

PAPER I

APPENDIX I

REPRESENTATIONS  
RECEIVED

# R&R Urquhart LLP

SOLICITORS - EST 1829

NAIRN • INVERNESS • FORRES

DATE 22 December 2011

OUR REF

JW/KC/TA1006.1

YOUR REF

[jamiewhittle@r-r-urquhart.com](mailto:jamiewhittle@r-r-urquhart.com)

Highland Council  
Area Planning Office  
100 High Street  
Kingussie  
PH21 1HY

Cairngorms National Park Authority  
Albert Memorial Hall  
Station Square, Ballaster  
AB35 5QB

FAX 01540 661001

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Dear Sirs

Mr and Mrs Graham Tague & Others

(a) Application No 11/04417/PIP- Proposed development of 20 units adjacent to The Garth Hotel, Grantown-on-Spey

(b) Application for Listed Building Consent 000031266-02 – Re-development of Gladstone House

## OBJECTION

On behalf of and as instructed by; (1) Mr and Mrs Graham Tague of Dalraddy, Mossie Road, Grantown-on-Spey; (2) John Ross, Netherby, Mossie Road, Grantown-on-Spey; (3) M R and E M Lynch, The Bothy, Mossie Road, Grantown-on-Spey; (4) I R Maclean, Nivek, Mossie Road, Grantown-on-Spey; (5) Vikki Maclean, Rosemount Villa, Mossie Road, Grantown-on-Spey; (6) Mr Neil Paterson, Roselea, The Square, Grantown-on-Spey (together hereinafter referred to as "our Clients"), we hereby object to (a) planning application 11/04417/PIP being a proposal to construct 18 flats and 2 semi-detached units adjacent to the Garth Hotel, Grantown-on-Spey, and (b) the re-development of category C-listed Gladstone House, Grantown-on-Spey under listed building consent application 000031266-02.

All of our Clients are neighbours to the proposed developments, and therefore directly affected.

We respectfully request that Highland Council and/or the Cairngorms National Park Authority (in the event that the matter is called in by the National Park Authority under its powers) reject these applications forthwith for *inter alia* the following reasons:

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### MEMBERS

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Lesley Loughton B Sc, CTA

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INVESTMENT BUSINESS BY  
THE LAW SOCIETY OF SCOTLAND

R&R URQUHART IS THE TRADING NAME  
OF R&R URQUHART LLP,  
A LIMITED LIABILITY PARTNERSHIP  
REGISTERED IN SCOTLAND NUMBER S0500740  
WHOSE REGISTERED OFFICE IS AT  
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ALL CORRESPONDENCE SIGNED BY  
A NAMED INDIVIDUAL IS SIGNED FOR  
AND ON BEHALF OF R&R URQUHART LLP

**A. Construction of 20 units adjacent to The Garth Hotel**

1. The proposed development is **not supported** in any way by the Badenoch & Strathspey Local Plan 1997, the Highland Structure Plan 2001 and the Cairngorms National Park Local Plan 2010 (together "the Plans").
2. There is **no material consideration** relevant to the proposed development that would justify a departure from the Plans in terms of section 25 of the Town and Country Planning (Scotland) Act 1997. Accordingly the application should be refused given this lack of support from planning policy.
3. The development is excessive in scale and out of keeping with the local vernacular of this part of Grantown-on-Spey. It should be noted that this part of the town forms a **conservation area**, and this is a material consideration in terms of maintaining the integrity of the built environment. It is understood that some of the buildings will be three storeys in height, and it is submitted that their overbearing nature will dominate the surrounding community, with the effect of depriving community members from amenity, light and privacy, and generally diminishing the quality of life of those families living in close proximity to the development. Such an adverse impact constitutes poor town planning.
4. This is a major development, particularly in relation to this part of Grantown. It is inappropriate for a development of this scale to be granted planning permission outwith the local plan process.
5. No road and traffic safety survey has been carried out in relation to access from and egress to Castle Road. This section of Castle Road is a notorious 'pinch point' in terms of traffic congestion, and is further compounded by the presence of a junction on the far side of the street from the Garth Hotel. The failure to address traffic issues and road safety is a major omission. Photographs produced with the application showing a minimal number of cars parked on Castle Road is, in our submission, misleading in that this section of Castle Road is regularly the location for parked cars. The width of the road is exacerbated further in winter time when snow is banked up as a result of snow ploughing.
6. The access into the proposed development is also a major concern to our Clients given the increased level and pattern of usage that is likely to take place if the development proceeds. At present cars enter the section largely as guests to the Hotel, and the usage of Hotel residents of the driveway is arguably less intensive than normal residents who are likely to drive in and out of the car park area more frequently. In addition the presence of a further 20 units indicates that there will be at the very least a further 20 cars parked in this area. The access in itself is particularly narrow and confined by buildings. The concern of our Clients extends to

pressure upon this access way in the event of delivery lorries and refuse lorries requiring access, and furthermore in the event of fire engines requiring access. In summary, the access is wholly inadequate to support the level of development proposed.

7. The developer has sought to justify this development in that it will be economically sustainable for the Garth Hotel. Such an argument is unfounded as the development will erode the character and ecological importance of this corner of Grantown-on-Spey.
8. The development site itself forms an important corridor habitat for red squirrels that are protected under Schedule 5 of the Wildlife & Countryside Act 1981. Furthermore, the area forms an important urban site for biodiversity with mature trees present which should all be maintained, as per the obligations upon public bodies under section 1 of the Nature Conservation (Scotland) Act 2004.
9. The red squirrel survey provided with the application lacks a robust methodology in which to analyse the presence of this species, and it is considered that, notwithstanding the fact that red squirrels were observed in the study, the extent of their presence is under-recorded.
10. Given the site's location within the Cairngorms National Park, section 1 of the National Parks (Scotland) Act 2000 stipulates that in the event of competing interests between protecting natural heritage and the National Park's other statutory aims, the protection of ecology must prevail.
11. The developer has not consulted in any real way with local residents, contrary to the requirements of the Planning (Scotland) Act 2006 and the EU Public Participation Directive.
12. As stated below, Gladstone House which lies adjacent to the proposed development area is a C-listed building. It is our clients' understanding that this C-listing extends to part of the area at The Garth Hotel and accordingly any development should be compliant with the regulations imposed as a result of this listing.

## **B Redevelopment of Gladstone House**

Our clients have the following specific observations and points of objection in relation to the proposed re-development of Gladstone House:

1. The building is, as previous stated, C-listed and as such its architectural integrity should be maintained.
2. The proposed design for the building does not, in our clients' submission, maintain the integrity of the building and should not be permitted.

3. As stated above, Gladstone House lies within a conservation area and as such special effort should be made to maintain the integrity of this wider built environment.

For the above reasons, we submit on behalf of our Clients that these proposed developments are wholly inappropriate for this location and should be refused. In the event of a planning hearing, we respectfully reserve the right of our Clients to address the planning committee.

Yours faithfully

A black rectangular redaction box covering the signature of Jamie Whittle.

Jamie Whittle  
Partner

Nivek  
Mossie Road  
Grantown-on-Spey PH26 3HW  
2011

Date: 22<sup>nd</sup> December

For the attention of the Cairngorm National Park Planning Department

Re. Proposed development at the Garth Hotel Grantown-on-Spey

I and my wife strongly object to the planning application for 18 flats and 2 semi detached houses at the rear of the Garth Hotel which is not in keeping with the surrounding area, where if there has to be a development on what is the oldest part of the town then we feel that it should only be single story buildings that are built to match most of the houses on Mossie Road.

I list below some of our objections to this planning application.

1 This height of buildings (three story high) will completely block out the sun for a large part of the day and detract from my investment in roof solar panels.

2 If there were to be that size of a development then there could be up to 40 vehicles plus hotel parking, and as the entrance will be restricted to single vehicles will cause terrific congestion.

3 We are greatly concerned that the trees which are of a great age will not only be felled but the remainder damaged by the excavation works, causing untold damage to them, our bird life and red squirrels that we have had the pleasure of watching over the last fifty years.

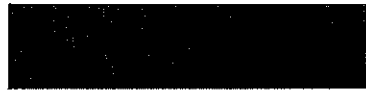
Yours Sincere

I. R. Maclean

Cairngorms National Park Authority
Planning Application No. 2011/003/PP
REPRESENTATION
ACCOMPLISHED 05/12/12

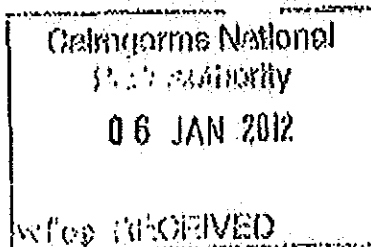
**Graham T. Hope**

Konan,  
Mossie Road,  
Grantown on Spey,  
Moray,  
PH26 3HW



Date:  
30 December 2012

Calngorms National Park Authority  
Planning Office  
Albert Memorial Hall,  
Station Square,  
Ballater  
AB35 5QB



Dear Sirs

**Re: Planning Application Reference 2011/0403/PPP  
Erection of 18 Flats and 2 No. Semi-detached Houses (20 units in all) at The Garth, 21-23 Castle Road,  
Grantown on Spey PH26 3HN**

I object to the above Planning Application called in at the Planning Meeting on the 23 December 2011 for the following reasons :-

- 1) The application plan shows 2 blocks of 6 flats which from the footprints must rise to 3 storeys together with 2 storey semi-detached houses and a block of (presumably) 6 x 2 storey flats. In the conservation area bounded by Castle Road, Mossie Road and Church Avenue all development to the rear of the Castle Road frontage of old Grantown properties is single storey. Clearly the application contravenes the planning guidelines and will not preserve the special character and appearance of the conservation area.
- 2) The application indicates that existing off road car parking available at the rear of The Garth will be lost thus exacerbating the existing parking problems along the road frontage outside The Garth by customers and increasing potential accident risk.
- 3) The application shows a total of 30 car parking spaces. Traffic movement from these plus vehicles servicing the proposed development using what will clearly be a substantial "new" junction to the classified A939 road will present additional hazards and dangers to traffic flows along Castle Road.
- 4) The nearest proposed 3 storey block lies within 40 metres of my property and will cause an invasion of my privacy.

I trust the Planning Authority will refuse the application.

Yours faithfully,

