Ref: AB1

ARGYLL AND BUTE COUNCIL

WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE 17/0007/LEB HMachines. 2/10/17 Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8 of the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Important – Please read the notes on how to complete this form and use Block Capitals. Further information is available on the Council's Website. You should, if you wish, seek advice from a Professional Advisor on how to complete this form.

(1) APPLICANT FOR REVIEW	(2) AGENT (if any)						
Name W Beathe	Name ANDREW KHCILVERE						
Address	Address the Studio @ LUNGAMIN						
KILMARIN	AKOPERN						
by Lochquatero	ARAYU						
Postcode	Postcode PA31 800						
Tel. No.	Tel. No.						
Email	Email akmcilvride						
(3) Do you wish correspondence to be sent to you or your agent							
(4) (a) Reference Number of Planning Application 17/002/PP							
(b) Date of Submission	20th APR 2017.						
(c) Date of Decision Notice (if applicable)							
(5) Address of Appeal Property	LAND WEST OF FIRE STATION KILMELTORD ARGYLL & BUTE						

(6) Description of Proposal

ERECTION OF DWELLING HOUSE DETACHED GARAGE INSTAULATION OF TREATMENT PLANT PETROSPECTIVE FORMATION OF VEHICULAR ACCESS/GATES & BOUNDARY WALL.

(7)

Please set out the detailed reasons for requesting the review:condition #2 POND ACCESS & PACKING: -.

- I CONDITION IMPOSED IS NOT AS WAS VERENLY ACRES INTERMS OF INFORMAL PRE MPP DISCUSSION (REF DOC #1).
- ily condition imposed to unpreasonmere in terms of existins COUNTRICTIONS ON THE ADSACRUT PUBLIC ROAD. (REPER DRAWING AR /239/8/08)
- ily condition imposed is singularily as a posut of an APPROPRIATE NEED FOR A 2000 MM VERSE. (PEF. LETTER #1) · ALL OTHER ASPECTS OF STANDARD ACCESS REQUIREMENTS HAVE BEEN MITHATED AND COMPUT. (PET AR /234/8/02)
- IV . LAHORY THE PERCON GIVEN TO MOVE WALL IS DUE tO ALLOW FUTURE CARRAGELAN WIDENING.
- . Accept constraints make this highly unuken to MARCH ON CLIENTS HALL, HOWEVER CLIENT HAS ASPRED to butter into a section 75 represent to future proper THIS. WALL IS UPON CLIENTS LAND. (PEREZ DRAWING AR /239/B/OB) & NOTE MODICIONT BRIDGE WIDTH ETE (INC NAKROW ANGHOUS).
- VI PROVIOUS PERMISSION HAD BEEN GRANTED FOR THIS SITE WITH NO SPECIFIC POF to ROAD POSITION. (DOC # Z OX)

BACKSPOUND_.

- " CLIENT BUILT THIS WALL IN ADVANCE OF CURPONT PLANNING APPROVAL AS A RESULT OF FLYTIPANS ON SITE.
- a the nuch the been built at apend expense in acco FAATH .
- · CHOST HAD AGROOD COMPRIMISE (AS SET OUT IN PLANNINS) APPROVAL (AR/239/3/08)
- · AS CLIENTS MENT I HAVE ATTEMPTED TO SEEK CLARITY ON THIS CONDITION WITHIN FERMINETERS SET BY ASB COUNCIL BUT HAVE HAD NO PERCHS AND SO HAVE NO RECORSE BUT TO SEEK PEVION. WE HAVE Aftempted to FURTHER DISCUSSION to (DOC#3) to NO MAL. DOC #3 I WUSTEASES NO Attempt to WDERSTAND THE PEDIALLING ISSUE.

	ice please continue on a separate page.	Is this is
attached?	(Please tick to confirm)	

"sp	ecifi	ne Local Review Body determines that it requires further information on ed matters" please indicate which of the following procedure you would o provide such information:-				
	(a)	Dealt with by written submission				
	(b)	Dealt with by Local Hearing				
	(c)	Dealt with by written submission and site inspection				
	(d)	Dealt with by local hearing and site inspection				
NB	It is	a matter solely for the Local Review Body to determine if further information				
is r	equii	red and, if so, how it should be obtained.				
(9)	app	ase list in the schedule all documentation submitted as part of the lication for review ensuring that each document corresponds to the abering in the sections below:-				
	cop	edule of documents submitted with Notice of Review (Note: 3 paper less of each of the documents referred to in the schedule below to be attached):				
	No	. Detail				
	1	EXISTING PLANNING APPROVAL DOCUMENT				
	2	REQUEST DRAWING EXTERNAL PROM MAPPROVAL (MODE) AR/239/B/OI, 02, 06,074,08				
	3	DOCHI LEHER FROM MR BENHIE to ROMS pet.				
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		sufficient space please continue on a separate page. Is this is ached? (Please tick to confirm)				

Submitted by (Please Sign)



Dated

15 SERT 2017.

Important Notes for Guidance

- 1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
- 2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
- 3. Guidance on the procedures can be found on the Council's website -: http://www.argyll-bute.gov.uk/planning-and-environment/local-review-body
- 4. If in doubt how to proceed please contact 01546 604392/604269 or email localreviewprocess@argyll-bute.gov.uk
- 5. Once completed this form can be either emailed to localreviewprocess@arqyll-bute.gov.uk or returned by post to Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT
- 6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604392/604269 or email localreviewprocess@argyll-bute.gov.uk

For official use only		
Date form issued		
Issued by (please sign)		

DOC.#1

WRITTEN & SUBMITTED BY

MR BEACHTE DURING

CONSCIDENTION BRIDGE.

Safety / physical changes

Here are our revised proposed changes and suggestions which were discussed with Mr Rattery at our meeting on site.

1/ re position the 'service bay ' as agreed at visit and confirmed to my agent, utilizing the existing one that is currently serving the fire station (at present 28mts X 3mts) Giving full off road unhindered parking to all utility vehicles at any given time. A full line of uninterrupted sight is clear from this point to and from the next passing place further west.

2/I further agree to reconfigure the (90degree) stone wall to an suitable gentle curve, in order to facilitate / ease exit back on to single track road whilst leaving service bay.

3/form a new pedestrian point of entry, by means of a gate along with bin store area and post box all on the return wall (south)

4/the vehicular entry to the 'rural single dwelling house' (private access) would remain where it is in location, but extend the gate line inwards (opening inwards) a further amount to make the total from roadside to gate 'greater' this will allow a full stopping area off the public highway to gain access to the 'private' driveway'.

5/ensure and amend full wall heights to conform to requisite A&B council criteria

6/reinstate the 'grass verge' along the full frontage area at 1200mm wide providing proper drainage for rain water to avoid the road surface being affected, this area will also serve as underground services access along with the pedestrian 'safe' area in order to step off the road on the approach of vehicles passing

Local opinion and consultations

We have made every effort in seeking out the general publics feeling towards the development thus far including the wall position and size, by means of asking as many local residents, visitors at the community hall who use the halls facilities and the general public who are passing, iam pleased to inform you that out of probably somewhere in the region of 150 people asked only five actually thought it had negative impact on the area and the reasons given were the 'loss' off a turning place for lorries, the vast majority were in fact very complementary as to how much the area has improved visually without impacting traffic or road safety.

We have also consulted with the appropriate road engineers that would make decisions RE their particular (out with Argyll & bute) areas planning applications, this included ,Highlands,Moray,Perth&Kinross and Stirling ,we took great care to give them as much clear and unbiased background in respect of all relevant site details, without exception all four indicated that if the details as presented to them by myself came up for consideration they would have no grounds to ask for a 2mt road/wall boundary space ,and if a existing 'service bay'28mts X 3mts was present 'on' the boundary of the site then it would be accepted as perfectly able to service a new 'rural private accessed single dwelling new build'.

When asked what was their own minimum requirements are in reference to the road/boundary wall space they all indicated minimum of 500mm and described it as a underground service access strip finished as a 'verge'.

We can find no reference for the need /requirement for a 2000mm verge in any of the 'rural road design criteria'

I respectfully ask you to consider all my points raised and look forward to your thoughts on this application.

(extenct)

Municipal Buildings Albany Street Oban PA34 4AW

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

PLANNING PERMISSION IN PRINCIPLE

REFERENCE NUMBER: 16/01216/PPP

Brackenburn Holdings Limited 23 West Park Hartlepool TS26 0DB

I refer to your application dated 22nd April 2016 for planning permission in principle for the following development:

Renewal of planning permission in principle 13/00947/PPP - Site for the erection of a multipurpose building (ground floor restaurant/retail and residential accommodation on first floor)

AT:

Land West Of Kilmelford Fire Station Kilmelford Argyll And Bute

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission in principle for the above development in accordance with the particulars given in the application form and doquetted plans, subject however to the conditions and reasons on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 22 June 2016

agu. J. Gilnour.

Angus J. Gilmour

Head of Planning and Regulatory Services



principle shall lapse.

2. The development shall be implemented in accordance with the details specified on the application form dated 01/05/13 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plans at scale of 1:50000 & 1:25000) *

Plan 2 of 2 (Location Plan at scale of 1:2500)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

ROADS, ACCESS AND PARKING

3. No development shall commence on site, or is hereby authorised, until the vehicular access at the junction with the public road has been constructed in accordance with the Council's Roads Engineers Drawing Number SD 08/004a, with visibility splays of 53m x 2.4m in each direction formed from the centre line of the access. Prior to work starting on site these visibility splays shall be cleared of all obstructions above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Planning Authority.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access in accordance with Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 4 of the adopted Argyll and Bute Local Development Plan 2015.

4. Pursuant to Condition 1, full details shall be submitted to the Planning Authority, in plan form, of the number of car parking spaces and a turning space within the site at a level commensurate with the size of building in accordance with Policy LP TRAN 6 of the adopted Argyll and Bute Local Plan. Such details as are approved will be fully implemented prior to the building first coming into use and thereafter so maintained in perpetuity.

Reason: To enable vehicles to park clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road in accordance with Policy LDP DM 11 and Supplementary Guidance SG LDP TRAN 6 of the adopted Argyll and Bute Local Development Plan 2015.

Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface





TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013

PLANNING PERMISSION

REFERENCE NUMBER: 17/01092/PP

Mr Willie Beattle
Andrew McIlvride
The Studio
Lunga Mill
Ardfern
By Lochgliphead
PA31 8UU

I refer to your application dated 20th April 2017 for planning permission in respect of the following development:

Erection of dwellinghouse, detached garage, installation of sewage treatment plant and retrospective formation of vehicular access/access gates and boundary wall AT:

Land West Of Kilmelford Fire Station Kilmelford Argyll And Bute

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission for the above development in accordance with the particulars given in the application form and doquetted plans subject however to the conditions and reasons detailed on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 18 July 2017

anger. J. Gilmour.

Angus J. Gilmour Head of Planning and Regulatory Services

www.argyll-bute.gov.uk



REFERENCE NUMBER: 17/01092/PP

Erection of dwellinghouse, detached garage, installation of sewage treatment plant and retrospective formation of vehicular access/access gates and boundary wall

Land West Of Kilmelford Fire Station Kilmelford Argyll-And Bute

The planning application as detailed above is subject to the following conditions:

GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated 10/04/17 and the approved drawing reference numbers Plan 1 of 9 to Plan 9 of 9 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

Note to Applicant:

- 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 Sections 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. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- 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.

ROADS, ACCESS AND PARKING

2. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/004a and visibility splays of 2.4 metres to point X by 42 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the existing boundary walls shall be set back 2 metres with the access hereby approved formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y which. The final wearing



surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
- No walls, fences, hedges etc. will be permitted within 2 metres from the channel line of the public road.

WATER, DRAINAGE AND FLOODING

3. Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk

DESIGN AND FINISHES

4. Notwithstanding the effect of Condition 1, the proposed garage shall be completed externally using materials which match the colour texture and appearance of the exterior of the existing building, or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

LANDSCAPING & TREES

- No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:
 - i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
 - ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre



beyond the canopy spread of each tree in accordance with BS 5837:2005 "Trees in Relation to Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.

- Notwithstanding the provisions of Condition 1, no development shall commence until a scheme of surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
 - Surface treatment of proposed means of access and hardstanding areas;
 - ii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
 - iii) Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

FINISHED FLOOR LEVEL

7. The development shall be implemented in accordance with the finished floor levels specified on the Flood Level Determination Report dated 3 July 2017.

Reason: In order to secure an acceptable relationship between the development and its surroundings.



NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 17/01092/PP

- 1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to localreviewprocess@argyil-bute.gov.uk
- 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).



APPENDIX TO DECISION APPROVAL NOTICE *

Appendix relative to application 17/01092/PP

(A) Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No

(B) 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

Length of proposed dwellinghouse increased by 800mm.
Changes to existing boundary wall to provide pedestrian access

(C) The reason why planning permission has been approved.

It is considered that the site represents a suitable opportunity within the designated settlement as identified in the adopted 'Argyll and Bute Local Development Plan' for development with the proposed dwellinghouse which will consolidate the extent of built development at this location.

The proposed dwellinghouse and garage are acceptable designs incorporating suitable finishing materials which will ensure they integrate well within the site and wider landscape at this location and furthermore there are no infrastructural constraints that would preclude development of this site.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 10, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 13, SG LDP ENV 14, SG LDP HOU 1, SG LDP SERV 1, SG LDP SERV 2, SG LDP SERV 7, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015 and there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.



Argyll and Bute Council Comhairle Earra Gháidheal agus Bhóid

Development and Infrastructure Services

Executive Director: Pippa Milne



Mr W Beattie Sona House Kilmartin Argyll PA31'8RQ

Development and Infrastructure Services Kilmory, Lochgilphead, Argyll PA31 8RT Tel: 01546 604324 Fax: 01546 604459 jim.smith@argyll-bute.gov.uk È-mail:

Website: www.argyll-bute.gov.uk

Ask For: Mr Jim Smith Our Ref: · 170721-000632

Your Ref:

16 August 2017 Date:

Dear Mr Beattie

COMPLAINT - 170721-000632

I refer to your undated letter received by the Council on the 20th July 2017, in which you raise a complaint relating to Mr B Rattray.

Your complaint has been investigated as a Stage 2 Complaint. Under the Council's procedure Stage 2 complaints are investigated by the relevant Heads of Service, in this case the investigation has been carried out by myself as Head of Service for Roads and Amenity Services.

I note the allegations you make relating to Mr Rattray, the fact that the police have been involved following the alleged incident and that no charges are to be made. I have also received information from Mr Rattray confirming his account of the alleged incident.

Given the above the Council will not be taking any further action in relation to the alleged incident. I can also confirm that your complaint is not upheld. However, in order to ensure the welfare of our employee I have arranged for an alternative case officer to take responsibility for any future business relating to Planning Application 17/01092/PP.

If you are not satisfied with this response then you have the right to ask the Scottish Public Service Ombudsman (SPSO) to consider your complaint. The SPSO is the final stage for complaints about most organisations providing public services in Scotland including Councils and the service is independent, free and confidential. Their contact details are contained in the undernote.

The SPSO cannot normally look at complaints:



- where the customer has not gone all the way through the council's complaints handling procedure.
- more than 12 months after the customer became aware of the matter they want to complain about.
- that have been or are being considered in court.

Yours sincerely

Jim Smith.

Jim Smith Head of Roads and Amenity Services

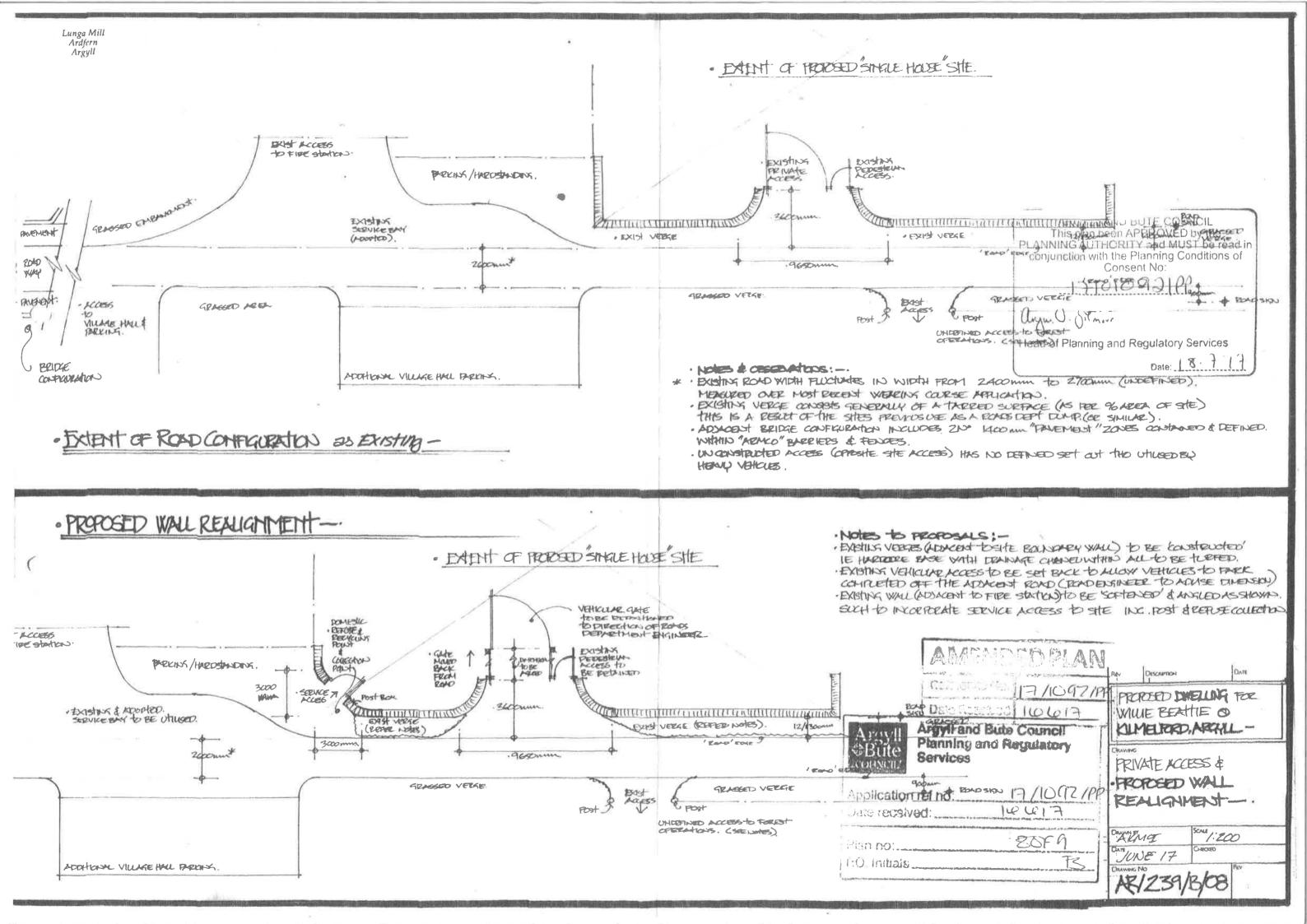
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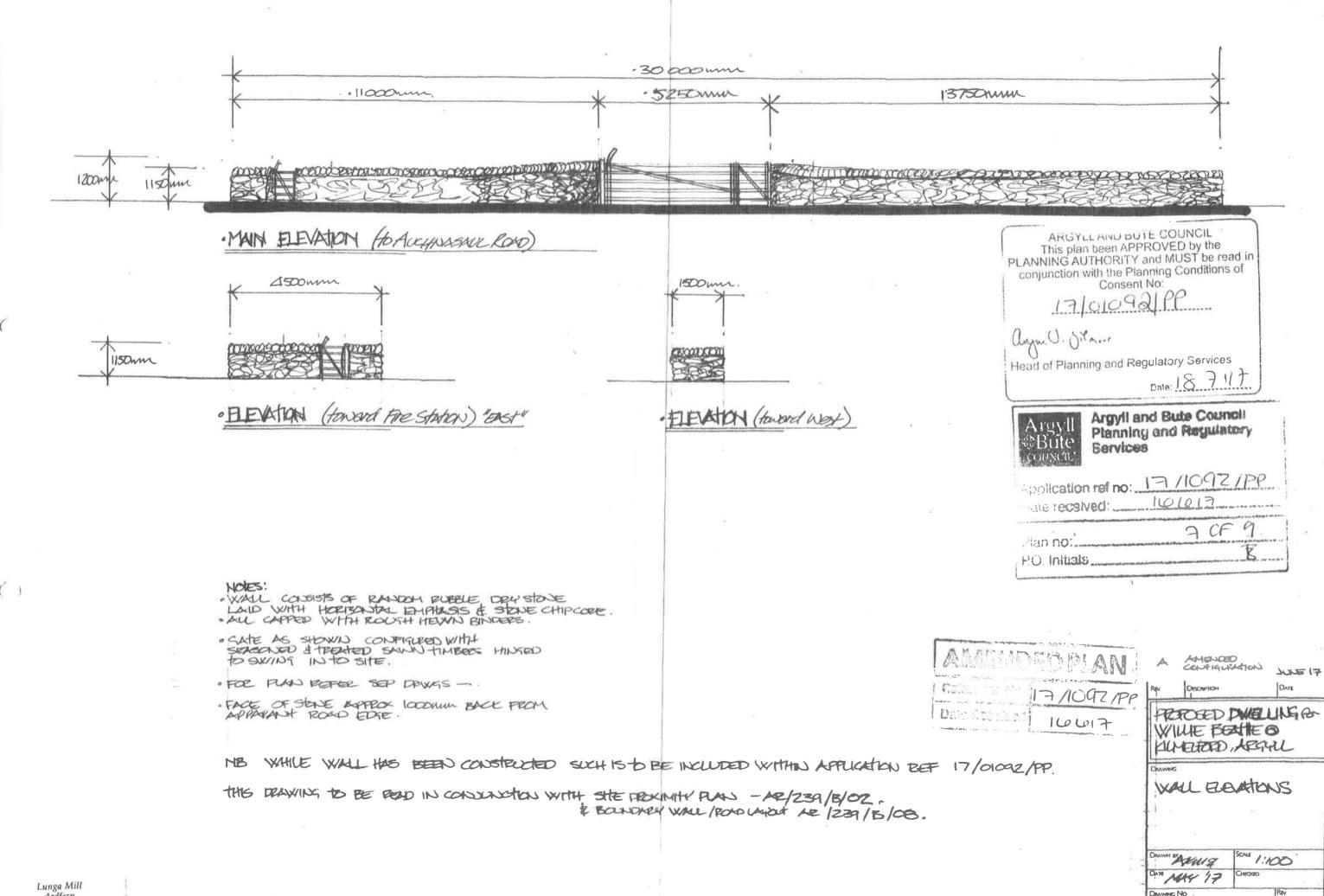
Freephone: 0800 377 7330

Online: www.spso.org.uk/contact-us

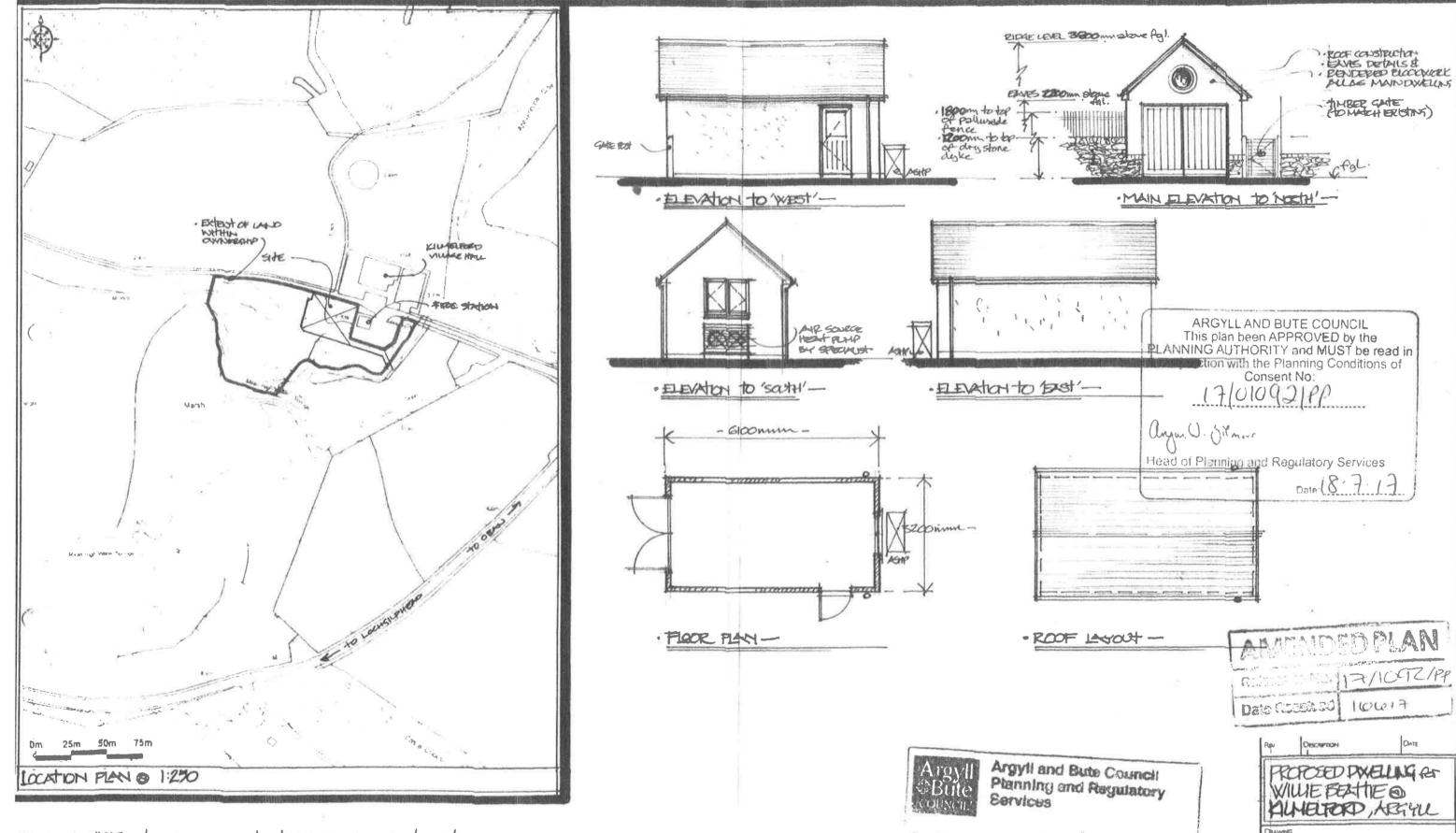
Website: www.spso.org.uk
Mobile site: http://m.spso.org.uk







Ardfern Argyll



FOR SERVICES ETC REFER CONTEXTURAL FRAM AR/239/61.

uplication ref no: 17/1092/PP 16 16C3/1801: 16 (613 17 00: Le C+ 9

PROPOSED PXELLING AST WILLIE BEATHE @ ALMELTORD, ARGYLL SITE LOCATION FLAN GARAGE DEPAILS. AKAIT SOM SINDED

AR/239/18/06

DAM SPRIL'17

Lunga Mill Ardfern Argyll

