

9. **LRB 529** – Notice of Review Against Refusal of Full Planning Permission for Erection of Gate at The Market Arms, 5 High Shore, Banff, Aberdeenshire, AB45 1DB – Reference: APP/2021/0404.
 - (i) Notice of Review, Review Statement and Supporting Documents as submitted by the Agent.



Viewmount Arduthie Road Stonehaven AB39 2DQ Tel: 01467 534333 Email: planningonline@aberdeenshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100339777-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Mantell Ritchie		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Michael	Building Name:	
Last Name: *	Ritchie	Building Number:	27A
Telephone Number: *	01261 812267	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Banff
Fax Number:		Country: *	Scotland
		Postcode: *	AB45 1AN
Email Address: *	admin@mantellritchie.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="The Market Arms"/>
First Name: *	<input type="text" value="Iona"/>	Building Number:	<input type="text" value="5"/>
Last Name: *	<input type="text" value="Sim"/>	Address 1 (Street): *	<input type="text" value="High Shore"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Banff"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB45 1DB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="admin@mantellritchie.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeenshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="THE MARKET ARMS"/>
Address 2:	<input type="text" value="5 HIGH SHORE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BANFF"/>
Post Code:	<input type="text" value="AB45 1DB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="864036"/>	Easting	<input type="text" value="368999"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Full Planning Permission for Erection of Gate at The Market Arms, 5 High Shore, Banff, Aberdeenshire, AB45 1DB

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Supporting Statement; Drawing Nos. 20129 LP, 01A and 02

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

APP/2021/0404

What date was the application submitted to the planning authority? *

24/02/2021

What date was the decision issued by the planning authority? *

03/06/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site inspection request to show that fitting of gates will not impact access through the property.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Michael Ritchie

Declaration Date: 16/08/2021

Proposal Details

Proposal Name	100339777
Proposal Description	Proposed Gates
Address	THE MARKET ARMS, 5 HIGH SHORE, BANFF, AB45 1DB
Local Authority	Aberdeenshire Council
Application Online Reference	100339777-003

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
20129 LP	Attached	A2
20129 01A	Attached	A2
21029 02	Attached	A2
Supporting Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0



SUPPORTING STATEMENT

The Market Arms, Banff

The proposed development is to reinstate gates to the pend at The Market Arms, Banff.

Listed Building Consent has been granted for the gates as they have been designed to tie in with the gates that were originally fitted and to tie in with comments from Shaun Norman, Environment Planner, with curved tops so that people can see through the pend.

The gates are proposed to not only take the building back to its former state but to create a definition of the licensed area as during Covid 19 restrictions a license for outside drinking was approved and this is now to be a permanent arrangement for The Market Arms. The gates therefore will define the extent of this outside licensed area.

The gates will not be locked so at no time will access through the pend be restricted. In fact, one leaf of the gates will always be open.

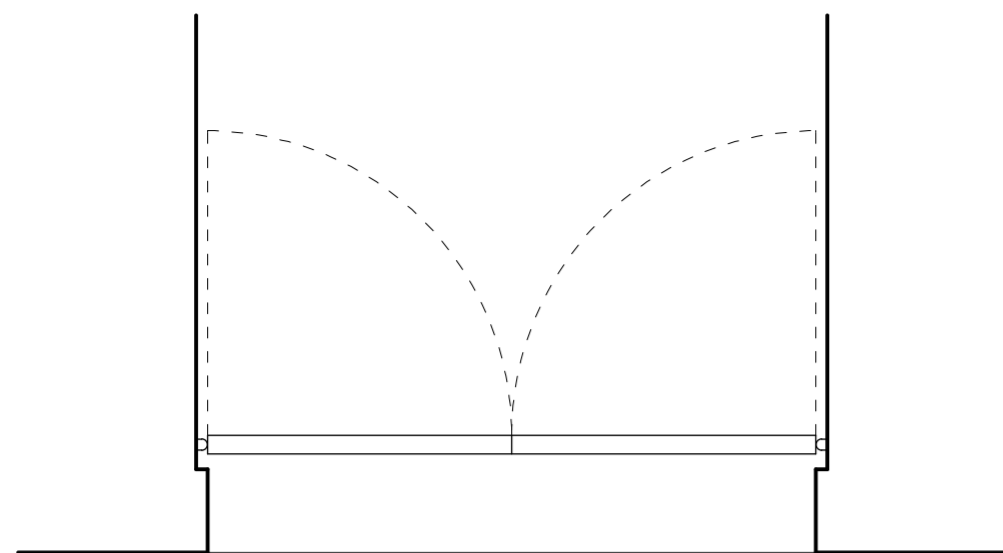
The only issue is that the Environmental Team wish a sign to be fitted to the gate stating, 'Right of Way'. As one leaf of the gates will always be open and there are no locks on the gates, we do not see the need for this signage as we are not aware of anywhere in Aberdeenshire where a 'Right of Way' has signage and there is no signage to the pend currently and as noted the gates will never have both leaves closed.

At the Banff & Buchan Area Committee for the Listed Building Consent one of the local councillors (who is a legal expert) even stated that they were not aware of the requirement in law for a 'Right of Way' to be signed.

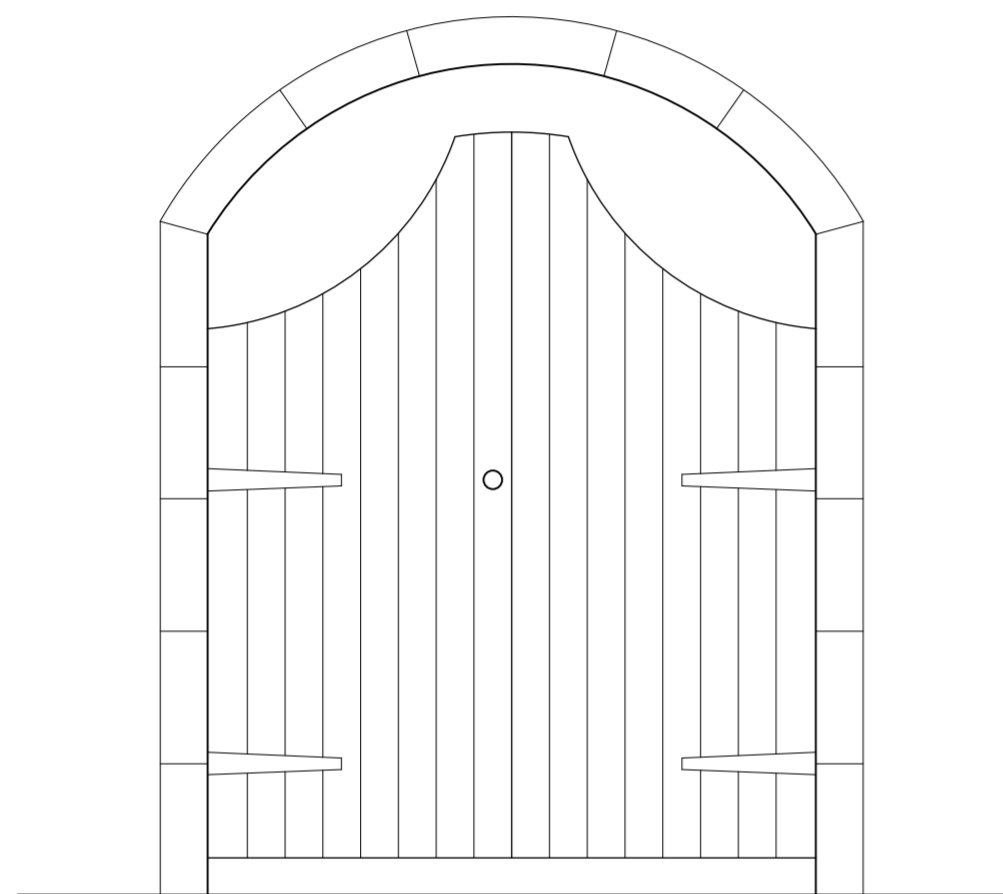
We can confirm fitting of the gates and the design of the same has already been supported by Aberdeenshire Council via the Listed Building Consent approval.

We trust therefore that the appeal can be upheld and the approved granted for the gates without signage.

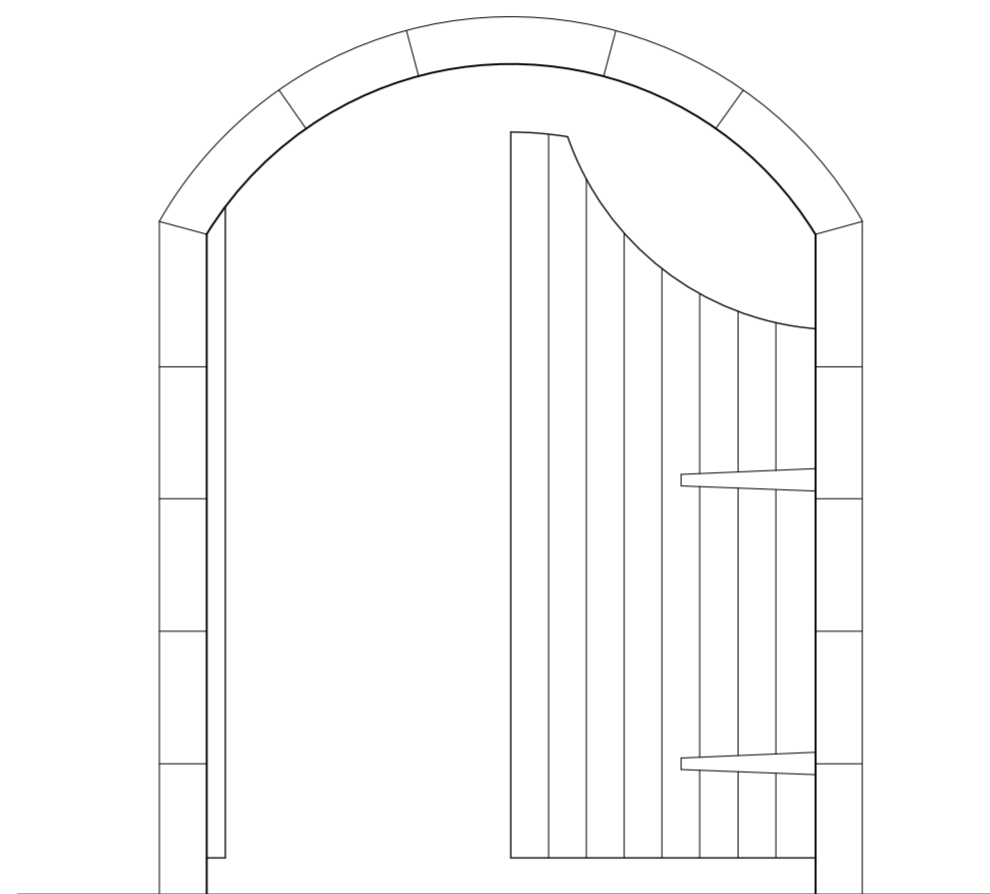
Please note one of the issues not already mentioned is that cyclists and even motorcyclists drive through the site and the gates will help to slow them down as the speeds they currently pass through the site and pend is excessive and has already caused some near misses for pedestrians and even members of public using the external licensed area.



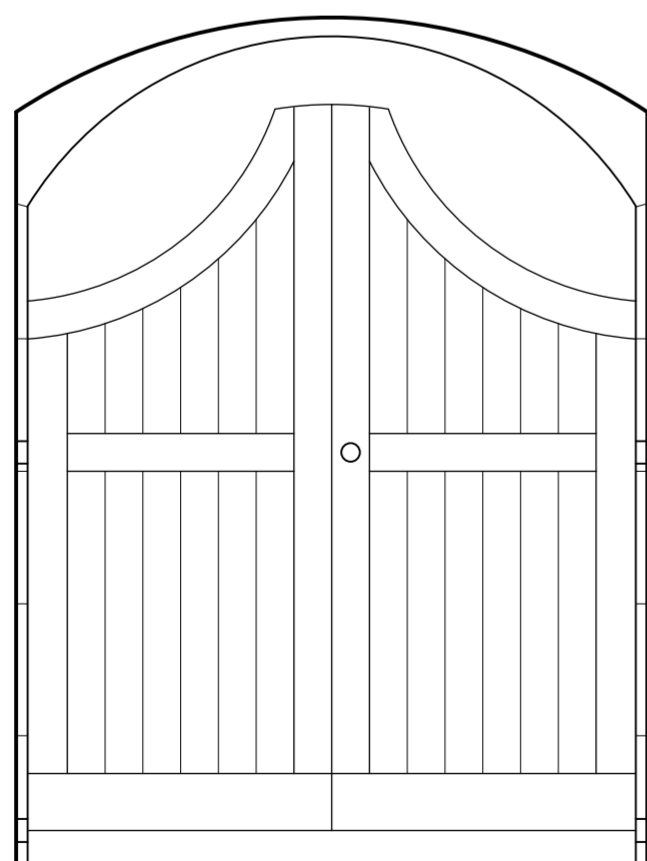
Plan. 1:20



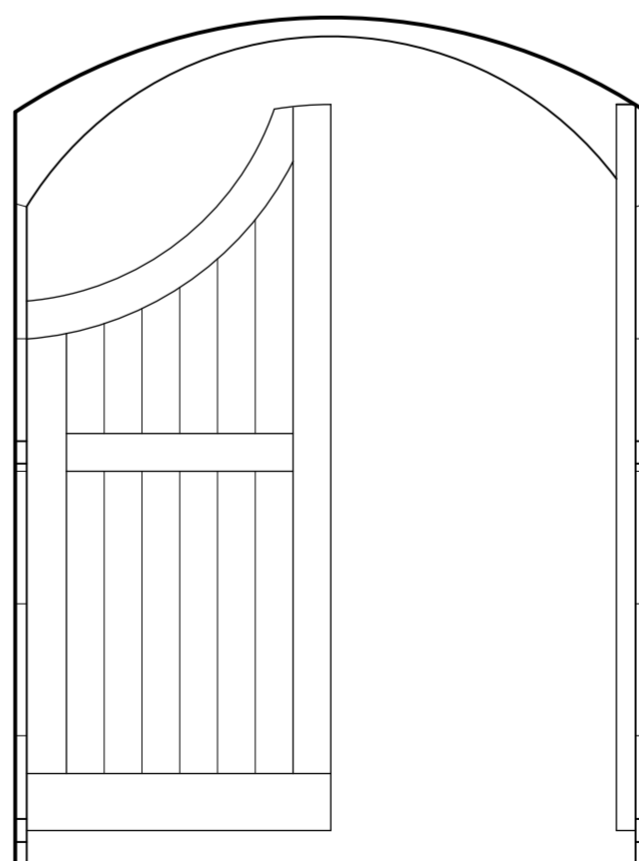
High Shore Elevation
(With Both Leaves Closed) 1:20



High Shore Elevation
(in Normal Operation) 1:20



Internal Elevation
(With Both Leaves Closed) 1:20



Internal Elevation
(in Normal Operation) 1:20

FINISHES

Gates Timber - Painted Black
Ironmongery Black Japanned Cast Iron

No	Revisions	Date	Initials
A	Applicant Details Revised	22.02.21	MR



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project
**The Market Arms,
5 High Shore, BANFF.**
Proposed Reinstatement of Gates
for
Ms I Simm

content
Plan and Elevations

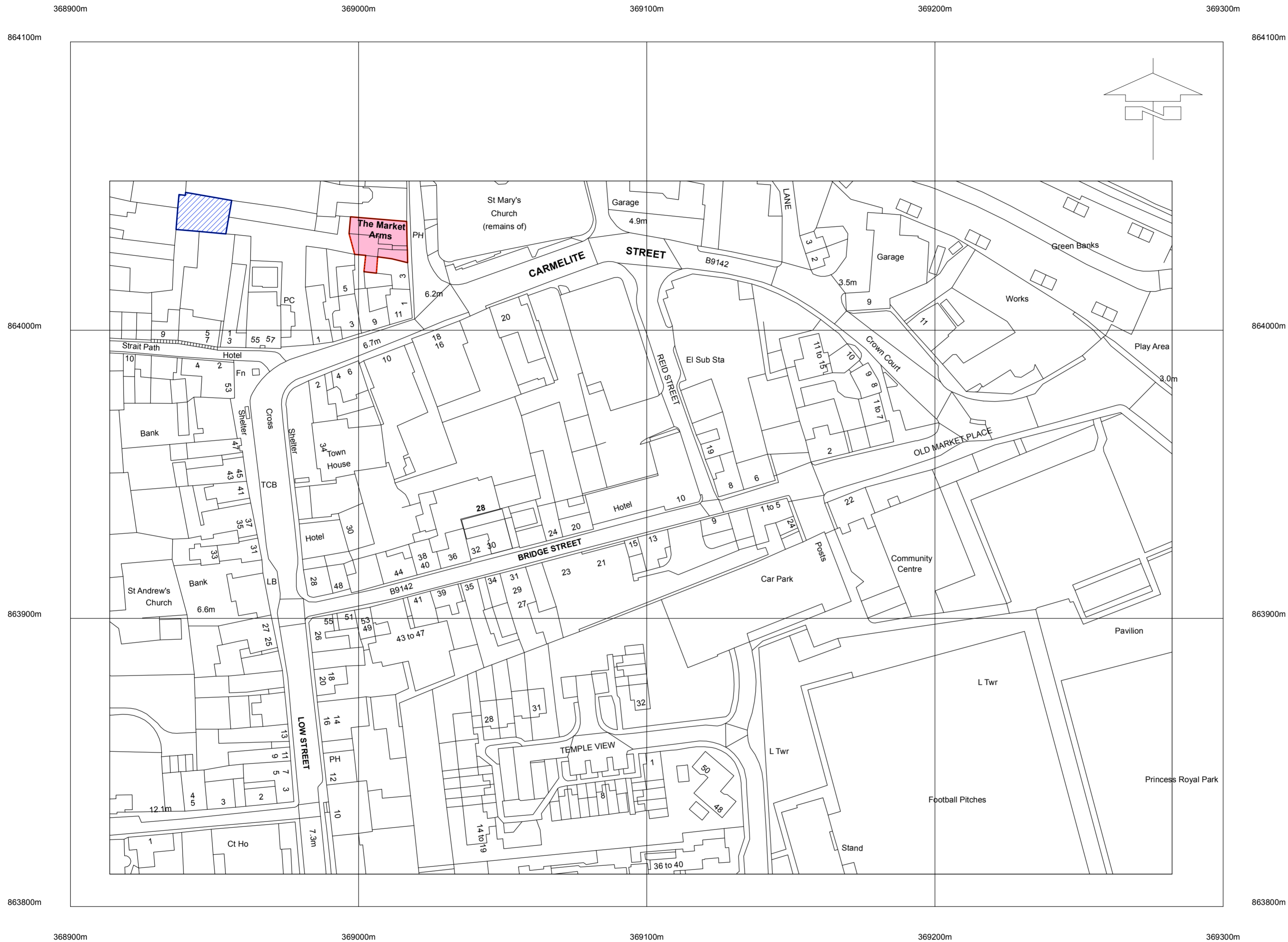
scales
1:20

drawn by MR	size A2	date 10.12.20
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ref **20129**

01A

3/11



Location Plan 1:1000

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FINISHES

Gates Timber - Painted Black
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No	Revisions	Date	Initials



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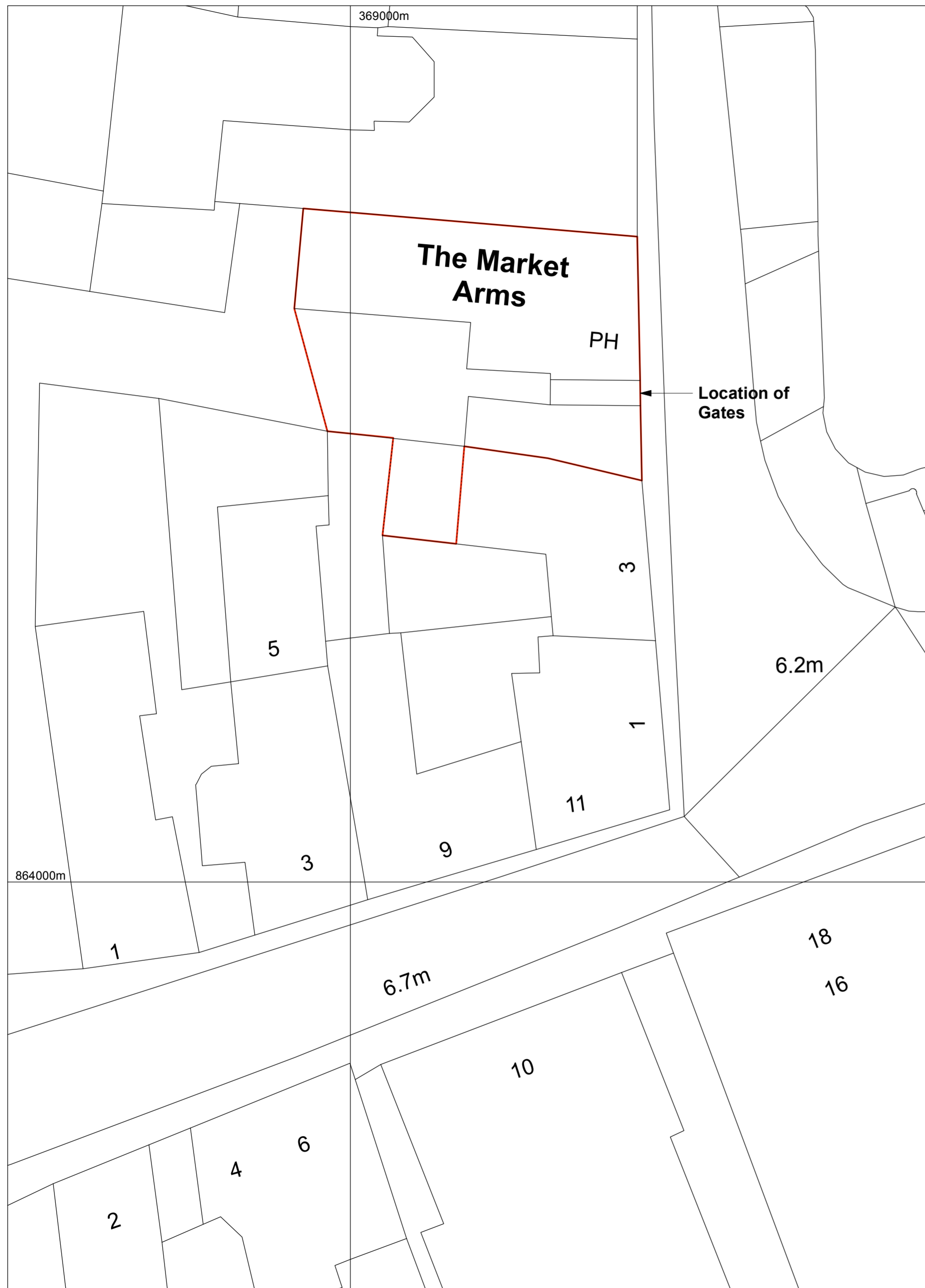
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**The Market Arms,
 5 High Shore, BANFF.**
 Proposed Reinstatement of Gates

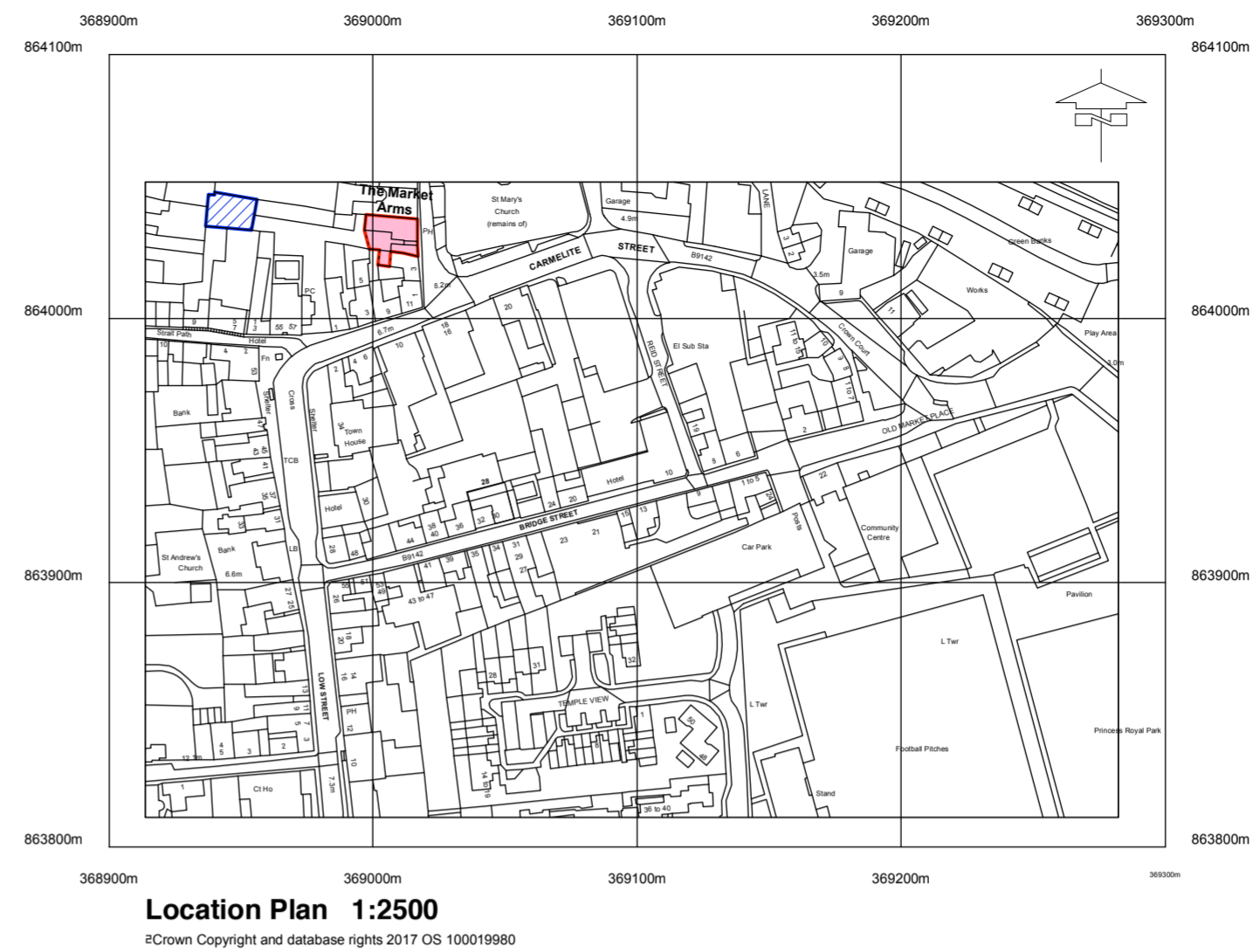
for
Ms I Simm

content Location Plan		
scales 1:1000		
drawn by MR	size A2	date 22.02.21

ref **20129** **LP**
 342



Site Layout Plan. 1:200



FINISHES

- Gates Timber - Painted Black
- Ironmongery Black Japanned Cast Iron

No	Revisions	Date	Initials

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RITCHIE**
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Proposed Reinstatement of Gates

for
Ms I Simm

content
Location and Site Layout Plans

scales
1:2500, 1:200

drawn by	size	date
MR	A2	22.02.21

ref	20129	02 343
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