The visibility splays of 53m have been requested as the estimated percentile speed was 35 to 40 mph. This is not possible as both splays have restrictions, towards Bonawe Quarry is scrub/trees and towards North Connel is the 1.8m fence and scrub/trees. The actual sightlines for any road with a national speed limit is normally 160m, the speed of vehicles has been taken in to consideration.

Any new development or in this case. change of use, parking requirements required are within the curtilage of the property.

Therefore it is not considered practicable to use parking facilities on the other side of the road.

There is a possibility to use the existing vehicular access to the pontoon, however again the fence requires to be reduced/moved and the access surfaced. This is Roads preferred option

I agree with the Vector Transport Consultancy assessment in relation to traffic flows, however an half an hour survey is inadequate to form an opinion.

There is simple solution to this planning application, which is to reduce the height of the existing fence or replace out with the visibility splay and cut back the scrub/trees.

Attached is a traffic survey for Bonawe Road but undertaken at this location.

I trust this is helpful

Regards

John F Heron

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The Review Body should also be aware of the following history of the site however the decision of the Review Body should be solely based on the reason for refusal of planning application 12/01669/PP.

The planning authority was notified by letter on the 4th June 2012 that the gazebo which had been granted retrospective planning permission (08/01309/DET- Erection of gazebo (Retrospective)) on the shore side of Dundonald was being occupied otherwise in accordance with planning condition 2.

Condition 2 of planning permission 08/01309/DET states that: *“The gazebo hereby permitted shall not be occupied otherwise than as an annexe to the main unit to the north of the site known as ‘Dundonald’, and only for the enjoyment of the occupants thereof.”*

The reason for this condition was: *“In accordance with the use applied for, the annexe hereby permitted being considered unsuitable for separate residential accommodation by reason of its lack of curtilage and the siting.”*

An enforcement case was opened on 4th June 2012 and an investigation was undertaken.

An internet search was carried out on 8th July 2012 and it was found that several websites were advertising the gazebo for let for holiday purposes.

It was also established through investigation of the gazebo that that the pontoon granted planning permission (08/01345/DET - Installation of pontoon – retrospective) was being used otherwise in accordance with planning condition 1 which stated that *“That the approved pontoon shall be used solely by the residents of ‘Dundonald’ and shall not be used for any commercial activities.”*

The reason for this condition was: *“In the interests of residential amenity.”*

A separate enforcement case was opened for the pontoon on the 4th June 2012. Given the internet evidence it was decided to serve a breach of conditions notice for:

1. Breach of condition 2 of planning permission 08/01309/DET which required the use of the gazebo for holiday letting purposes to cease and
2. Breach of condition 1 of planning permission 08/01345/DET which required the cessation of use of the pontoon for commercial activity.

The notices were issued on 19th July 2012 and each had a compliance period of 28 days.

Since the notices were issued both notices have been breached as the gazebo has continually been let for holiday purposes and the pontoon has been available for use to users of the gazebo.

A retrospective planning application (Our ref: 12/01669/PP) was received on 31st July 2012 which sought to vary condition 2 of planning permission 08/01309/DET to allow the gazebo to be used for holiday lets.

It was decided to hold any further enforcement action in abeyance pending the outcome of this planning application. The planning application was refused on 18th July 2013 for the following reason:

“The access to the application site is served by the C25 Bonawe Road. The Area Roads Manager was consulted on the proposal and has raised objections in relation to road safety as the necessary visibility splays cannot be achieved. The necessary amendments to the application have been provided to the applicant who has indicated, through the commencement of works, that he is unwilling to undertake these changes. Therefore the proposal represents a danger to public road safety and is not consistent with the provisions of the adopted Local Plan specifically policies LP ENV 1, LP CST 1, LP TOUR 1, LP TRAN 4, LP TRAN 6 and Appendix C.”

Following refusal of planning application 12/01669/PP a further internet search was carried out on 24th July 2013. It was found that no less than 10 websites are advertising the gazebo for holiday lets. The gazebo is fully booked for July, August and September and is being advertised for let up until December 2014. Several websites also refer to the pontoon which is available for use by residents of the gazebo.

It should be noted that during the determination of planning application 12/01669/PP an alternative proposal was put forward by the applicant which intended to mitigate any road safety concerns. This comprised of:

- Re-locating the car parking to the car park adjacent to the application site at Dundonald which was approved as part of planning permission 10/02167/PP for the erection of three 'studicons' for holiday letting purposes
- The installation of a new pedestrian access gate to the application site
- Lock the existing access vehicular access gate to the application site which would then be inaccessible to anyone using the gazebo.

Given this alternative proposal the area roads manager re-inspected the application site. The alternative proposals put forward by the applicant were also considered to be unacceptable on road safety grounds.

The applicant has progressed to implement these proposals without obtaining the necessary planning permission by extending the existing fence and by installing a pedestrian gate. Further advice was sought by the planning authority from the area roads manager who has confirmed that these works are posing a danger to public road safety.

In light of the above it was considered to take further enforcement action by issuing an enforcement notice (12/00166/ENBOC2) for the breach of condition 2 of planning permission 08/01309/DET which required the cessation of the use of the gazebo for commercial holiday letting accommodation and all other purposes other than as an annexe to the main unit to the north of the site known as Dundonald for the sole enjoyment of the occupants thereof.

An enforcement notice (13/00265/ENOTH1) was also issued in terms of the recently erected unauthorised fence which required the removal of the fence.

These notices were issued as both of these breaches of planning control represent a danger to public road safety and in order to maintain the integrity and confidence of the planning system in the interests of natural justice.

The Review Body should be aware that the appellant has appealed enforcement notice 12/00166/ENBOC2 to the Scottish Government. Due to the interrelationship between the Scottish Government Appeals system and the Local Review Body the determination of the enforcement notice appeal by the Scottish Government will be held in abeyance pending the outcome of the local review. If the Review Body dismiss the review the Scottish Government will proceed with the appeal and if the Review Body uphold the review the planning authority will withdraw the enforcement notice.

CONCLUSION

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The sole reason for refusal of planning application 12/01669/PP is:

“The access to the application site is served by the C25 Bonawe Road. The Area Roads Manager was consulted on the proposal and has raised objections in relation to road safety as the necessary visibility splays cannot be achieved. The necessary amendments to the application have been provided to the applicant who has indicated, through the commencement of works, that he is unwilling to undertake these changes. Therefore the proposal represents a danger to public road safety and is not consistent with the provisions of the adopted Local Plan specifically

policies LP ENV 1, LP CST 1, LP TOUR 1, LP TRAN 4, LP TRAN 6 and Appendix C.”

The proposal is contrary to the adopted development plan and there are no material considerations of such weight that have been identified to justify the proposal as a departure from the provisions of the development plan. It is respectfully requested that the review be dismissed and the original refusal be upheld.

In order to meet the appellant's aspirations to use the gazebo for holiday letting, they are encouraged reduce the height of the existing fence or to set it back out with the visibility splay and to cut back the scrub and trees which are within the visibility splay. To do so would find the proposal acceptable in terms of the local development plan.

Appendix 1

Argyll and Bute Council
Development Services

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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/01669/PP

Planning Hierarchy: Local Development

Applicant: Mr and Mrs Geoffrey Nicholsby

Proposal: Variation of Condition 2 (occupancy restriction) relative to planning permission reference 08/01309/DET (retrospective)

Site Address: Dundonald, North Connel, Oban, Argyll, PA37 1RE

DECISION ROUTE

(i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)**

(A) THE APPLICATION

(i) **Development Requiring Express Planning Permission**

- Variation of Condition 2 (occupancy restriction) relative to planning permission reference 08/01309/DET

(ii) **Other specified operations**

- None
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be refused for the reasons appended to this report.

(C) HISTORY:

08/01345/DET

Installation of pontoon (retrospective) granted on the 11th of May 2009

08/01309/DET

Erection of gazebo (retrospective) - Granted on the 18th of September 2008

09/00983/DET

Installation of wooden ramp – retrospective - Granted 7th September 2009

10/00658/PP

Erection of 4 chalets for holiday letting purposes – Withdrawn 10th January 2011

10/02167/PP

Erection of three 'studicons' for holiday letting purposes – Granted 14th April 2011

12/01884/PP

Erection of decking (part retrospective) – Withdrawn 21st November 2012

12/02364/PP

Erection of decking (part retrospective) – Granted 19th December 2012

(D) CONSULTATIONS:

Area Roads Manager

The Area Roads Manager initially recommended that the application be refused. Report dated 9th August 2012 – The initial response by the Area Roads Manager recommended that the application be refused as the required visibility splays could not be achieved within land under the control of the applicant.

An alternative proposal was then put forward by the applicant and the site was re-inspected by the Area Roads Manager. A revised response dated 2nd March 2013 recommended that the decision be deferred to allow the applicant to carry out various improvements in order to achieve a safe means of access. It was also considered that a Section 75 legal agreement was no longer necessary if the applicant carried out these improvements to ensure adequate visibility. It should be noted that the Area Roads Manager advised that these improvements were the only option available to the applicant to achieve the necessary safety standards for the access without the requirement for a Section 75 legal agreement.

Since then the applicant has changed agent who has submitted the same proposal as originally assessed by the Area Roads Manager. The applicant has also proceeded to implement this application without the required planning permission and these works are unauthorised. The applicant has paid no regard to the recommendations of the Area Roads Manager and has continued to contravene planning control. The current proposals are considered to have an adverse impact on road safety and therefore the application is recommended for refusal.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20, closing date 30th August 2012.

(F) REPRESENTATIONS:

3 objections to the application have been received:

- Norman Nicholson – Whitecroft, North Connel, Argyll, PA37 1RE (21st August 2012)
- Andrew and Doreen Henderson, Birkmoss, North Connel, Argyll, PA37 1RE (20th August 2012)
- Mr and Mrs Roderich and Christine Douglas-Kellie, Druimbhreach, Achnacreebeag, North Connel (2nd September 2012)

Summary of issues raised

- Concerns regarding the commercialisation of Dundonald and the granting of planning permission for additional chalets.

Comment: *Each planning application is determined on its own merits. This is an application to vary Condition 2 (occupancy restriction) relative to planning permission reference 08/01309/DET (retrospective) in order that the property can be let out on a commercial basis.*

- Concern has been raised in relation to the use of the gazebo as a holiday let which would increase traffic movements causing an adverse impact on road safety.

Comment: *The Area Roads Manager has been consulted regarding the proposed development and has recommended that several improvements be carried out in order to create a safe means of vehicular access. There is no intent from the applicant to implement these improvements and therefore the application is recommended for refusal due to its adverse impact on road safety.*

- Any increase in traffic to access the gazebo constitutes a further risk to all road users and therefore the site of the gazebo is not suitable for a commercial property. This is compounded by traffic with boat trailers accessing the site to use the pontoon.

Comment: *The Area Roads Manager has been consulted regarding the proposed development and has recommended that several improvements be carried out in order to create a safe means of vehicular access. There is no intent from the applicant to implement these improvements and therefore the application is recommended for refusal due to its adverse impact on road safety.*

- Concern has also been expressed in relation to numerous other breaches of planning control by the applicant.

Comment: *This is not material to the assessment of this current application however previous breaches of planning control either have been, or are being, investigated.*

- Would like the development to be assessed in the context of the other developments carried out or to be carried out at Dundonald in terms of cumulative impacts.

Comment: *The application has been assessed in terms of the development plan and all other relevant material considerations.*

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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

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| (i) | 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.

Argyll and Bute Structure Plan 2002

STRAT DC 2 – Development within the Countryside Around Settlements

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment
LP ENV 19 – Development Setting, Layout and Design
LP CST 1 – Coastal Development on the Developed Coast
LP TOUR 1 – Tourist Facilities and Accommodation, including Caravans
LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
LP TRAN 6 – Vehicle Parking Provision
Appendix A – Sustainable Siting and Design Principles
Appendix C – Access and Parking Standards

- (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

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| (K) | Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: | No |
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N)	Does the Council have an interest in the site:	No
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(O)	Requirement for a hearing:	No
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(P) Assessment and summary of determining issues and material considerations

Retrospective planning permission is sought for the variation of condition 2 (Occupancy restriction) relative to planning permission reference 08/01309/DET – Erection of gazebo (Retrospective).

Condition 2 states that: *“The gazebo hereby permitted shall not be occupied otherwise than as an annexe to the main unit to the north of the site known as ‘Dundonald’, and only for the enjoyment of the occupants thereof.”*

The reason for this condition was: *“In accordance with the use applied for, the annexe hereby permitted being considered unsuitable for separate residential accommodation by reason of its lack of curtilage and the siting.”*

This application proposes to vary this condition to allow the gazebo to be used for holiday lets.

In terms of the adopted Argyll and Bute Local Plan, the site is situated within Countryside Around Settlement where Policy STRAT DC 2 of the approved Argyll and Bute Structure Plan only gives encouragement to small scale infill, rounding off, redevelopment and change of use of building development on suitable sites which, in terms of siting and design, will visually integrate with the landscape and be consistent with the local settlement pattern. Planning application 08/01309/DET has already established that the erection of the gazebo at this location meets this criterion.

It is considered that the proposal is generally consistent with Local Plan policy LP ENV 1 as it will not have an unacceptable impact on either the natural, human or built environment. The relative small scale use of the site will have a limited impact on the environment and the amenity of the area. However, in terms of road safety, the following improvement measures are deemed necessary:

- The existing gate to be set back a minimum of 6m
- The existing fence to be removed and replaced out with the visibility splay
- Existing hedges to be reduced in height to a minimum of 1.05m in height

Given that the applicant has proceeded to implement his own proposals by erecting a gate and new fence without planning permission demonstrates an unwillingness to implement the

required improvements as requested by the Area Roads Manager and shows a disregard to planning procedures. The proposal is therefore unacceptable on road safety grounds.

It is considered that the proposal is generally consistent with Local Plan policy LP ENV 19 as it does not introduce adverse visual impact. No changes are proposed to the external appearance which has already been judged to be acceptable under planning permission 08/01309/DET.

Local Plan policy LP CST 1 supports development on the coast if it: needs a coastal location, is of a form location and scale consistent with the settlement plan, provides economic benefits, respects the landscape and accords with Local Plan policy LP ENV 1. The proposal predominately accords with these criteria, with the exception of road safety. Whilst the development does not necessarily require a coastal location, planning application 08/01309/DET has already established that the erection of the gazebo at this location was acceptable. In all other respects, the proposal satisfies this policy.

Policy LP TOUR 1 states that improved tourist facilities will be supported where there is no adverse design, amenity or infrastructural constraints. With reference to the above, it is considered that the proposal is in accordance with this policy. However, as mentioned above, the development does not have a safe means of vehicular access.

The existing vehicular access off the C25 Bonawe Road was to be used to serve the proposed development. The Area Roads Manager was consulted on the proposal and has raised objections in relation to road safety grounds as the necessary visibility splays cannot be achieved. This is due to a high 2m fence and gate which bounds the curtilage of the gazebo and the public road to the west. The fence was erected without the benefit of planning permission however this has become lawful through the passage of time and is therefore immune from enforcement action.

The initial response by the Area Roads Manager recommended that the application be refused as the required visibility splays could not be achieved within land under the control of the applicant and that a Section 75 legal agreement would be required.

An alternative proposal was put forward by the applicant which comprised of:

- Re-locating the car parking to the car park adjacent to the application site at Dundonald which was approved as part of planning permission 10/02167/PP for the erection of three 'studicons' for holiday letting purposes
- The installation of a new pedestrian access gate to the application site
- Lock the existing access vehicular access gate to the application site which would then be inaccessible to anyone using the gazebo.

Given this alternative proposal the Area Roads Manager re-inspected the application site. The alternative proposals put forward by the applicant were considered to be unacceptable on road safety grounds. A revised response dated 2nd March 2013 recommended that the decision be deferred to allow the applicant to carry out various improvements in order to achieve a safe means of access. It was also considered that a Section 75 legal agreement was no longer necessary if the applicant carried out these improvements to ensure adequate visibility. It was considered that this was the only way that the development would be acceptable on road safety grounds.

Since then the applicant has changed agent who has submitted the same proposal as originally assessed by the Area Roads Manager. The applicant has also proceeded to implement these proposals without the required planning permission and these works are

also unauthorised along with the breach of conditions for the gazebo and pontoon. The applicant has paid no regard to the recommendations of the Area Roads Manager who has confirmed in an email 12th July that the current works are a danger to public road safety. The applicant has continued to contravene planning control. The proposals are considered to have an adverse impact on road safety and therefore the application is recommended for refusal.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why planning permission should be refused:

Reason for refusal given below.

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

N/A – The proposal is recommended for refusal

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

Author of Report: Andrew Barrie

Date: 11th July 2013

Reviewing Officer: David Love



Date: 18/07/13

**Angus Gilmour
Head of Planning**

REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 12/01669/PP

1. The access to the application site is served by the C25 Bonawe Road. The Area Roads Manager was consulted on the proposal and has raised objections in relation to road safety as the necessary visibility splays cannot be achieved. The necessary amendments to the application have been provided to the applicant who has indicated, through the commencement of works, that he is unwilling to undertake these changes. Therefore the proposal represents a danger to public road safety and is not consistent with the provisions of the adopted Local Plan specifically policies LP ENV 1, LP CST 1, LP TOUR 1, LP TRAN 4, LP TRAN 6 and Appendix C

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **12/01669/PP**

- (A)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

Yes

An additional plan (Drawing number 01A) has been submitted to rectify a discrepancy on the ownership boundary.

A further amended plan was submitted (drawing number 01B) which included a proposed pedestrian access gate and path and also indicated visibility splays.

As the applicant changed agent midway through the determination process, a further amended plan was submitted (Drawing number 13-015 01 A) illustrating the proposed pedestrian access gate and path and also indicated visibility splays.

- (B)** The reason why planning permission has been refused.

1. The access to the application site is served by the C25 Bonawe Road. The Area Roads Manager was consulted on the proposal and has raised objections in relation to road safety as the necessary visibility splays cannot be achieved. The necessary amendments to the application have been provided to the applicant who has indicated, through the commencement of works, that he is unwilling to undertake these changes. Therefore the proposal represents a danger to public road safety and is not consistent with the provisions of the adopted Local Plan specifically policies LP ENV 1, LP CST 1, LP TOUR 1, LP TRAN 4, LP TRAN 6 and Appendix C.