

**From:** [Williams, Tim](#)  
**To:** ["Mr MacPherson](#)  
**Cc:** [Torrance, Jamie](#); [Parry, Mark](#)  
**Subject:** RE: Planning Application Ref 17/01269/PP [OFFICIAL]  
**Date:** 25 August 2017 11:28:09  
**Attachments:** [image001.jpg](#)

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**Classification: OFFICIAL**

Dear Mr MacPherson,

Thank you for your email of 23<sup>rd</sup> August. Mr Reppke has already advised you of the formal arrangements to review the non-determination of your planning application. In the meantime, I thought it would be helpful to respond to the specific comments you raise.

Firstly, whilst I apologise for the continued delay in determining your retrospective planning application, the reason for this, as I explained to you on the telephone, is because we were trying to explore whether it might be possible to achieve a positive outcome for you by negotiating with our colleagues in Environmental Health. Whilst the prescribed 8 week determination period has now lapsed, it remains entirely possible for us to determine your planning application within the early part of this coming week. I am happy to give you my commitment to undertake this and issue a refusal of planning permission should a decision be your main focus, as appears to be the case given your request for a review into the non-determination of the planning application. – I would be grateful for your early clarification of this.

Secondly, it is noted that this planning application was generated following an ongoing planning enforcement investigation. Usually, an applicant for a prospective development requiring planning permission would engage with the Planning Authority informally through our long-established (and currently free-of-charge) 'pre-application advice' service in order that we might offer helpful professional advice and support which would, in this case, have included an early identification of any likely development constraints (such as proximity to neighbouring property and the consequent potential for environmental nuisance issues) and therefore given us an opportunity to suggest amendments/modifications to the proposed development before the planning application is submitted and certainly before construction commenced. We were not afforded this opportunity in this case and this, at the very least, makes the effective handling of the retrospective planning application more difficult and, consequently, more time consuming.

I accept, however, that you would have benefitted from earlier communication of the current environmental health concerns and from a more realistic explanation of the very real possibility that your application might not be supported. I apologise for this. I also offer my apologies for our failure to request from you your agreement to an extension of time to enable us to continue our deliberations towards attempting to achieve a more positive outcome.

I accept that the Planning Authority reserves the right to assume a 'no objection' response should a consultee not provide comments within a prescribed timescale. The purpose of the letter you reference is to remind consultees (and other interested parties) of our usual deadlines. In practise, however, the Planning Authority cannot and will not ignore comments if they are received before a planning application is actually determined – even if they are received 'late'. To do so would be both professionally and procedurally incorrect and could lead to any

such decision being subject to legal challenge.

You enquire regarding any 'criteria normally applied to Wood Burning Hot Tubs or in fact any Wood burning stove in Scotland or indeed Argyll and Bute'. I am not aware of any specific criteria; certainly not within associated planning legislation or guidelines. I can, however, inform you that wood smoke does have the potential to cause nuisance to private residential amenity if not properly controlled and that potential loss of residential amenity is a material planning consideration in the determination of a planning application.

You have requested a site meeting with a planning officer and with Mr Parry. I can inform you that Mark Parry and Jamie Torrance have agreed to meet with you to discuss the ongoing difficulties with your planning application. I have asked Jamie to liaise with you towards arranging a site meeting as soon as possible. I must, however, remind you that any such meeting will lead to further delays in the determination of your planning application and I must request your agreement to this before any such meeting can be progressed. In addition, whilst we remain happy to continue our negotiations towards the potential of securing a more positive outcome, it is by no means certain that such an outcome can or will be achieved. Your development poses material planning concerns and the ability to appropriately reduce or remove those concerns has been severely hampered by the retrospective nature of the planning application and the lack of any pre-application discussion.

I hope this helps explain our position.

Yours sincerely,

**Tim Williams**  
Area Team Leader (Oban,Lorn and the Isles)  
Development Management  
Planning and Regulatory Services  
Argyll and Bute Council

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Argyll and Bute - *realising our potential together*



## Argyll and Bute - Realising our potential together

**From:** Microsoft Customer Support [mailto:macphed@btinternet.com]

**Sent:** 23 August 2017 17:57

**To:** Reppke, Charles <Charles.Reppke@argyll-bute.gov.uk>

**Cc:** Torrance, Jamie <Jamie.Torrance@argyll-bute.gov.uk>; Parry, Mark <Mark.Parry@argyll-bute.gov.uk>; Williams, Tim <Tim.Williams@argyll-bute.gov.uk>

**Subject:** Planning Application Ref 17/01269/PP

Mr Charles Reppke,

As per the advice in the Planning and Validation Team letter dated 14th June 2017 I request a review into the non determination of my application Ref 17/01269/PP (Installation of hot tub and associated decking). I am aware that I am now 10 days past the expected determination date and that this request for a review is time limited.

As per the advice in the above mentioned letter I did in fact contact my local Office in Oban last week on the 17th August and was advised by Jamie Torrance the he had completed his work and that the application was with his Team Leader Tim Williams, Jamie suggested that I should make contact again this week if I had heard nothing, this we duly did, we made several calls to the Office but were unable to speak to anyone. My wife did however call at the Office yesterday afternoon and had a conversation with Tim Williams. It was at this meeting, which I joined by phone, that Mr Williams showed the Memo from Mr Mark Parry Environmental Health Officer (copy attached) I note that the Memo was dated 3rd August and that we were made aware of it yesterday 22nd August.

I do not recognise the description of the Hot Tub smoke as mentioned in the complaint letter from Mr and Mrs Carss, paragraph 4, however it would appear that Mr Mark Parry has taken this description at face value, notwithstanding the many other erroneous statements and facts contained in that letter. Therefore in order to ascertain the actual situation I formally request a site visit by Mr Mark Parry and someone from the Oban Planning Office. I would be grateful if this site meeting could be arranged for a mutually convenient time, note it takes about 4 hours to fill the Hot Tub and the fire cannot be ignited until the tub is full so 24 hours notice would be useful.

I have gleaned from the Argyll and Bute Planning website, Document No 21621962 ECONS Electronic Consultation that if no reply was received from Environmental Health before 25th July then the assumption would be that there was no objection to the proposal. I am interested as to the purpose of this letter and why it was deemed irrelevant in this case.

It might also be useful to have some idea of the criteria normally applied to Wood Burning Hot Tubs or in fact any Wood burning stove in Scotland or indeed Argyll and Bute. Wood being a carbon neutral fuel much encouraged by our Government.

Regards  
Donald MacPherson

Tel

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