

8. **LRB 438** – Notice of Review Against Refusal of Planning Permission in Principle for Erection of 4 Dwellinghouses at Ground Adjacent to Blackpots Cottage, Whitehills, Aberdeenshire, AB45 2JN – Reference: APP/2018/2393.

(iv) Applicants/Agent's Response to Objections to the Notice of Review.





Viewmount Arduthie Road Stonehaven AB39 2DQ Tel: 01569 690544 Email: [planningonline@aberdeenshire.gov.uk](mailto: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 100137731-004

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.

### Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

### 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:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Sarah	Building Number:	43
Last Name: *	MacRury	Address 1 (Street): *	Braeside Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 7TX
Fax Number:			
Email Address: *			

## Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? \*

Yes  No

## Application Details

Please select which application(s) the new documentation is related to.

Application: \*

100137731-003, application for Notice of Review, submitted on 18/12/2018

## Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: \* (Max 500 characters)

Further to receipt of a letter and attachments in relation to the Notice of Review, we attach herewith our response.

## Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. \*

Yes  No

## Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Michael Ritchie

Declaration Date: 22/01/2019

**Proposal Details**

Proposal Name	100137731
Proposal Description	Proposed Housing Development - 4 No.
Address	BLACKPOTS COTTAGE, WHITEHILLS, BANFF, AB45 2JN
Local Authority	Aberdeenshire Council
Application Online Reference	100137731-004

**Application Status**

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

**Attachment Details**

Post Submission Additional Documents	System	A4
Additional Comments	Attached	A4
Post_Submission_Additional_Docum-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Post Submission Additional Documents-004.xml	Attached	A0



## **ADDITIONAL COMMENTS**

Ground at Blackpotts Cottage, Banff  
Planning Ref No: APP/2018/2393

### **Access Road**

The proposed development is the maximum that could be allowed before the road would have to be taken up to adoptable standards (as per the comments of the Infrastructure Services – Roads Development) so any discussions about widening the existing private road could be discussed and agreed between the private road owner and the site developer.

This means that approval would not set a precedent as the road would have to be widened to 5.5m with footways both sides to bring up to adoptable standards right back to Whitehills Harbour which is not only economically unviable it is not practically possible.

The road around the caravan site is also a public access road so there is no legal right to restrict the public's use of it.

There is also a servitude right of access to the property and field at Blackpotts Cottage. In addition, there is also a secondary route to the site via the Red Well Road so the development site is not dependant on the route via the caravan site alone.

The use of the private road is therefore in our opinion not a planning matter it is more a legal matter which Aberdeenshire Council planning department do not rule on.

### **Visual Impact**

There would be limited impact on views from the caravan park as the ones to the South-west of the application site (which will be the ones most affected) are orientated to the North-west and at most only the 2 easternmost caravans look over the site and then only over one corner so the development will have limited impact on the views from these caravans. These caravans are also raised about 4m above the development site so would look over the top of any development.

The caravan site is open between March and October ie only part of the year so any impact is limited to opening time. There is also no right to a view in any planning policy and certainly not over someone else's land.