

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
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15 September 2011

RECONVENED MEETING OF ARGYLL AND BUTE LOCAL REVIEW BODY

**MONDAY 19 SEPTEMBER 2011 AT 3.45 PM IN THE PILLAR HALL, VICTORIA
HALLS, HELENSBURGH**

I refer to the above meeting and enclose herewith further written submissions which were requested by the Local Review Body at their meeting on 9 August 2011.

Please note that prior to this reconvened meeting a site visit will take place at Drumfork House, Drumfork Road, Helensburgh, G84 7TS at 3.00 pm.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

**3. CONSIDER NOTICE OF REVIEW: DRUMFORK HOUSE, DRUMFORK ROAD,
HELENSBURGH G84 7TS**

(c) Further Written Submissions (Pages 1 - 22)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Roderick McCuish (Chair) Councillor Bruce Marshall
Councillor Neil Mackay

Contact: Fiona McCallum, Committee Services Officer Tel: 01546 604406

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From: Mike Hyde - MH Planning Associates [mikehyde@mhplanning.co.uk]
Sent: 22 August 2011 14:31
To: McLaughlin, Ross; Divertie, Campbell; Leckie, Janne
Cc: McCallum, Fiona
Subject: RE: Notice of Review - 11/0004/LRB - Drumfork House, Drumfork Road, Helensburgh (Planning Ref 10/01287PP)

Attachments: image001.jpg

Dear Sirs

Notice of Review - 11/0004/LRB - Drumfork House, Drumfork Road, Helensburgh (Planning Ref 10/01287PP)

Further to your request for further information in respect of the above review I can respond as follows:

· With respect to your request for confirmation on the locations of the gates photographed and submitted I am of the opinion that it is not necessary or appropriate for the Local Review Body to be provided with this information. Other than the new gates located at 129 Sinclair Street, Helensburgh (Photograph 1), which were the subject of planning approval reference 09/01785/PP, it is possible that the other gates referred to in my statement of case have not been the subject of a planning application, should one have been deemed to have been necessary. I would not, therefore, wish my disclosure of the requested information to inadvertently result in the taking of enforcement action against an unconnected third party. The purpose of the photographs was solely to illustrate, in the interests of consistency, the point that there are many other sets of gates within Helensburgh which are sited at the back of a footway, and which have the potential to raise similar issues to those currently under consideration. I am nevertheless able to confirm that none of the gates photographed are in the immediate vicinity of Drumfork House;

· With respect to the request that the Area Roads Engineer clarify that no objection would be raised to the proposed gates opening into the property, this has always been my client's intention ... this is annotated on drawing no. 2010_0018/01C.

Finally, I confirm that a copy of this e-mail has been sent by post to Mrs Strain, 8 Leven Avenue, Helensburgh, G84 7SW.

Regards

Michael Hyde

MH Planning Associates

www.mhplanning.co.uk

t: 01436 675376

m: 07816 907203

P Please consider the environment before printing this e-mail

From: Young, Howard
Sent: 30 August 2011 15:31
To: McCallum, Fiona
Subject: RE: Local Review Body - 11/0004/LRB (Planning Ref: 10/01287PP)

Fiona, in terms of the information requested in the AB7 form from me/planning I cannot provide it as I don't have the information on the location of the properties that were photographed.

Howard Young
Area Team Leader
Argyll and Bute Council
T: 01436 658888
M: 07769640880

Argyll and Bute Council - Leading Rural Area
<http://www.argyll-bute.gov.uk>

From: McCallum, Fiona
Sent: 30 August 2011 15:02
To: 'Mike Hyde - MH Planning Associates'; McLaughlin, Ross; Young, Howard; MacFadyen, Malcolm
Subject: Local Review Body - 11/0004/LRB (Planning Ref: 10/01287PP)

Please find attached a copy of the further information requested from Roads for the next meeting of the LRB (on 19 September) in connection with the above case.

<< File: Roads letter dated 25 November 2010.pdf >> << File: Roads letter dated 4 March 2011.pdf >> << File: Roads letter dated 22 August 2011.pdf >>

I apologise for the late submission of this information. If you do wish to comment on any of the attached I would be grateful if you could forward your response to me by Tuesday 13 September 2011 (14 days from today).

Thank you.

Fiona McCallum
Committee Services Officer
Argyll and Bute Council
Kilmory
Lochgilphead
Argyll
PA31 8RT

Tel: 01546 604406
Fax: 01546 604435
Email: fiona.mccallum@argyll-bute.gov.uk

<http://www.argyll-bute.gov.uk>

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Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid



Memo

Development & Infrastructure

Date: 22nd August 2011

To: Howard Young, Area Team Leader

Your Ref: 11/0004/LRB

From: Campbell Divertie, Technical Officer

Our Ref: RPL 1G

Telephone: X 8866

LOCAL REVIEW BODY REFERENCE: 11/004/LRB
PLANNING APPLICATION REFERENCE: 10/01287/PP
LOCATION: DRUMFORK HOUSE, DRUMFORK ROAD, HELENSBURGH.

I refer to your email dated 17th August 2011 requesting the previous correspondence relative to the Planning Application Ref No 10/01287/PP.

I enclose herewith the correspondence as requested by the Local Review Body.

Regarding the question "would Roads have any objection to the proposed gates opening into the property of Drumfork House rather than opening out on to the footpath?" It was my understanding that all the proposals submitted by the applicant included the intention for the gates to open in towards the house. However, for clarity I confirm that I have no objection to the gates opening in towards Drumfork House.

I trust this is of assistance, please do not hesitate to contact myself should you require any further information.

A handwritten signature in black ink, appearing to read 'Campbell Divertie'.

Network & Environmental Manager



File
ZArgyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid

Memo

**Development & Infrastructure****To:** Howard Young, Area Team Leader**From:** Campbell Divertie, Technical Officer**Date:** 16th June 2011**Your Ref:** 11/0004/LRB**Our Ref:** RPL 1G
Telephone: X 8866**LOCAL REVIEW BODY REFERENCE: 11/004/LRB**
PLANNING APPLICATION REFERENCE: 10/01287/PP
LOCATION: DRUMFORK HOUSE, DRUMFORK ROAD, HELENSBURGH.

I refer to the above application and wish to add the following comments:-

Relevant Planning History

With reference to the approved application Reference No 10/00006/PP a number of pre planning applications discussions were conducted on site with the applicant. The safety reasons to position the entrance gate back 6 metres from the heel of the footway were fully explained. Despite these explanations the applicant proceeded to submit his original application with the gates set at the heel of the footway. After further negotiations, the applicant amended his plans, submitting a proposal to position the gate at the considered safe location hence the subsequent approval of this application.

Relevant Development Plan Policies

The appellant refers to The Argyll & Bute Local Plan 2009 LP TRAN 4 – New and Existing Public Roads and Private Access Regimes, Sections 1 – 5. These sections primarily refer to access roads serving more than one dwelling house not individual driveways. However, referring to L P TRAN 4, the strategy behind the policy i.e. the justification, I would refer to the following sections within "Development and private ways and accesses"
Section e) "Private access regimes where they join the public road network should provide for adequate visibility splay and be constructed in such a manner to not cause undue safety issues"
Section f) "Private access provision should be designed in such a manner for continuous improvement"

Grounds of Appeal

With reference to the Local Plan guidance and the road safety concerns relevant to the assessment of this application the prime consideration in this instance i.e. the main conflict appears to be around the time the local school pedestrian and vehicular traffic is at its



peak. The important issue to consider is the safety of the school children. The assessment takes into account the recent Council policy to reduce the school bus provision which now encourages walking to school. The proposed development would have a detrimental impact at this location. Colgrain Primary School historically has and continues to experience problems with the number of parents using their cars to drop off or collect their children from this school. A number of meetings have taken place with the school staff, local ward members, road officers and walking routes to school officers in an effort to resolve this matter. Therefore the recommendation from the officers to the applicant to position the gates back, takes away the conflict of vehicles trying to pass during the operation of entering/ exiting the property and with the added benefit this maintains the open area to allow the groups of children the opportunity to take position, observe and cross the road safely.

To support these concerns I include comments received from my colleagues with the road safety team responsible for the provision of safer routes to schools.

The specific reference to a particular application within Helensburgh Pl'g Ref No 09/01785/PP AT No 129 Sinclair Street. This location offered as an example was discussed and explained to the applicant's agent during the original planning application submission.

All individual applications are assessed and determined on their merits in accordance with the council policies and the road safety implications. At this particular location the road has good forward sightline visibility and the road width is over 10metres. It is a single carriageway with road markings to delineate two vehicle lanes and two cycle lanes. Any cyclist travelling with the flow of traffic, approaches this entrance whilst travelling up hill (Sinclair Street is a steep gradient).i.e. slow moving. The position of the entrance gates, the width of the existing footway and the width of the cycle lane creates sufficient length to allow any vehicle waiting whilst the gates are opened sufficient distance not to encroach onto the designated vehicular lane. Therefore in this instance the proposals were assessed as not to compromise road safety of other road users.

Regarding the submission of a series of Photographs (Appendix 1), I am unable to make comment without the knowledge of the specific locations. However, it would appear that these examples show new gates at existing property opening. These opening would appear to be formed prior to the adoption of the Argyll & Bute Local Plan 2009 and not new locations onto the public road network. In this instance the application is for a new location to position the gates not a straight replacement within an existing access onto the road network.

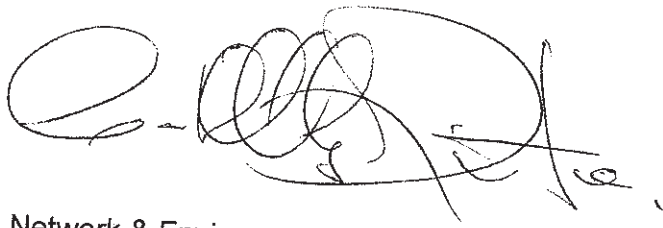
Conclusion

The applicant has been given professional advice over many months from Council officers with good reasons to support their recommendations but despite this advice the applicant has chosen to pursue his own agenda. A further example is the erection of the fence in the wrong position, apparently a misunderstanding of the approved application (Ref No 10/00006/PP).

In the determination of this planning application, the protection of the school children was the most important factor. The guidance give within the Local Plan "not causing undue safety" and "designed in such a manner for continuous improvement" support the decision to refuse this application.



I trust this is of assistance, please do not hesitate to contact myself should you require any further information.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

f Network & Environmental Manager



Divertie, Campbell

From: Graham, June
Sent: 16 June 2011 14:50
To: Divertie, Campbell
Subject: Path at Colgrain Primary School

Campbell,

Following a site visit to the path at Colgrain, I would have serious concerns if the applicant were to be granted permission to move the gates closer to the footpath entrance.

Congestion at Colgrain Primary School has been an issue for many years and we work very closely with the school to try and resolve this. In the last year, since the change in the provision of free school transport, there has been an increase in the number of children walking and being dropped off by car at Redgauntlet Road. This path provides a safe route to school for pupils who are both supervised and unsupervised. If the gates were moved and 1 metre fence erected this would be in conflict with these pedestrians. Bearing in mind this is a primary school, therefore a lot of the children are small and not able to see over the fence or potentially not be seen by on coming drivers. The original open area allows for the children to cross with less conflict and I would request the unauthorised fence be removed.

If you wish to discuss this further please get in touch.

June

June Graham
Road Safety Officer
Development and Infrastructure Services
Argyll and Bute Council
1a Manse Brae, Lochgilphead, PA31 8RD
Tel: 01546 604182
E-mail: june.graham@argyll-bute.gov.uk
Web: www.argyll-bute.gov.uk

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Memo



Roads & Amenity Services Operational Services

Date: 13th September 2010

To: Senior Planning Officer
Development & Building Control

Your Ref: 10/01287/PP

From: Campbell Divertie

Our Ref: RPL 1G
Telephone: Ext 8866

Town and Country Planning (Scotland) Act 1997
Application Number: 10/01287/PP

I refer to the above and as requested enclose my observations on this planning application.

If you require clarification on any of the issues raised please do not hesitate to contact this office.

A handwritten signature in black ink, appearing to be 'S. Campbell'.

Network & Environmental Manager



Roads & Amenity, Operational Services
 Helensburgh / Lomond Area
 Blairvadach House, Shandon.

Planning No. 10/001287/PP
 Contact: Campbell Divertie
 Tel : 01436 658866
 File Ref : RPL 1G

OBSERVATIONS ON PLANNING APPLICATION

Grid Reference: Dated: 01/09/10 Received: 08/09/10
 Applicant: Mr & Mrs K O'Neill
 Proposed Development: Erection of a fence and re-position entrance gates
 Location: Drumfork House, Redgaunlet Road, Helensburgh.
 Type of Consent: Detailed
 Ref. No.(s) of Dwg.(s) submitted: 2010_0018/00 & 01

RECOMMENDATION ~~No Objections/No Objections subject to Conditions/Refuse/Defer Decision/SOID to Advise~~

Proposals Acceptable Y or N

Proposals Acceptable Y or N

Proposals Acceptable Y or N

1. General

(a) General Impact of Development	Y
(b) Safety Audit Required	N
(c) Transportation Analysis Required	N
(d) Drainage Impact / Flooding Assessment Required	N

2. Existing Roads

(a) Type of Connection(Road Junction/Footway Crossing)	Y
(b) Location(s) of Connection(s)	N
(c) Sightlines	N
(d) Pedestrian Provision	N

3. New Roads

(a) Widths	N/A
(b) Pedestrian Provision	N/A
(c) Layout (Horizontal/Vertical Alignment)	N/A
(d) Turning Facilities (Circles/Hammerheads)	N/A
(e) Junction Details (Locations/radii/sightlines)	N/A
(f) Provision for P.U. Services	N/A

4. Servicing & Car Parking

(a) Drainage	N/A
(b) Car Parking Provision	N/A
(c) Layout of Parking Bays/ Garages	N/A
(d) Servicing Arrangements/ Driveways	N

5. Signing

(a) Location	N/A
(b) Illumination	N/A

Item Ref.	COMMENTS
	<p>In the interest of road safety this proposal is not acceptable. I would refer to the original application approved 21st June 2010 (Pl'g Ref No 10/00006/PP), and my observations submitted at this time (Copies enclosed for ease of reference).</p> <p>The proposed relocation of the gates and fence impinge on pedestrian forward sightline visibility, reduce the width of the existing surfaced public footpath and create a conflict with vehicular traffic at the corner within Beechgrove Place.</p> <p>Note: These safety concerns were highlighted at discussions with the applicant and the agent at the time of the original application.</p>

Item Ref.	REFUSAL
	<p>In the interest of Road and Pedestrian safety I would recommend refusal due to the following reasons.</p> <ol style="list-style-type: none"> 1. Pedestrian forward visibility sightlines on the footpath will be restricted. 2. The existing surfaced public footpath will be reduced to an unacceptable width. 3. The proposed driveway gates should be positioned a minimum 6 metres back from the heel of the footway to ensure that there is no conflict between vehicles entering Drumkfork House and vehicles travelling in both directions at the corner within Beechgrove Place.

Notes for Intimation to Applicant

(i) Construction Consent (S21)*	Not Required/Required
(ii) Road Bond (S17)*	Not Required/Required
(iii) Road Opening Permit (S56)* Required for verge crossing/Footway crossing	Not Required/Required

* Relevant Section of The Roads (Scotland) Act 1984

Signed:



Date : 13/09/10

Copies to :- Planning. ✓ Network. ✓ SOID. File. ✓

Argyll and Bute Council
Comhairle Earra Ghàidheat agus Bhòid



Memo

Roads & Amenity Services Operational Services	Date:	11 th May 2010
To: Senior Planning Officer Development & Building Control	Your Ref:	10/00006/PP
From: Campbell Divertie	Our Ref:	RPL 1G
	Telephone:	Ext 8866

Town and Country Planning (Scotland) Act 1997
Application Number: 10/00006PP

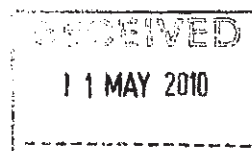
I refer to the above and as requested enclose my observations on this planning application and return the relative plans.


If you require clarification on any of the issues raised please do not hesitate to contact this office.

A handwritten signature in black ink, appearing to be 'J. Campbell', written over the printed name.

Network & Environmental Manager

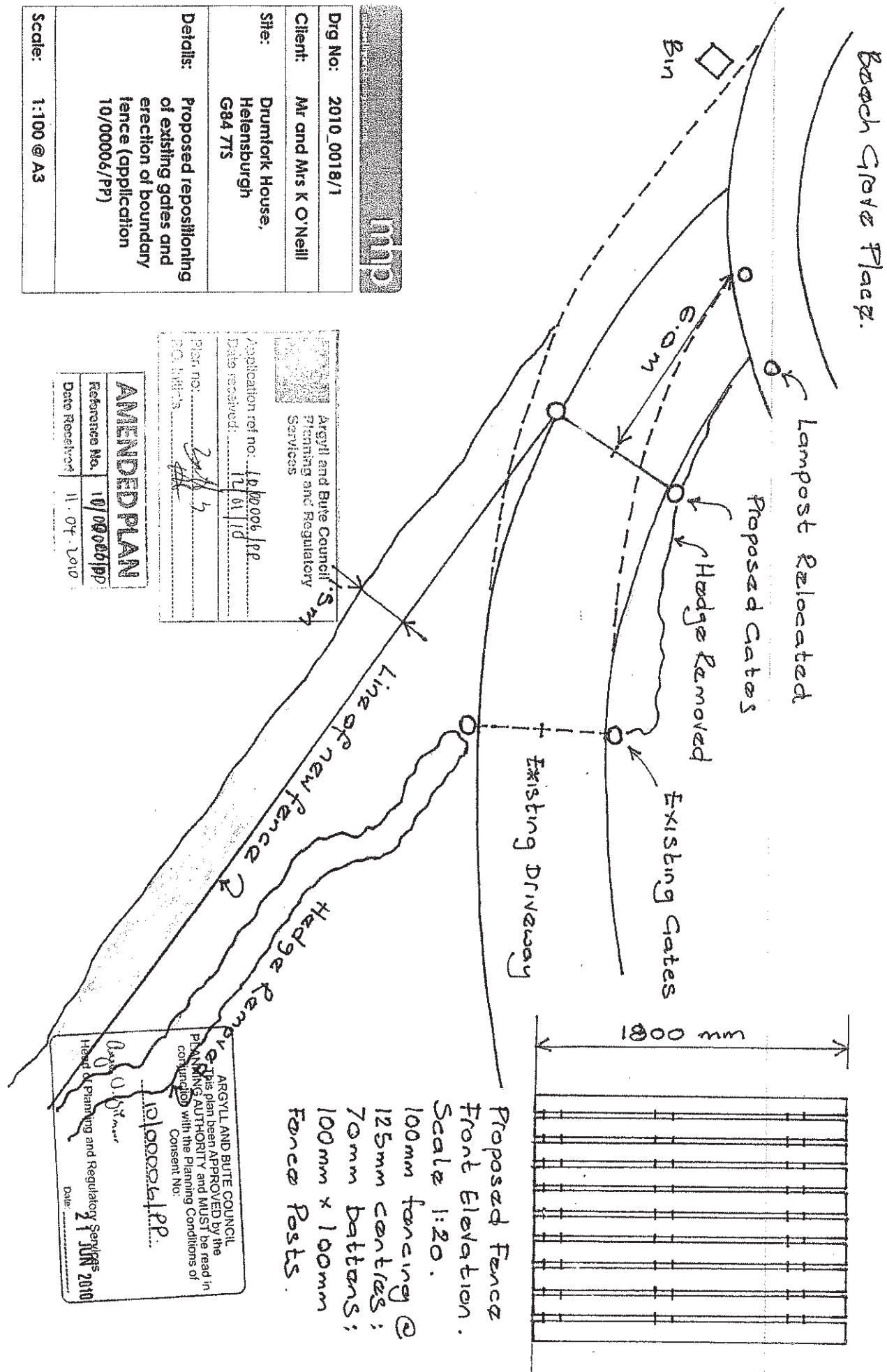
Encl




Drwg No: 2010_0018/1
Client: Mr and Mrs K O'Neill
Site: Drumtork House, Helensburgh G84 7TS
Details: Proposed repositioning of existing gates and erection of boundary fence (application 10/00006/PP)
Scale: 1:100 @ A3

Application ref no: 10/00006/PP Date received: 11.01.10	Argyll and Bute Council Planning and Regulatory Services
Plan no: 2010/5 PO Refers: #	

AMENDED PLAN	
Reference No. 10/00006/PP	
Date Received 11.01.2010	



Proposed Fence
 Front Elevation.
 Scale 1:20.
 100mm fencing @
 125mm centres;
 70mm battens;
 100mm x 100mm
 Fence Posts.

ARGYLL AND BUTE COUNCIL This plan has been APPROVED by the PLANNING AUTHORITY and MUST be read in conjunction with the Planning Conditions of Consent No: 10/00006/PP.
Head of Planning and Regulatory Services Date: 21 JUN 2010

Divertie, Campbell

Sent: 25 March 2010 12:43
To: 'Michael Hyde'
Subject: RE: Proposed Relocation of Gates, Drumfork House

Good afternoon Mike,

The difference is

1. Wide road
2. Good forward visibility
3. There will be no restriction with the forward visibility on the footway.

Trust this is of assistance.

Regards

Campbell

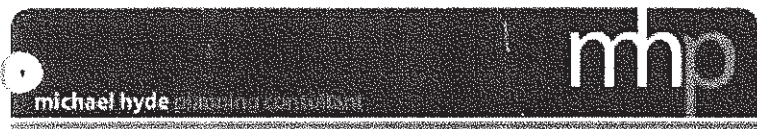
From: Michael Hyde [mailto:mikehyde@mhplanning.co.uk]
Sent: 23 March 2010 16:30
To: Divertie, Campbell
Subject: RE: Proposed Relocation of Gates, Drumfork House


Campbell

I recently noticed the formation of a new access to 129 Sinclair Street being undertaken ... so had a look at the approval on your website (reference 09/01785/PP. From the plans it looks as though the new gates will be set about 3.5 metres back from the edge of the carriageway (or about 2 metres back from the back of the existing footway). Given that if I've got this right any car stopped whilst the gates are being opened will overhang the main road ... how does this compare with the proposed relocation of the gates onto the minor cul-de-sac at Drumfork?

Mike

Michael Hyde
mh planning
www.mhplanning.co.uk
t: 01436 675376



 Please consider the environment before printing this e-mail



Development and Infrastructure Services

Executive Director: Sandy Mactaggart

Dalriada House, Lochnell Street, Lochgilphead, PA31 8ST
Tel: (01546) 604840
Fax: (01546) 604822

Our Ref: 10/01287/PP

1 September 2010

Roads Helensburgh And Lomond - Campbell Divertie
Area Manager, Helensburgh And Lomond
Transportation And Property
Argyll And Bute Council
Blairvadach
Shandon
Helensburgh
G84 8ND

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
PROPOSAL: Repositioning of gates and erection of boundary fence
SITE ADDRESS: Drumfork House Drumfork Road Helensburgh Argyll And Bute G84 7TS
GRID REFERENCE: 231097 681895

I enclose a copy of the above planning application. Please return your observations to: planning.handl@argyll-bute.gov.uk or Planning and Regulatory Services, Blairvadach, Shandon, Helensburgh, G84 8ND by 22 Sep 2010.

If you are unable to reply by this time please advise the local area office on 01436 658882 by 8 Sep 2010. If I have not received a written reply by 22 Sep 2010 and no request has been made for an extension to the time period, I shall assume that you have no objections to the proposal and the planning application will be processed accordingly.

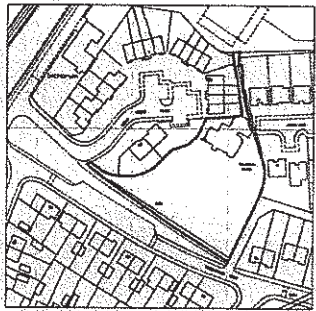
Yours faithfully

Handwritten initials 'BC' in cursive script.

Beth Connelly
Senior Technician
Planning and Regulatory Services

NO 2383
- 8 SEP 2010
INITIALS
REPLY CD.

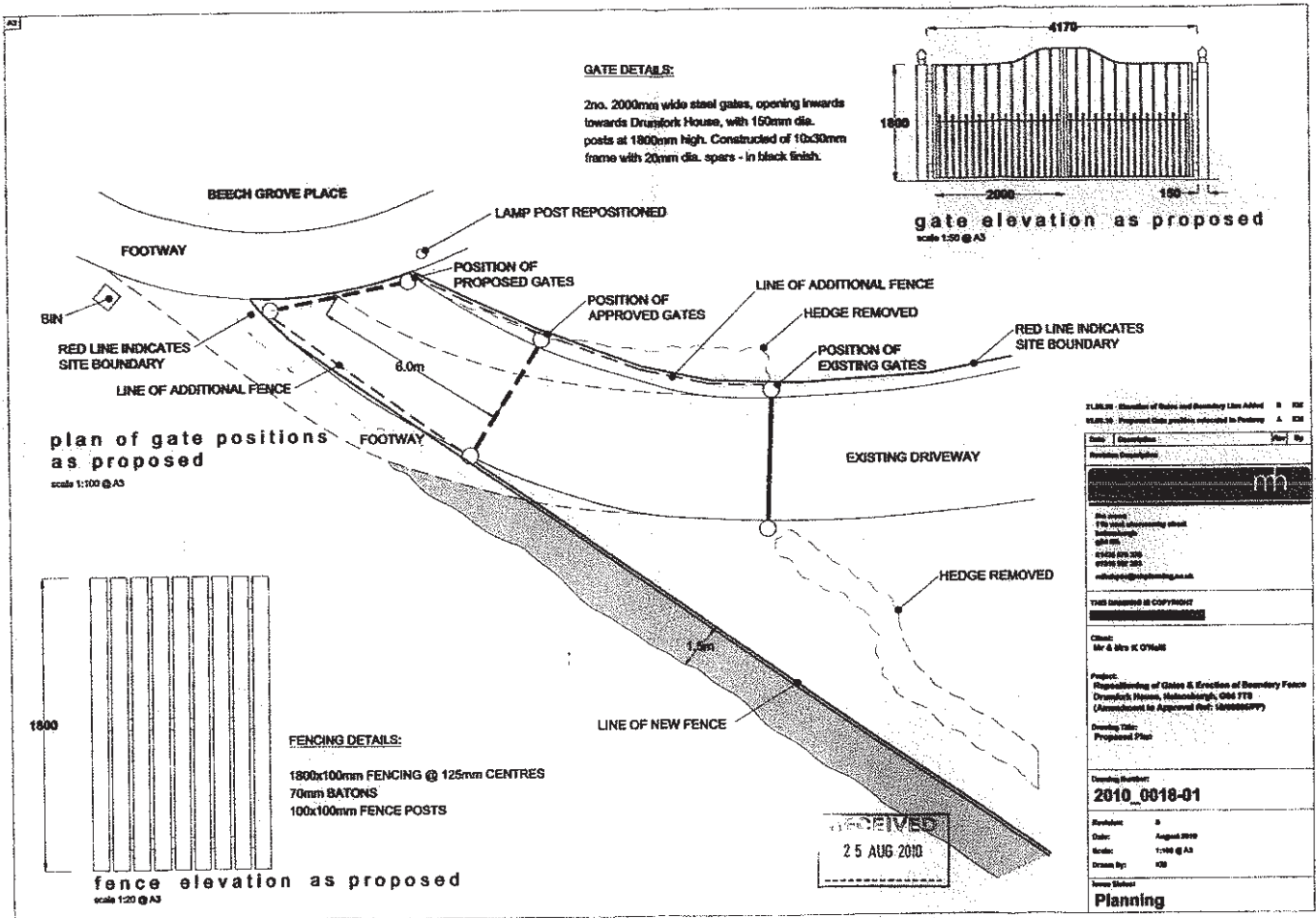




0m 20m 40m 100m 160m

red line indicates extent of application site

Date	Description	Rev	By
Revision Description			
mh			
<p>The client: 110 West Abernethy Street Helensburgh G84 8R 01436 676 270 07818 587 262 info@mhplanning.co.uk</p>			
THIS DRAWING IS COPYRIGHT			
<p>Client: Mr & Mrs K O'Neill</p> <p>Project: Re-positioning of Gates & Erection of Boundary Fence Drumfork House, Helensburgh, G84 7TS (Amendment to Approval Ref: 10/00006/PP)</p> <p>Drawing Title: Site Plan</p>			
<p>Drawing Number: 2010_0018/00</p>			
<p>Revised: Date: August 2018 Scale: 1:2500 @ A4 Drawn By: KM</p>			
<p>Issue Status: Planning</p>			



RECEIVED
 25 AUG 2010

Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid

Memo



Development & Infrastructure Services

Date: 4th March 2011

To: Gordon Hotchkiss
Development Control Officer

Your Ref: 10/01287/PP

From: Campbell Divertie, Roads Technical Officer

Our Ref: RPL 1G
Telephone: X 8866

**PROPOSED ERECTION OF A FENCE AND ENTRANCE GATE
LOCATION: DRUMFORK HOUSE, REDGAUNTLET ROAD, HELENSBURGH
APPLICATION REFERENCE NO: 10/01287/PP**

I refer to your letter dated 1st March 2011 regarding further amended details submitted relative to the above.

As previously stated in my memo dated 25th November 2010 I acknowledge that the reduction in the height of the proposed fence and gates at the entrance located on Beechwood Place would assist with the visibility sightlines of both the pedestrians and vehicle movements.

The proposal to re-locate the driveway access gates adjacent to the heel of the footway is not acceptable in the interest of road and pedestrian safety. This road is within a 30 mph speed limit with the location of the existing driveway on the outside of a 90 degree bend. Therefore in order to allow the driveway gates to be opened to allow vehicle entry into the property would create a hazard by obstructing the passage of other vehicles during this process. As previously intimated I would recommend that the gates are positioned a minimum distance of 6 metres behind the heel of footway.

The position of the fence and the realignment of the footpath will restrict pedestrian forward visibility and creates a less user friendly right of way. This footpath is used by a number of local parents and children taking access to the nearby primary school. A further benefit gained by locating the gates back 6 metres from the heel of the footway would mitigate the requirement to provide a new footway at this location.

I confirm I would not support this amendment and recommend refusal in the interest of road and pedestrian safety. I trust this is of assistance should you require any further information please do not hesitate to contact myself.



Network & Environmental Manager



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Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid



Memo

Development & Infrastructure Services	Date: 25 th November 2010
To: Gordon Hotchkiss Development Control Officer	Your Ref: 10/01287/PP
From: Campbell Divertie, Roads Technical Officer	Our Ref: RPL 1G Telephone: X 8866

PROPOSED ERECTION OF A FENCE AND ENTRANCE GATE
LOCATION: DRUMFORK HOUSE, REDGAUNTLET ROAD, HELENSBURGH
APPLICATION REFERENCE NO: 10/01287/PP

I refer to your letter dated 9th November 2010 regarding the amended details submitted relative to the above.

I acknowledge that the reduction in the height of the proposed fence and gates at the entrance located on Beechwood Place would assist with the forward sightline visibility of both the pedestrians and vehicle movements.

The proposal to re-locate the driveway access gates adjacent to the heel of the footway is not acceptable in the interest of road safety. As previously indicated on numerous occasions for various reasons, I would recommend that the gates are positioned a minimum distance of 6 metres behind the footway. Also to locate the gates back from the footway would mitigate the requirement to provide a new footway at this location.

I confirm I would not support this amendment and recommend refusal in the interest of road safety. I trust this is of assistance should you require any further information please do not hesitate to contact myself.

Network & Environmental Manager



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