



Further Submission on behalf of

Dawn Anderson

in respect of

App Ref: 23/01046/PP

LRB Ref: 24/0005/LRB

Anderson Strathern LLP
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Ref: AND0724.0001/CUD

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1. Introduction

- 1.1. We act on behalf of Ms Dawn Anderson (“**the Appellant**”).
- 1.2. The Appellant has appealed Decision Notice 23/01046/PP for proposed alterations to widen driveway (the “**Application**”) at 50 Charlotte Street, Helensburgh (“**the Property**”).
- 1.3. Planning Permission was sought on the 30 May 2023 and Argyll & Bute Council’s resultant refusal is dated 11 December 2023.
- 1.4. On 16 May 2024, the Local Review Body resolved to grant planning permission but requested that planning conditions be proposed by the parties for that purpose. This document is the Appellant’s response to the conditions proposed by the Council.

2. Response to submission made by Planning Authority

- 2.1. The Appellant makes two comments in respect of the Council’s Response to the LRB’s Request for Further Information.
- 2.2. First, in terms of the two planning conditions that the Council has proposed, the Appellant is content that these proposed conditions be applied to any planning permission that may be granted. The Appellant’s only comment in respect of these conditions is that there appears to be a typo in proposed condition 2 where “31st May 2024” should read “31st May 2023”.
- 2.3. Second, the Appellant notes the following in the Response to Request for Further Information:

We have provided the standard conditions below but it should be noted there are fundamental issues of road safety which the LRB will be required to consider in their deliberation. If the LRB were minded to grant approval then they will require give consideration whether further conditions to mitigate or amend the proposal are necessary to safeguard the safety of all road users including pedestrians (wheelchair/prams).
- 2.4. In this regard we refer to the Minute of the LRB meeting on 16 May 2024 which states that the LRB resolved to:
 1. request that the Planning Department provide draft conditions to be attached to the application should the Local Review Body determine that it is appropriate to approve the Notice of Review Request; and
 2. continue consideration of the Notice of Review Request to allow Members to seek advice on preparing a competent Motion to approve.
- 2.5. The Council, the Appellant and Interested Parties were directed by the LRB pursuant to the 16 May 2024 meeting of the LRB to produce draft conditions to be applied to any planning permission that the LRB may approve. By the Request for Further Information, the Council has had the opportunity to propose draft conditions that would address any safety concerns that it has and that should be brought to the attention of the LRB. The Council has not done so despite this direction of the LRB to produce such draft conditions if considered necessary or appropriate.

- 2.6. Further, as has been expressed in previous submissions, fundamentally the use of the land does not change. The Application has alternatively been described in previous submissions as follows:
- 2.6.1. Resurfacing of the vehicular driveway to the Property; and
 - 2.6.2. Installation of cobbled path for dedicated pedestrian access/egress to the Property.
- 2.7. In other words, the vehicular use of the land is not changing. The widening is to accommodate more direct pedestrian access/egress. Consequently, the Appellant does not consider that any safety issues arise as a result of the Application should the LRB be minded to approve.
- 2.8. Given the above, with particular reference to the Council's failure to produce any draft conditions associated with safety, in the Appellant's submission no conditions related to safety are necessary.

3. Conclusions

- 3.1. Subject to amending proposed condition 2 to address the typo that has been identified, the Appellant agrees with the two proposed conditions and would be content to see them imposed on any planning permission should the LRB be minded to grant permission. Over and above the two proposed planning conditions, the Appellant does not consider that any further planning conditions are needed.

4. Documents

- 4.1. No further documents are lodged with this submission.

Anderson Strathern LLP
11 June 2024