

# **AGENDA ITEM 5**

## **APPENDIX 4b**

**2017/0286/DET**

**OBJECTIONS FOLLOWING  
REVISED SUBMISSION**

**From:** [REDACTED] on behalf of BSCG info  
**Sent:** Mon, 20 Nov 2017 22:50:03 +0000  
**To:** Planning; Katherine Donnachie  
**Subject:** 2017/0286/DET Comments

## Badenoch & Strathspey Conservation Group

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20 November 2017

Dear Sir/Madam

### 2017/0286/DET Construction of 16 Private Houses, Beachen Court, Grantown on Spey

We welcome that the plans have been modified so that the drystone dyke, aspen trees and plantings near Revoan are now to be retained.

However, BSCG objects to the above application and requests the opportunity to address the planning committee when this application is determined.

### Departure from Development Brief

We refer to our objection of 4 September 2017. We remain concerned at the inclusion of 2 storey houses. This does not accord with the Development Brief for this site, which forms part of the Local Development Plan that has gone through a public consultation process. The applicant's justification appears to be financial ("an unfavourable ratio of construction cost to valuation cost") and related to compliance with the government's 'help to buy' scheme, although no detailed information on either of these is provided.

### Use of 'selective herbicide' as part of maintenance programme.

Use of herbicide is generally not an environmentally friendly practice. An alternative approach to management (and perhaps landscape design as well) should be required by the CNPA.

The herbicide to be used is not specified. However, we assume it could be a glyphosate-based herbicide, such as Roundup.

Glyphosate-based herbicides, such as Roundup, are increasingly controversial. Research findings indicate glyphosate-based herbicides can impact the diversity, function and structure of communities of soil micro-organisms that are vital to soil health; mycorrhizal fungi, that are associated with plant roots and nutrient and water uptake by plants, have been found to be harmed by use of glyphosate; soil organisms, including earthworms can be impacted; and there are concerns of impacts on human health (a variety of reports e.g. <https://link.springer.com/article/10.1007%2Fs11356-016-6596-2>).

#### Site Fencing

The Site Fencing document includes a 'Note' on the Village green area that states:

“Mowing strip to consist of cut sections of 50mm thick concrete paving slab set vertically in concrete haunch to form a line to delineate front gardens of properties”.

We are concerned that this material for edging, though it may be relatively cheap, may not look sufficiently attractive to achieve an appropriate standard.

#### Provision of Affordable Housing

We are concerned that the CNPA should ensure that this development fully complies with the letter and the spirit of the Supplementary Planning Guidance on Affordable Housing, Policy 19 Contributions to Affordable Housing. The extent to which the developer is contributing to affordable housing provision needs to be fully transparent.

Yours sincerely

Gus Jones

Convener

**From:** Zoe Cooke  
**Sent:** Sun, 19 Nov 2017 23:07:47 +0000  
**To:** Planning  
**Subject:** Comments on Planning Application 2017/0286/DET

Sollas  
6, Revoan Drive  
Grantown on Spey  
PH26 3HA  
19<sup>th</sup> November 2017

Dear Sir/Madam,

**2017/0286/DET – Construction of 16 private homes comprising of 8 blocks of semi-detached dwellings and access roadway.**

We have read the revised and additional material concerning the above application and we are pleased to see that our concerns regarding property boundaries have been addressed, and that a buffer of natural planting has been included between Revoan House and the neighbouring plots.

However, we would like to add the following to our previous comments concerning the house designs, most specifically with regards to the building heights.

The developer states that 'house types have been developed for the site, in line with the design principles set out in the development brief'. We do not agree with this statement and still feel that this brief has been at best undermined and at worst ignored when it comes to the design of the proposed houses in Phase 2.

**1) Grading of house heights with increased altitude.**

The brief states in point 34 that;

“The topography of the site and location in relation to the town and its surroundings is the most significant factor affecting development. It offers considerable opportunities to maximise the benefits afforded by the views looking outwards, but **the visual prominence of the site from external viewpoints is a major constraint**. This will require careful and sensitive design to overcome, most particularly on the mid to higher levels of the site.”

Our understanding from the earlier public consultations was that, to reduce the visual impact of the development from external viewpoints, the house designs were to reduce in height as you go up the hill. The taller community housing developments were to be at the lowest point on the eastern edge of the site, and the designs would get lower as the altitude increased, with bungalows at the top levels.

Instead the lower designs have been built on the lower ground and the higher designs are proposed for the upper slopes. This does not make sense.

## **2) 1.5 storey buildings.**

The brief states in point 42 that

“Variety and richness of size and shape of houses and material use is required, ensuring that building shapes reflect the principles and proportions of traditional housing in the area. **Building heights are acceptable up to 1.5 storeys.**”

Two of the three proposed house designs have 2 storeys.

We do not understand how the developer can claim “house types have been developed for the site, in line with the design principles set out in the development brief”, when the brief quite clearly states that they should only be up to 1.5 storeys.

## **3) Building height.**

The developer states that the 2 storey buildings are only 600mm taller than a 1.75 storey building. This not an insignificant amount if you live in a neighbouring property. We are concerned that allowing the taller houses to be built will set a precedent that may gravely affect the amenity of our property during later phases of the development.

#### **4) Profit versus Design.**

In answer to our concerns that two of the three house designs are not in keeping with the Development Brief, the developer states that the house designs have two storeys due to the "unfavourable ratio of construction cost to valuation cost".

Does this mean that they cannot keep to the CNPA's Development Brief because it will cut into the developer's profit?

We appreciate that part of the CNPA's responsibilities is to develop the local economy, and we applaud RSMcLeod for employing local sub-contractors, but their salaries will have been included in the 'construction costs'. As RSMcLeod Ltd and RSMcLeod Developments are neither based in the National Park nor owned by anyone resident in the National Park, none of the 'favourable ratio of construction cost to valuation cost' will remain in the local area, but instead will go to the owner of the development company, who according to Companies House is resident in the Central Belt, and who is presumably based at the company HQ in Grangemouth.

#### **5) Affordability versus Design.**

The developer claims that the house designs must be 2 storeys to reduce the construction cost, thus allowing the houses to be 'affordable'.

We would like to ask what 'affordable' means in this context?

The advertised price of £170,000 for a 2-bed semi is not, in our opinion, an affordable price even with the 15% government contribution. In Grantown you can currently purchase a 3-bed semi for £125,000. The houses in the new development are not going to be affordable by Grantown standards.

Furthermore, the houses already constructed by Highland Council in the lower part of the site, are all 1.5 storey.

If, during this time of austerity and budget cuts, the Council can afford to build according to the design brief then why can't the private developer?

We hope that our comments will help the CNPA make the best decisions for our community.

Yours faithfully

Tim and Zoë Cooke

The Dulaig  
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20 November 2017

Cairngorms National Park Authority  
Planning Team  
14 The Square  
Grantown on Spey  
PH26 3HG

**Updated Objection to Planning Application 2017/0286/DET - Construction of 16 private homes in Land 150M NW of Beachen Court Grantown-on-Spey**

This objection letter supersedes any of my previous objections against this particular planning application.

I have no specific objection in principle to the construction of the 16 homes, however I have substantial objections to the plans submitted in the supporting documents to this planning application.

My objections aim to cover the key areas of concern I have with the published supporting information. There are a number of specific issues which I believe need either to be fully resolved before this application goes before the planning committee for decision or properly conditioned as part of the planning decision: these are highlighted in bold in my objections.

**1. Development Plan and Design Statement**

Planning applications 2016/0060/DET and 2015/0394/DET were approved at the CNPA Planning Committee meeting in October 2016. The former on its own was a Major Planning Application and together they can and should be considered as ONE Major Development where:

- 2016/0060/DET sets out the structural landscape, landscape plan, roads, drainage and services
- 2015/0394/DET is Phase 1 of the house building programme
- 2017/0286/DET is Phase 2 of the house building programme
- the other 27 houses indicated in 2016/0060/DET being future phases and the subject of future detailed planning applications.

What I describe here is simply accepted good practice development planning to ensure that the whole development of 53 houses proceeds under an overall coherent plan governing the whole development. There is partial recognition of this in the Phasing Drawing submitted in the supplementary supporting information, however disappointingly this drawing is not referenced or discussed in the updated Design Statement.

A Design & Access Statement was approved as part of 2016/0060/DET. Some



attempt has been made to produce an updated Design Statement as part of this application (Revision E dated 20-10-17), but this is too focussed on 2017/0286/DET and doesn't properly update the older Design Statement approved under 2016/0060/DET. Nowhere within the supporting documents do I see updated proposals for later phases of the development to ensure that the whole development can be understood and thus an informed decision made about this phase of 16 homes. Even focussing on the current application, the submitted Design Statement is not fully compliant with PAN68 (Design Statements). For example:

- no description of the landscaping proposals, both within the 16 house area or surrounding the 16 house area
- the proposed phasing of this landscaping with respect to the house building phasing is unclear
- Illustrations are minimal – more reference to the other supporting documents and plans would greatly help to make this application coherent and not just a collection of documents.
- no indication of land ownership
- no linking of the design principles to national guidance, local authority development design policies or supplementary planning guidance
- no maintenance proposals

**Before this application is considered by the Planning Committee, CNPA Planning should request that the Design Statement be further amended to fill in the gaps and ensure that a coherent development plan for the whole 53 house development is presented to the Planning Committee to enable the Planning Committee to consider this phase of the development in context with the overall plan.**

## **2. Proposed Design of Houses**

I object to the design of the proposed houses as two out of the three designs are two storeys high. Houses on this development should preferably be no more than 1½ storeys high and certainly no more than 1¾ storeys. My reasons for this objection are:

1. The Development Brief for this site which forms part of the adopted CNPA Local Development Plan states in paragraph 42:

*"Variety and richness of size and shape of houses and material use is required, ensuring that building shapes reflect the principles and proportions of traditional housing in the area. Building heights are acceptable up to 1.5 storeys."*

2. The original Design & Access Statement approved by CNPA as part of 2016/0060/DET states that *"Houses shall be no more than 1¾ storeys in height"*.

3. The house types approved as part of the 10 Highland Council houses (2015/0394/DET) are all less than 2 storeys.

4. We are told that the two storey houses will have roof lines 600mm higher than 1¾ storey equivalent houses. Even an increase of 600mm will increase the visual impact of the development. Although these 16 houses are sited relatively central in the development site, granting approval for 2 storey houses creates a dangerous precedent for later phases, the houses of which are much closer to neighbouring properties and thus could adversely affect the amenity of these existing neighbouring properties.

5. Design details of the proposed houses are minimal and more in line with an outline

planning application. Design details should at least include all dimensions inside and outside, a full description of cladding materials and insulation values.

6. The Design Statement makes some misleading statements on the house designs with respect to number of storeys:

- as covered in my objection above, the house designs are not in line with the design principles set out in the development brief and subsequent consent 2016/0060/DET  
- the 2 storey houses do not complement and respond to existing dwellings surrounding the site, as all are either 1½ or 1¾ storeys.

7. I believe that approval of these house designs would be contrary to the Policies within the CNPA Local Development Plan, namely:

Policy 1 - New Housing Policy, in particular paragraphs 3.7 and 3.8

Policy 3 – Sustainable Design, in particular paragraph b of the section on Design Statements

8. The applicant makes a totally unsubstantiated statement that, *“To comply with this scheme [Help to Buy], storey and a half or three quarter dwellings would be problematic due to an unfavourable ratio of construction cost to valuation cost; as such the units have been increased to full 2-storey dwellings”*. Without auditable evidence to substantiate this claim, the applicant’s statement is just not credible. The Help to Buy Scheme has a ceiling purchase price of £200,000. The market price for 2 and 3 bedroom second-hand homes in Grantown-on-Spey is well within this £200,000 ceiling, so it would appear that it is the applicant’s intention to market these homes at a price considerably higher than the second-hand market price. Could it be that the applicant is using the Help to Buy scheme to lever a higher price for these houses than the market would normally support? Is R S McLeod Ltd trying to claim that the 10 affordable houses (all 1¾ storey houses) they are building for Highland Council would have been priced at over £200,000 each if they had been sold on the open market? I very much doubt it.

**For all these valid reasons the house designs for at least two of the three house types proposed must be rejected. In fact this application should not go to Planning Committee for decision until it is at least compliant with the Local Development Plan policies.**

### **3. Landscape areas adjoining Revoan approved in 2016/0060/DET**

I am pleased to see that the back garden areas of housing plots 11,12,13 and 14 and landscaping between these plots and Revoan’s south boundary wall have reverted to that detailed and approved under planning application 2016/0060/DET. However, the application is silent on the timing of completion of the landscape strip between Plots 11-14 and Revoan. Despite being outside of the specific area covered by this application, this landscape area is just as much an integral part of this phase of the development as completion of the Village Green landscaping.

**Consequently, any granting of planning permission should be conditional on this landscaping strip being completed before occupation of any of the residential units, or at the latest in the first planting season after completion of the first house.**

#### 4. General Landscaping

1. I recognise that at last an appropriate Landscape Plan (HLD K240-16/SL-01 rev 1) has now been provided to support this application. The landscape details provided seem appropriate and I note that it is the applicant's intention to complete at this landscaping by the end of completion of the 16 houses. Clarity is needed on what this means – and at what stage house occupancy should be for the Village Green landscaping to be completed, otherwise 14 of the 16 houses could be built and occupied, but no landscaping work on the Village Green completed. An appropriate condition needs to be placed.

2. The Site Layout Plan (PL\_00\_100 rev G) shows an annotation against certain landscape sections “landscape area maintained by factor”, however the applicant's proposals are silent on maintenance of the much larger Village Green. This is the first mention of employment of a Factor on this development. The duties of any Factor and how their services will be paid needs to be explained in a supporting document to this planning application (e.g. the design statement).

3. This also raises the unanswered question of how all of the approved landscaping in the whole of the development will be maintained and paid for. A maintenance schedule for the landscape works has been approved under 2106/0060/DET, however I cannot find how this maintenance regime, which covers 10 years and more, is to be financed, including financial protection in case of default by R S McLeod Ltd. A condition requiring a legal agreement being put in place to ensure the whole landscape maintenance regime is adequately funded into the future, including bank guarantees from the developer, is required to ensure local authority costs are not adversely affected.

4. No conditions on the phasing of the landscaping of the Kylintra Burn flood plain area were made under 2016/0060/DET except by implication condition 27 states that development shall proceed in accordance with the approved phasing plan. The revised phasing drawing submitted as part of the updated documents supporting this application shows the Kylintra Burn area of the development to be part of phase 4. It is unclear what this means as all of the construction work (new road and SUDS pond have been completed. Does the phasing of this area indicate that the applicant intends to wait until sometime during phase 4 to complete the landscaping works? Such timing is unacceptable. I request that CNPA imposes a planning condition requiring the applicant to at the latest complete all landscaping work in the Kylintra Burn floodplain area by the end of phase 2 construction works.

**To correct the serious omission made in 2016/0060/DET, a robust condition must be included which requires a legal agreement to be put in place before any of the 16 homes are occupied to ensure the whole landscape maintenance regime is appropriately funded into the future without recourse to public funds, including bank guarantees from the developer which would be triggered in the event of the developer's default.**

**Additionally, appropriate conditions are required covering timing of completion of the Village Green landscaping and landscaping immediately surrounding this proposed 'Phase 2' development. Also a condition clarifying the timing of completion of the landscaping in the Kylintra Burn floodplain area is required.**

## 5. Air Source Heat Pumps

I note that it is proposed to install air source heat pumps (ASHP) in all 16 houses. Given the climate in our area is one of the coldest in the UK, ASHP are highly unlikely to be capable of providing all heating requirement for these houses, thus a supplementary system of central heating using for example conventional electrical heating will need to be installed. ASHP is a controversial heating system even in milder climates in the UK. Its installation in this proposed development is likely to be:

- expensive to install when a supplementary form of heating will also be required
- more expensive to operate, especially in winter months, than conventional underfloor heating
- noisy, producing a constant background of machinery noise in an otherwise quiet rural area.

**I request that the Planning Authority makes independent checks on what heating system is being proposed and satisfies itself that the proposed system will be economical to run and that excessive background noise will not be generated.**

## 6. Water Supply

Inadequacy of water supply in and around Seafield Avenue is recognised by Scottish Water. In November 2014, Scottish Water wrote about this issue and required that flow and pressure testing was carried out to ensure adequacy of water supply to this development. This letter was posted on the CNPA Planning website under planning application 2014/0296/DET.

Planning Authorities have an obligation to take account of adequacy of water supply. It is not acceptable for CNPA Planning to state that water supply is simply an issue for the developer and not an issue to be considered by the Planning Committee; Scottish guidance to elected members on planning committees dated May 2017 makes this point very clear. The link to this guidance document can be provided if required.

**If planning consent is granted, CNPA must impose a condition that no work should start on this 16 home phase of the overall development until the developer has reached an agreement with Scottish Water for the supply of water to the 16 homes and a further agreement covering water supply for the whole of the proposed development of 43 houses. The reason for this is to avoid abandonment of the development due to the required water supply not being available or being financially prohibitive.**

## 7. Affordable Housing Contribution

No mention is made in this application to the provision of affordable housing and demonstrating that the provision is compliant with CNPA's New Housing Development Policy. I recognise that prior agreement has been reached that 14 homes out of the 53 houses in the overall development are to be affordable, and that 10 of the affordable houses will be built under planning consent 2015/0394/DET. Given the way the Beachen Court development has progressed and the contractual agreements made, I now have serious concerns over what contribution (if any) the applicant is

making to affordable housing in this planning application 2017/0286/DET, and in the preceding planning consent 2016/0060/DET.

The agreements which are part of planning consents 2016/0060/DET and 2015/0394/DET required the provision of 14 affordable houses. Key parts of these documents are:

- Condition 10 of 2015/0394/DET covered ensuring that the 10 houses being built under this planning consent met the definition of affordable houses.
- Condition 18 of 2016/0060/DET also covers the 10 affordable houses which are the subject of 2015/0394/DET and the provision of a further 4 affordable houses
- The proposed provision of affordable housing to demonstrate that the 25% requirement was being met was also explained in the Planning Officer's report to the Planning Committee for 2016/0060/ET, paragraph 69

Although the way (described above) by which the 25% developer's affordable housing contribution was said to be met in this development was somewhat strange, at the time (October 2016) the overall result of the supply of 14 affordable houses seemed to approximately meet the CNPA New Housing Development Policy on affordable housing. However I believe that as a result of subsequent developments concerning the site, the affordable housing contribution from the private developer needs to be re-visited. 2017/0286/DET provides an ideal opportunity to review the developer's affordable housing contribution to ensure that it meets the requirements of the CNPA New Housing Development Policy.

Let me try to explain the issue:

1. A total of 53 houses is envisaged for the whole development. 10 houses were granted permission in 2015/0394/DET. Indicative plot positions and housing types for the other 43 houses were presented as part of 2016/0060/DET.
2. The 10 houses in 2015/0394/DET are on land owned by Highland Council and a commercial contract has been agreed with R S McLeod Ltd. to build these 10 houses. The developer is therefore not making an affordable housing contribution to the building of these affordable houses, but is simply acting as Highland Council's contractor. Consequently, these 10 houses should be excluded from the 25% affordable calculation.
3. R S McLeod Developments Ltd sold land to Highland Council on which 13 of the 43 houses were to be built. The sale price of this land was £195,000 plus VAT. This land was sold at a commercial market price, thus the sale of this land cannot form part of the developer's affordable housing contribution. Consequently, these 13 houses should also be excluded from the 25% affordable calculation.
4. As a result of points 1 to 3 immediately above, there are only 20 houses and 10 housing plots left from which the 25% affordable housing contribution from the developer needs to be made.
5. If the developer intends to sell each of the 10 housing plots for 'self-build', it would be tidier if a planning condition is placed requiring the affordable contribution from these plots to be assessed using the calculation which is current at the time of each planning application for a financial contribution to off-site affordable housing. However an overarching planning condition covering the housing plots and their affordable housing contribution needs to be put in place now, or it might be later construed that the affordable housing contribution for the overall site has already

been met. This could be covered by a condition placed on any planning consent granted for 2017/0286/DET? (The Committee should note that in his advert placed in the Strathy on 12 October 2017 the developer refers not to 10 plots but states "Coming in 2018/19 14 panoramic plots for bespoke houses to clients own design").

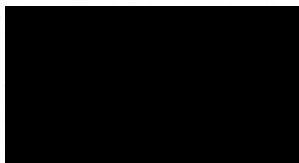
6. There are now only 20 houses left (16 of which are the subject of this planning application 2017/0286/DET) from which the 25% affordable housing contribution from the developer needs to be made. The simple outcome is that 5 of these 20 houses need to be designated as affordable and form the developer's contribution to affordable housing.

**The developer's contribution to affordable housing therefore needs to be considered and clarified as part of this planning application. I therefore object to any planning permission being granted on this development until the applicant's contribution to affordable housing is fully clarified and covered by robust planning conditions.**

Lastly, I was very concerned about the very misleading and inappropriate advert which R S McLeod Developments Ltd placed in the Strathy dated 12 October 2017. The wording in several places is presumptuous and nowhere does the advert make any mention that planning permission has not been obtained for the described houses. Also, as mentioned above, it refers to more self-build plots than have even been discussed for this site. Given that this developer has to date made numerous serious breaches of planning conditions (including major terracing of the site without planning permission, knowingly starting earthworks without the tree protection being in place etc) this highly misleading advert demonstrates an alarming complacency on the part of the developer, a complete disregard of the planning process and of the impact of his actions on the amenity of neighbouring properties. Frankly, what the developer has done is an insult to the planning process and the Planning Committee should take serious cognisance of this if and when this application comes before the Planning Committee.

As requested separately, I wish to address the Planning Committee on the objections and qualifications raised in this letter concerning this planning application.

Yours faithfully,

A solid black rectangular box used to redact the signature of the sender.

Dr Gordon Bulloch