

## **REVIEW OF PLANNING APPLICATION REFERENCE 19/01924/PP**

We note the contents of the Notice to review the conditions to the Planning Permission granted for a property development at Ardteatle and would like to raise numerous points in relation to this review.

### **STATEMENT FOR SEEKING REVIEW**

On reading the applicants grounds for seeking a review we note that there are many material errors as well as a lack of understanding of the issues of developing the land at Ardteatle and the impact that has on access to our property and the need to upgrade the road in question to accommodate this development.

To this end we outline our objections to the requested review below.

#### **1. HIGHWAY CONDITIONS.**

We are fully aware that it is not a priority road as we are currently the only occupants of a residential property that uses this road and as such the road is in general suitable for one property use only. The road is exceptionally steep, winding and narrow without a single passing place or ability to turn or move onto verges and as such if a further development is built it is the developer's responsibility to upgrade the road to accommodate the increased use and traffic. Indeed, when Lesley Cuthbertson did a site visit to the proposed development site she required access to our property to extricate her vehicle. Again I would emphasise the road in its current condition could not take any extra traffic and has to be upgraded otherwise we will not be able to access our home due to its ever deteriorating state and the absence of any passing places.

In summary we would point out that Ardteatle cottage is 200 years old and this road has served this one property for many years. The current infrastructure is designed for this one property and is not fit, safe or capable of taking the traffic from additional development. To that end it is the developer's responsibility to ensure that the road is upgraded to accommodate their development, the increased traffic and the need for permanent access to our property.

#### **2. PREVIOUS APPLICATIONS.**

The original application in 2015 was made when both Ardteatle Cottage and Ardteatle Land were owned by one and the same Mr Rory McLean. The applicant therefore had a vested interest not to object to the lack of access to Ardteatle cottage and as such no objections were raised.

Ardteatle cottage was vacant for a considerable period of time prior to our purchase in 2017 as home and therefore access was not an issue in previous applications. It should also be noted that previous applications referred to a non-existent water supply.

This current permission is not a renewal of previous applications as original application from 2015 expired and the second application, made by this applicant was withdrawn due to issues with the water supply. Due to the timescale between applications and change of circumstances re Ardteatle Cottage, previous applications should have no bearing on these conditions and as such is a completely separate planning application. The conditions applying to this new planning application were put in place due to the fact that the road is considered unsuitable due to its condition and lack of passing places to accommodate any additional traffic. Any development without these conditions applied would prevent us from accessing our home on a free basis and the existing road which is only just fit for the current purpose of servicing one property would deteriorate rapidly.

**The applicant has failed to note that the current infrastructure will only support the existing property of Ardteatle cottage and this was not raised as a point in previous applications as the previous owner of the cottage was the applicant and therefore had no desire to object against their own application.**

It should also be noted that the current applicant has commenced groundbreaking works prior to permission being granted and regardless of subsequent conditions attached this disregard for planning has left us exceptionally worried that the applicant will have the same level of disregard to us in respect of accessing our home.

### 3. PLANNING OBLIGATIONS USED TO RESOLVE EXISTING DEFICIENCIES

In response to this we would quote the applicants own document which in section 3.1 quotes "Planning objections must be related in scale and kind to the proposed development. Developers may, for example, reasonably be expected to pay for, or otherwise contribute towards the provision of, infrastructure which would not have been necessary but for the development."

Regardless of the current state of the road the applicant is missing the point that the current infrastructure is only fit for access to one property alone. The infrastructure requires improvement **because of this development**. With an additional property we will have limited access to our home 24/7 and with the addition of other traffic the road will become a danger and at times inaccessible to us and any other road users. We cannot stress enough that due to the steepness, narrowness and curves in the road leading to our home that more than one vehicle using the road will prevent access and could cause danger and to that end upgrading the road surface with passing places is essential.

### 4. UNREASONABLE BURDENS

Using the applicants own figures demonstrates that their calculations of the additional costs are completely incorrect.

They estimate that the budgeted construction cost of the proposed development is £200,000.

They state that the proposed cost of upgrading the road to accommodate this development is £60,000 with a further £30,000 for two passing places adding £90,000 to the development costs. This does not equate to 150% increase but 45%.

The developer has not included the £150,000 purchase price of the land (which we understand has still not been completed) so by the developers own calculations this is an increase of 26% over the proposed development cost of £350,000 and not the 150% of £200k as claimed by the developer.

Any developer should have taken into consideration that the current infrastructure is not fit for more than the existing property of Ardteatle Cottage and budgeted accordingly. It is perfectly reasonable for the developer to pick up the costs to improve the infrastructure needed to accommodate their development and the failure to do this is a failing on the part of the developer and therefore the current conditions are in no way excessive and should have been anticipated in the development costs.

## 1. SUMMARY

- The applicant has incorrectly stated that the application under review is just a renewal of previously lapsed application however due to material differences regarding water supply, road condition, increased traffic, access to Ardteatle cottage and boundaries this is not the case and should be reviewed as a new planning application disregarding previous applications.
- The applicant has completely missed the point that the current infrastructure is suitable for one property only and that the proposed development without these conditions will severely limit access to our home and cause the road to further deteriorate. The applicant also fails to understand that the only reason for the conditions being imposed is to accommodate their development and as such it is their responsibility to ensure these conditions are met. The proposed development without conditions will also render the road as a potential risk of injury and damage to ourselves and our property.
- The applicant has also massively overstated the percentage increase to his costs. These costs should have been factored into the development plans and failure to do so is an oversight by the developer. It would seem remiss that the taxpayer has to pick up the cost of these improvements purely because the developer failed to factor them into their plans.
- The applicant has ignored planning conditions and carried out works prior to obtaining planning permission and also ignoring current conditions.

We again wish to stress that the current infrastructure is only suitable for one residence and that access to our home in a safe manner is of paramount importance. If these conditions were to be revoked, we would expect the local council to present a plan to upgrade the road to accommodate the new development and to improve the road, with passing places and drainage, prior to the development going ahead.

We would strongly suggest the reviewing officers make a site visit and attempt to pass oncoming vehicles on the stretch of road leading to our home. To review this without a site visit and our views taken into consideration would be remiss

Regards

Sonja de Rijk & Steve Shields