

Paper 2

Appendix

Representees

# R & R Urquhart LLP

SOLICITORS - EST 1829

NAIRN • INVERNESS • FORRES

Cairngorms National  
Park Authority

04 JAN 2012

DATE 23 December 2011

OUR REF JW/KC/TA1006.1 YOUR REF [REDACTED]

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AB35 5QB

By Post and Email: [planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

Dear Madam

Mr and Mrs Graham Tague & Others  
Planning Application 11/04392/FUL  
Gladstone House, 17 - 19 Castle Road, Grantown-on-Spey

MEMBERS  
Colin White MA (Hons) FRICS, WS  
Jane Ferguson LL B, Dip LP, WS  
James Holchih LL B, WS  
Wll Cowie LL B, Dip LP, WS  
Jamie Whittle BA (Hons) LL B, Dip LP, MSc (Dist)  
Alexandro MacLean LL B, Dip LP  
Leley Clark LL B, Dip LP

MANAGING DIRECTOR  
Leley Loughton B.Sc. CTA

We refer to our letter of 22 December 2011 on behalf of Mr & Mrs Graham Tague and Others in connection with a proposed development of 20 units adjacent to the Garth Hotel as well as to listed building consent for a proposed re-development of Gladstone House, Grantown-on-Spey. In our letter, we intimated the objection of our clients against these two applications for consent.

20.11/104392/FUL  
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20.11/104392/FUL

Since our letter, we now understand that these applications have been called in by the Cairngorms National Park Authority, and accordingly we should be obliged if the letter of objection on behalf of our clients - notwithstanding the fact that reference numbers may change by virtue of the matter switching from the jurisdiction of Highland Council to the Cairngorms National Park Authority - could still be of effect.

Additionally, we also intimate our clients' objection to the planning application for Gladstone House (in addition to the application for listed building consent as referred to in our letter yesterday) reference 11/04392/FUL, and should be obliged if this could please be noted by the Cairngorms National Park Authority. The basis for our clients' objection against this particular application for Gladstone House is the same as the arguments set out in our letter of 22 December 2011.

Thank you very much for your assistance.

Yours faithfully

Jamie Whittle  
Partner

Cairngorms National Park Authority  
Planning Application No. 20104392/FUL  
20104392/FUL  
20104392/FUL  
REPRESENTATION  
ACKNOWLEDGED 4.12.2011

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THE LAW SOCIETY OF SCOTLAND

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ALL CORRESPONDENCE SIGNED BY  
A NAMED INDIVIDUAL IS SIGNED FOR  
AND ON BEHALF OF R&R URQUHART LLP

# R&R Urquhart LLP

SOLICITORS · EST 1829

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Cairngorms National Park Authority

04 JAN 2012

04 JAN 2012

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DATE 22 December 2011

OUR REF JW/KC/TA1006.1 YOUR REF [REDACTED]

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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:

Cairngorms National Park Authority	
Planning Application No.	2011/04417/PIP
	2011/04417/PIP
	2011/04417/PIP
REPRESENTATION	
ACKNOWLEDGED	15 Jan 2012

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2011/04417/PIP  
(see instructions)  
23/12/11

- 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 previously 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



Jamie Whittle  
Partner