

Wm Beattie
Sona House
Kilmartin
Argyll
PA31 8RQ

30/Oct 2017

ATT REVIEW COMMITTEE

Dear Sirs,

Firstly thank you very much in advance for taking the time to carefully consider the review of 17/0007/LRB , I have attached documents that I feel are relevant to this unfortunate case . I feel that from the very start of this whole horrible mess I have been heavily penalised by the roads department based in lochgilthead. The officer who was dealing with it at the start is a local neighbour of mine here in Kilmartin and made it very clear (verbally) to other locals (in the public house) that he would be doing all he could to get my wall removed ,I was made aware of this gossip 'before' I had any official notification ,for reasons un known to myself . The only explanation for this unprofessional conduct must surly be 'personal'.

Unfortunately this same road officer made a uninvited visit to my home address at 10.30 PM he was either intoxicated or had taken other substances ,he was very agitated and threatening in my own home, he repeatedly told me the wall was coming down and if I were to make any complaints to the council then they would be pointless as he it 'sorted' , I asked him repeatedly to leave my house and eventually to my relief he left.

I immediatly called the police they arrived very promptly took a statement from me and also visited him at his address making it very clear that he was not to revisit my property, this is all fully recorded with police.

I have made formal complaint and being 'frank ' all I have had in return is a feeling that the whole department are dismissing this very serious situation and are basically toeing the official line whilst hoping that it will all go away, the implications of the way things have been handled thus far are really very alarming to me and others , it suggests that within the department at seemingly all levels there is a culture not befitting the office and positions held within the council 'this is sadly very wrong'

I very much regret building the wall without going through the proper procedures however as ive stated throughout iam prepared to enter into a legal agreement so that if the wall has to be moved for road widening or whatever ,then the additional 400MM could be achieved .

Iam very much looking forward to your review of this case it has cost me a great deal of stress which has affected my health and well being but I still feel that this matter was allowed to escalate for the above reasons

Respectfully Willie Beattie.



Local Review Board
Argyll and Bute Council.

OVERVIEW OF REVIEW REQUEST

Further to comments received and in support of our request for review of the Road Conditions imposed on our Approved Planning Application ref 17/ 01092/PP we would stress the following.

Service bay.

The Roads department have NOT been consistent contrary to submitted statement by Linda's Davidson.

Both Brian Rattery AND Mr Stuart Watson confirmed the waiving of the standard service bay requirement in light of the adjacent configuration.

Ref enc email from Mr S Watson and drwg nos AR/239/B/08 and AR/239/B/02 rev A. The latter drwg was amended and submitted to Planning as a result of the roads dept agreement.

Planning indicated to me that they had " no issues " with the wall however it was configured. To the agreement of roads and my client a pedestrian access is to be formed in the slightly reconfigured wall as delineated and APPROVED.

With further ref to Mr Stuart Watson's email I am unaware of any representation from the local community council with regard to the wall. I would be interested to see the evidence for his assertion.

The initial service bay requirement was imposed on the sites previously approved proposal ...which was for a commercial enterprise. We have successfully achieved a residential use for this site which benefits from a boundary wall. As a residential site it is seriously constricted in the available land as it is bounded by the road and sea.

We have to maintain the existing tree screen to the sea side (rear) and the standard service bay would significantly impinge upon turning and parking within the site in terms of the now Approved Plans.

The only issue to resolve therefore is the width of the verge as existing.

The wall as existing allows for a verge of some 1300-1600mm where 2000mm is being insisted upon.

The existing restrictive constructions referred to in our earlier submission relates to the adjacent bridge which has 1400mm " verges" therefore should the roads dept require to widen the road they would first have to reconstruct this bridge.

Beyond the site the road skirts the Loch Head and so the roads dept would have to be prepared to instal a sea barrier and embankment build up should the road be widened. There is also road signage some 1400mm from the existing carriageway edge.

In view of the above it is surely ridiculous , if not vindictive to insist that Mr Beattie should deconstruct his wall for the sake of some 400mm?.

As for site lines these are easily achieved as is - however further amendments to the site access point, were agreed and are shown on drwg no AR/239/B/08.

Notwithstanding all of the above Mr Beattie has agreed to enter into a section 75 agreement allowing the wall to be moved in future should the roads department ever require the full 2000mm verge width.

In my view this would solve the current impasse and negate the need for appeal.

Yours Sincerely


AKMcIlvride
Agent for the above application.

AK McIlvride
The Studio
Lunga Mill
Ardfern
PA31 8UU

30th October 2017

Local Review Body
Customer Services
Argyll and Bute Council
Kilmory
PA31 8RT

Dear Sirs:

REQUEST FOR REVIEW 17/0007/LRB

Comment with regard to: Amendment of Condition 2 of Planning Permission 17/01092/PP dated 10/10/17

Condition 2 requires:

- i. Access formation to SD/08/004a
- ii. Visibility splays
- iii. Wall to be set back 2 metres (some 400mm in real terms from current position)

In terms of Section 25 of the T&CP Act 1997 we would contend that:

- i. The Access formation is not required due to the adjacent formation as agreed on site with Brian Rattray and subsequently confirmed by Stuart Watson (Traffic and Development Manager)
- ii. Visibility Splays are achievable within the existing formation. The site ground level has to be raised due to flood risk
- iii. The wall to be dismantled and re erected some 400mm further into the site. This is completely inappropriate in consideration of the road restrictions along the road, especially when considering the bridge restrictions and shore side location of the road. (The enclosed photographs highlight this.)

Further, with reference to the recent letter from Lyndis Davidson:

- i. The planning conditions issued by the Roads Department have NOT been consistent (ref letter from Stuart Watson)

- ii. The proposals for the site have changed from Initial Commercial Approval to Current Domestic Approval
- iii. Ms Davidson refers to a 'preferred' 2m service strip – the wall in current position affords some 1400mm
- iv. The wall was built after initial planning consultation and my client agrees to enter into a Section 75 Agreement to allow for any future road widening, if the enlargement of the bridge and land reclamation to Loch Melfort is proposed to facilitate such widening.

Yours faithfully



AK McIlvride

Enclosures:

Drawings: AR/ 239/B/0826

AR/ 239/B/02A

Email from Stuart Watson dd 30.6.17

Response from Cllr D Philand dd 26.10.17

Overview from AK McIlvride dd 30.10.17

Photographic representation of site

From: wbeattie7@aol.com
Subject: Fwd: planning application 17/1092/PP
Date: 26 Oct 2017, 11:05:02
To: akmcilvrive@yahoo.co.uk

-----Original Message-----

From: Philand, Dougie <Dougie.Philand@argyll-bute.gov.uk>
To: 'wbeattie7@aol.com' <wbeattie7@aol.com>
Sent: Thu, 26 Oct 2017 1:49
Subject: Re: planning application 17/1092/PP

Dear Sir/Madam I am writing in support of Mr William Beattie and his planning application 17/1092/PP. I was contacted by Mr Beattie regarding the outcome of an application he submitted and in particular relating to an issue of the erection of a wall round his property. I visited the property and witnessed the wall in its current position. I have to say the area in question is a very rural area with little development close by. There is a single track road with passing places which would take a huge amount of money to upgrade for any future proposals. I mention this as the situation of the wall has been commented by the roads department to be unsuitably placed because of the potential of future developments. If the committee are minded to visit the site you will be able to determine how punitive this condition is in relation to the wall. I do believe that a section 75 condition could be used to future proof any potential development in the area which I believe Mr Beattie would be happy to accept rather than demolish a wall for the sake of future possible development in the area. The wall is extremely well built and in keeping with many walls in Argyll and I do believe that in relation to walls and roads there is legislation which supports a more sympathetic approach to development of such circumstances in rural areas.

I fully recognise that to build a wall before planning consent is granted can lead to difficulties however in this case I do believe that a sympathetic approach to this case would be a most welcome outcome for this specific case.

I would hope the panel are of a mind to be sympathetic to the legislation available to them to be more pragmatic in a rural area and look forward to your deliberations.

Kind Regards

Councillor Douglas Philand
Argyll and Bute First: Time for Change
Oriago
32 Fernoch Crescent
Lochgilphead
Argyll
PA31 8AE
Tele: 01546604114
Calls diverted to Mobile below
Mob: 07920501382

Argyll and Bute Council classify the sensitivity of emails according to the Government Security Classifications.

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not disclose, copy or deliver this message to anyone and any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful.

In such case, you should destroy this message and kindly notify the sender by reply email. Opinions, conclusions and other information in this message that do not relate to the official business of Argyll and Bute Council shall be understood as neither given nor endorsed by it.

All communications sent to or from Argyll and Bute Council may be subject to recording and/or monitoring in accordance with relevant legislation.

This email has been scanned for viruses, vandals and malicious content.

From: wbeattie7@aol.com
Subject: Fwd: 17/01092/PP [OFFICIAL]
Date: 24 Oct 2017, 19:39:04
To: akmcilvrive@yahoo.co.uk

-----Original Message-----

From: Watson, Stuart <Stuart.Watson@argyll-bute.gov.uk>
To: 'wbeattie7@aol.com' <wbeattie7@aol.com>
Sent: Fri, 30 Jun 2017 11:31
Subject: 17/01092/PP [OFFICIAL]

Classification: OFFICIAL

Dear Mr Beattie

Following our conversation on 27 June 2017 and in reference to your Planning Application, Reference 17/01092/PP, I can confirm that I have reviewed Brian Rattrays, Traffic & Development Technical Officer for Oban, Lorn & The Isles, comments and advise the following:

- That Brian agreed to waive the requirement for a service bay by allowing the passing place adjacent to the fire station to be utilised instead;
- That the wall should be taken down and moved to retain a 2 metre verge along the carriageway:
 - § This allows the Council, as the Roads Authority, to maintain control for any future development or improvements to the road infrastructure, including use by Public Utilities;
 - § The walls current position and height does not allow sufficient sightlines to be achieved from the access to the public road;

I would further note that the Community Council have also raised concerns in regards to the position of the wall. * WE HAVE SEEN NO SUCH REPRESENTATION.

As you may be aware and assuming Planning grant permission, you have the right of appeal within three months from the date of the notice.

Regards

Stuart Watson
Traffic & Development Manager
Argyll and Bute Council

Tel. 01546 604 889

Email:- stuart.watson@argyll-bute.gov.uk

From: **Andy Mcilvrde** akmcilvrde@yahoo.co.uk
Subject: **Photograph #1**
Date: **30 Oct 2017, 19:30:37**
To: **Andy Mcilvrde** akmcilvrde@yahoo.co.uk
Cc: **William Beattie** wbeattie7@aol.com

Showing restricted road width and 1400mm "verge" to adjacent bridge on the approach to site.



Sent from my iPhone



From: **Andy Mcilvrde** akmcilvrde@yahoo.co.uk
Subject: **Photograph # 2**
Date: **30 Oct 2017, 19:35:07**
To: **Andy Mcilvrde** akmcilvrde@yahoo.co.uk
Cc: **William Beattie** wbeattie7@aol.com

Showing width of verge as existing adjacent to site and subsequent road restriction adjacent to Loch head.
Also shown is a new access to commercial woodland operation.

Sent from my iPad





From: **Andy Mcilvrde** akmcilvrde@yahoo.co.uk
Subject: **Photograph #3**
Date: **30 Oct 2017, 19:39:34**
To: **Andy Mcilvrde** akmcilvrde@yahoo.co.uk
Cc: **William Beattie** wbeattie7@aol.com

**Extent of existing site access which will be increased to allow vehicles accessing site to draw completely from the road.
Note proximity of existing splay to opposite side of carriageway.**



From: **Andy Mcilvride** akmcilvride@yahoo.co.uk
Subject: **Photograph # 4**
Date: **30 Oct 2017, 19:43:25**
To: **Andy Mcilvride** akmcilvride@yahoo.co.uk
Cc: **William Beattie** wbeattie7@aol.com

**Extent of existing bridge construction constrains all future road widening.
Existing "verge" (pavement) restricted to some 1400 mm.**



From: **Andy Mcilvrde** akmcilvrde@yahoo.co.uk
Subject: **Photograph#5**
Date: **30 Oct 2017, 19:51:01**
To: **Andy Mcilvrde** akmcilvrde@yahoo.co.uk
Cc: **William Beattie** wbeattie7@aol.com

Extent of Adjacent service bay accepted by Brian Rattray and confirmed by Stuart Watson as being acceptable for use with Application site (copy of email enc). Modification was agreed to wall to site to allow pedestrian access from this point.

Arch plan was amended and duly approved by Planning department.(enc)

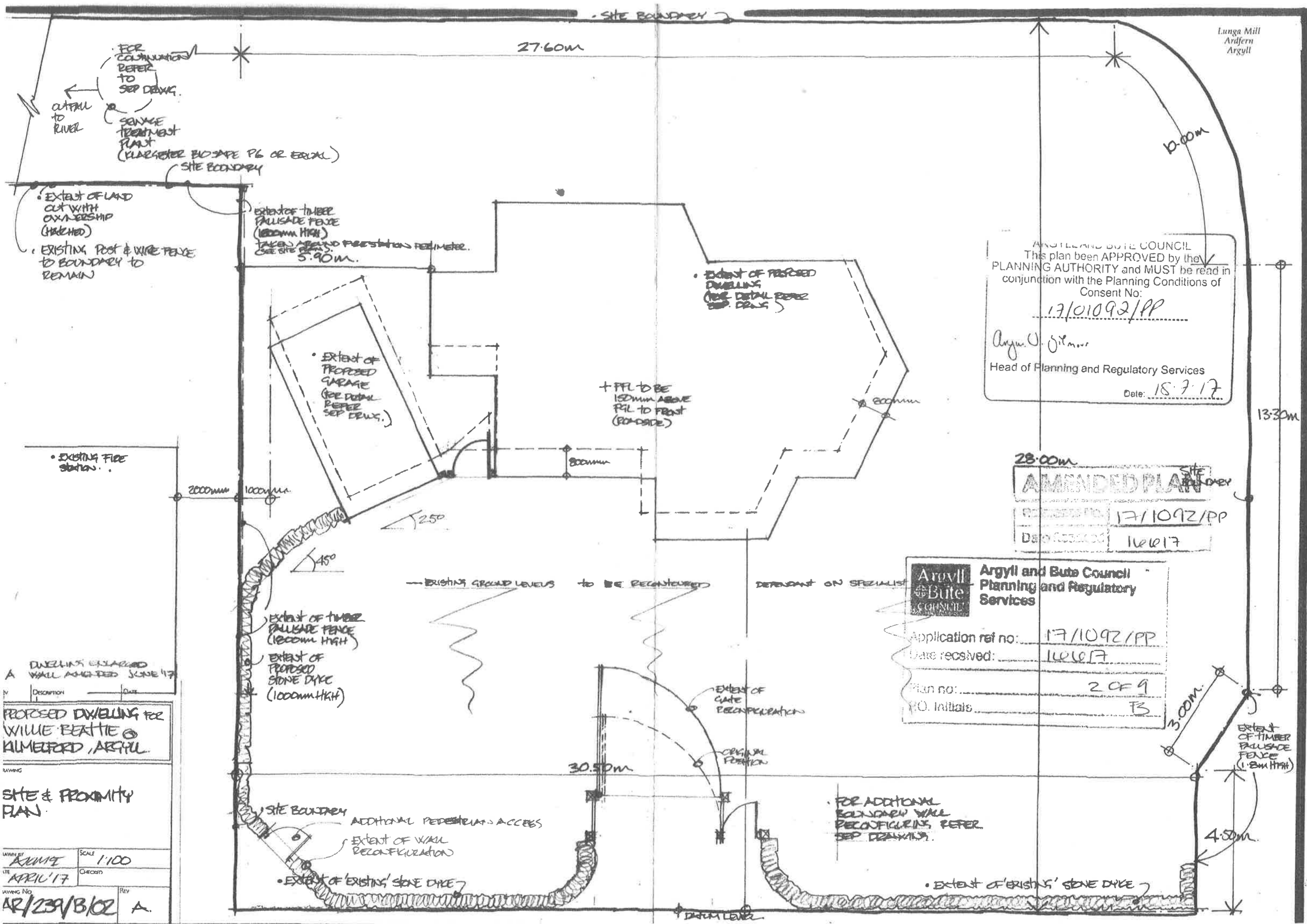


From: **William Beattie** wbeattie7@aol.com

Date: **30 Oct 2017, 18:11:21**

To: akmcilvrde@yahoo.co.uk





Lunga Mill
Ardfern
Argyll

27.60m

10.00m

13.30m

ARGYLL AND BUTE COUNCIL
This plan been APPROVED by the
PLANNING AUTHORITY and MUST be read in
conjunction with the Planning Conditions of
Consent No:
17/01092/PP
Angus O. Gilmore
Head of Planning and Regulatory Services
Date: 15.7.17

28.00m
AMENDED PLAN
Application ref no: 17/1092/PP
Date received: 16/6/17

**Argyll and Bute Council
Planning and Regulatory
Services**
Application ref no: 17/1092/PP
Date received: 16/6/17
Plan no: 2 of 9
P.O. Initials: BS

FOR CONSULTATIONS REFER TO SEP DRAWG.
OUTFALL TO RIVER
SEWAGE TREATMENT PLANT (KILGOWER BIOSAFE P6 OR EQUIV)
SITE BOUNDARY

EXTENT OF LAND CUT WITH OWNERSHIP (HATCHED)
EXISTING POST & WIRE FENCE TO BOUNDARY TO REMAIN

EXTENT OF PROPOSED DWELLING (SEE DETAIL REFER SEP DRAWG)

EXTENT OF PROPOSED GARAGE (SEE DETAIL REFER SEP DRAWG.)

+ PFL TO BE 150mm ABOVE PFL TO FRONT (ROADSIDE)

EXISTING FLD STATION

DWELLING ENLARGED
A WALL ANCHORED SCHE 17

PROPOSED DWELLING FOR WILLIE BEATTIE @ KILMEFORD, ARGYLL.

SITE & PROXIMITY PLAN

DATE: APRIL '17
SCALE: 1:100
DRAWING No: AR/239/B/02
REV: A

EXTENT OF TIMBER PALISADE FENCE (1800mm HIGH)
EXTENT OF PROPOSED STONE DYKE (1000mm HIGH)

EXISTING GROUND LEVELS TO BE RECONFIGURED DEPENDANT ON SPECIALIST

EXTENT OF GATE RECONFIGURATION

ORIGINAL POSITION

FOR ADDITIONAL BOUNDARY WALL RECONFIGURATIONS REFER SEP DRAWINGS.

ADDITIONAL PEDESTRIAN ACCESS
EXTENT OF WALL RECONFIGURATION

EXTENT OF EXISTING STONE DYKE

EXTENT OF TIMBER PALISADE FENCE (1.2M HIGH)

EXTENT OF EXISTING STONE DYKE

DRAIN LEVEL

27.60m

10.00m

13.30m

28.00m

• EXISTING TREE LINE & SITE CONTOUR / GROUND MAKE UP PREVENT PROPOSED DWELLING MOVING ANY FURTHER AWAY FROM ROAD.

OUTFALL TO RIVER

FOR COMMUNICATIONS REFER TO SEP DRAWG.

SEWAGE TREATMENT PLANT (KLEBERER BIOSAFE PG OR EQUAL)

SITE BOUNDARY

• EXTENT OF LAND CUT WITH OWNERSHIP (HATCHED)

• EXISTING POST & WIRE FENCE TO BOUNDARY TO REMAIN

• EXTENT OF TIMBER PALLISADE FENCE (1800mm HIGH)

TAKEN AROUND FIRE STATION PERIMETER. SEE SITE PLAN 5.90m.

• EXTENT OF PROPOSED DWELLING (FOR DETAIL REFER SEP. DRAWG.)

• EXTENT OF PROPOSED GARAGE (FOR DETAIL REFER SEP DRAWG.)

+ FFL TO BE 150mm ABOVE FFL TO FRONT (ROADSIDE)

• EXISTING FIRE STATION

2000mm

1000mm

25°

45°

EXISTING GROUND LEVELS TO BE RECONTOURED

DEPENDANT ON SPECIALIST REPORT

B ROADS DEPT STD ACCESS SHOWN DOTTED.

A DWELLING ENLARGED WALL ANCHORED JUNE 17

Description Date

PROPOSED DWELLING FOR XILLIE BEATTIE @ ILMELFORD, ARGYLL

WNC

SITE & PROXIMITY PLAN

SCALE 1:100

CHECKED

APRIL 17

REV

R/23/B/02

AB.

• EXTENT OF TIMBER PALLISADE FENCE (1800mm HIGH)

• EXTENT OF PROPOSED STONE DYKE (1000mm HIGH)

• EXTENT OF GATE RECONFIGURATION

ORIGINAL POSITION

• EXTENT OF 'STANDARD' ACCESS SD 08/004 a.

SITE BOUNDARY

ADDITIONAL PEDESTRIAN ACCESS

• EXTENT OF WALL RECONFIGURATION

• EXTENT OF 'EXISTING' STONE DYKE

• FOR ADDITIONAL BOUNDARY WALL RECONFIGURINGS REFER SEP DRAWINGS.

• EXTENT OF 'EXISTING' STONE DYKE

3.00m

• EXTENT OF TIMBER PALLISADE FENCE (1800mm HIGH)

4.50m

DRAIN LINE