



**Cairngorms**  
National Park Authority

Ùghdarras Pàirc Nàiseanta a'  
**Mhonaidh Ruaidh**

Item 6 Appendix 3a

09 June 2023

## Agenda item 6

### Appendix 3a

2022/0270/DET

Representations

Objections

Alan Atkins  
Case Officer  
ePlanning Centre  
The Highland Council  
Glenurghart Road  
Inverness  
IV3 5NX

20<sup>th</sup> September, 2022

Reference: Planning Application 22/03073/FUL

Dear Mr Atkins ,

I am writing to you following receipt of a Neighbour Notification with regards to a planning application that has been submitted by RS McLeod Limited with Reference 22/03073/FUL, located at 29 Dulicht Court, Grantown-on-Spey.

I would like to express my objection to the planning application for the following reasons:

1. Four of the properties that are planned to be directly adjacent to my property (properties 58-61) will have upper windows looking on to my rear lawn area and the rear of my property (Revoan, Seafield Avenue), a house that was built in the 1920s. It would be more acceptable if properties 58 to 61 be single storey to negate this impact on the privacy of me and my family.
2. The area where properties 58-61 would be built could lead to potential drainage of excess water at the driveway area at the rear of my property , as well as the old stone-built garage located directly adjacent to the site. This is due in part to the fact that the driveway of my property is approximately 60cm lower than the ground level where the properties would be built, and it already suffers from periodic flooding. Assurances would be required that there is sufficient drainage modelling of the area to demonstrate that this would not occur and that properties 58-61 be built at a lower ground level.
3. The plan provides for a path at the rear of the old stone garage and fence that would run directly below large fir trees down to the suds pond area. This could impact the root structure and stability of these trees which are used by red squirrels and a variety of birds for nesting. In addition, there is an issue with anti-social behaviour on Seafield Avenue and installing a secluded path directly beside our property may lead to anti-social behaviour in the new development. It is recommended that the path to the suds pond be located from the cul de sac adjacent to property 57 instead to negate this.
4. The plan includes the installation of a suds pond on the area close to Seafield Avenue. This is an area of marshland that is used by pheasants for nesting, young deer feeding/hiding out of

site. In addition otters have on occasion passed through my pond in to the marshland area. It is recommended that this loss of habitat be studied by the CNPA as part of the application.



5. In the planning application it is stated that it is not known if the site is within an area of known risk of flooding. Whilst the properties are not located in an area of flooding, the area where the suds pond will be installed is most certainly an area where flooding occurs several times a year. Indeed the water can on occasion flow over the front of my garden and over my pond. It is important that the suds pond outflow does not enter in to the burn upstream of my driveway entrance as the culverts can periodically not handle the flow of water in the burn resulting in flooding on Seafield Avenue.



6. The pond located at the front of my property is solely fed by a stream that runs through the area where it is a proposed that a suds pond will be located. It is vital that the continuous stream of water in to the pond be unimpacted by the installation of a suds pond, a pond which contains breeding ducks, visiting heron, otters , frogs and young trout



The below is a photo showing a heron feeding on Sept 22<sup>nd</sup>, 2022



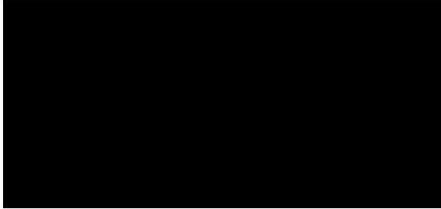
7. It appears that during Phase 1 of the development, the appearance of the suds pond area planned was not fulfilled in its entirety (See previous planning application ref 2016/0060/DET). This has lead to the area looking unsightly and overgrown (although modest attempts have been made to cut down some of the 2-3 year growth during the past week). The overgrowth of this area is a hazard for children who may not be able to see the road as clearly as they should. Indeed, the sign for the first phase of the development remains there despite RS McLeod not working on the site for some period. This does not align with the visual look of the rest of Seafield Avenue and should be addressed to ensure assurances put in place that it is enforced after the construction work is completed, as it is not clear who is responsible for the upkeep of both suds pond areas.



8. With my wife and I both working full time at home, and our daughter being homeschooled with the Highland Virtual Academy, it is important that noise pollution is kept to a minimum and that the development be completed within a reasonable timeframe. Phase 1 encountered lengthy periods of inactivity, punctuated by high levels of noise over a prolonged period. A site office was located adjacent to my property with dogs left to bark for much of the day during Phase 1 of the development. It is hoped that the site office can be relocated away from its current location and away from residential properties to minimize impact during the construction phase. It is also hoped that the development, once planning is provided, is completed in a reasonable timescale.

Overall, whilst we understand the area being developed is included in the CNPA development plan for the area, and that there is a need for additional housing in the area, we would like to see the above points actively addressed as part of a re-submission of the planning application.





3 October 2022

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

**Objection to Planning Application 2022/0270/DET - Erection of 19 houses - 29  
Dulicht Court Grantown on Spey**

I have no specific objection in principle to the construction of the 19 homes, however I have numerous substantial objections to the plans submitted in the supporting documents to this planning application. This yet another minimalistic and shoddy planning application from a developer who is currently under notice of planning enforcement for several failures to implement planning conditions contained in previous planning permissions on this development site covered by outline planning permission 2016/0060/DET. Given the appalling track record of the numerous other planning condition breaches of R S McLeod Ltd and the land-owning company R S McLeod Developments Ltd on which either no, or minimal enforcement action has been taken by CNPA, the CNPA Planning Authority needs to be meticulous in ensuring that any further planning permissions granted fully cover all necessary aspects of the design and development of this application site. Additionally, CNPA should be aware that the balance sheets lodged with Companies House of these two companies shows that these two companies have significantly negative balance sheets.

My objections are:

**1. Mistakes and omissions in the planning applications**

The applicant has certified that R S McLeod is the sole owner of the land. This is untrue. The land owner, according to Land Registry documents is R S McLeod Developments Ltd – a different legal entity. I have pointed out this error in several other applications made by R S McLeod Ltd, but yet again this error appears to have been overlooked by Highland Council and CNPA.

This application has been verified by Highland Council and it would appear that CNPA Planning intends to take this application to CNPA Planning Committee for determination with significant supporting documents missing. These include:  
- Environmental Statement – this is ticked as N/A. I appreciate that some of the issues were covered by previous planning applications, however these statements are now

several years old. An example of an environmental change is the residence of nesting sand martins during the Spring and Summer within the excavated banking on the site. The application is silent on how the developer intends to deal with this issue. CNPA is well aware of the issue.

- Flood risk and drainage impact assessment – these are ticked as N/A. Although the application site is not subject to flooding, the adjacent land onto which the site drains is. A flood risk assessment was conducted in support of planning permission 2016/0060/DET, however the circumstances of the proposed site layout have changed. The flood risk assessment at the very least should be updated with the proposed changes to ensure safe management of flood risk. Likewise, there are no calculations or information to demonstrate that the proposed design of the SUDS pond appropriately manages the site drainage and flood water from the application site. (Please see point 3 in this objection for more detail on specific issues later in this objection).

CNPA should reject this application at this stage and require that the applicant provides this necessary information to enable informed determination of this application. It is not appropriate to cover off these issues with planning conditions.

## **2. Landscaping**

The only landscaping information included in the application is R S McLeod drawing RSMD/GOS/SDA/001 Rev A. This attempts to depict the soil dispersal area. In order to assess whether this landfilling of surplus soil, subsoil, rocks etc. should be given planning consent further information is necessary on finished ground levels compared to the surrounding area and the original natural levels. There is no indication that the tree roots of existing trees close to the proposed soil dispersal area will be protected. Additionally, a method statement is required to demonstrate how and when the area will be returned to 'acid grassland'. This area has been permitted to be an eyesore for far too long and considerable environmental damage to this area had already been allowed.

It would be informative if the applicant had made clear its intention to complete the overdue landscaping around and within the application site which was approved under previous planning consents covering the wider site, and that this proposed development will not impact these existing landscaping requirements. For example, the long overdue reconnection of the core path from the Dulicht Court development to Beachen Wood passing in between plots 49 and 50 has been permitted to remain closed. Given the many years delay in reopening this core path, if this application receives consent, serious consideration should be given to splitting the development site into two, enabling the prompt re-establishment of this core path. Otherwise it is likely that this core path will remain closed for several years to come.

## **3. SUDS Pond Design and Flood Risk**

Without the support of a flood risk assessment and a drainage impact assessment, the SUDS Pond Plan & Sections is simply a schematic. Putting aside the lack of quantitative assessment of flood and drainage, information missing from this application includes:

- no information on what sections of the application site, or areas outwith the application site will drain into the SUDS pond.
- no detail on how the swale which enters the SUDS pond will cross the existing stream which flows NW to SE across the area to enter the property of Revoan.
- I am very concerned with the proposal for the outlet of the SUDS pond to enter the Kylintra Burn just upstream of the bridge which is used for vehicular access to the property of Revoan. This is a known area where the road regularly floods. The applicant needs to demonstrate through drainage and flood risk assessments that this flood risk will not increase if this SUDS pond design is implemented.
- no information on what is proposed to happen to the existing soakaways installed under planning permission 2018/0402/DET.
- SUDS Pond Plan & Sections drawing 1447132/20 Rev C states that on the SE of the SUDS pond wall in an annotation, "2000 wide, 50 deep depression in the 3500 perimeter track to allow flood water to overtop to watercourse". It is unclear to which watercourse any overtopping water would flow – is it the stream which flows into Revoan or is it the Kylintra Burn, or will the water just flow across the land and enter the property of Revoan?

All of these important safety matters need to be clarified before any decision to determine this application.

#### **4. Environmental Statement**

This is a sensitive environment on the edge of Grantown on Spey. I have already mentioned the sand martins nesting on the application site. Additionally, the area around Plots 54 to 61 and the proposed soil dispersal area is a long-used breeding area for lapwings. The grassland areas host many wild orchids and a wide range of fungi and insect life. If CNPA does wish to protect the natural environment as its policies state, appropriate environmental surveys need to be commissioned and details presented on how this sensitive ecology will be appropriately managed during the extensive groundworks associated with the house building, SUDS pond construction and spreading of surplus soil from site.

Yet again, this information needs to be considered before any decision to determine this application, and not left to be covered by a planning condition.

#### **5. Site works associates with house plot formation**

In particular the Design Statement implies that the creation of plots 43 to 53 will require considerably more excavation into the hillside which borders Beachen Wood. I appreciate that lowering plot levels will make access from the existing road much easier. The planning application, however, is totally silent on how the steep slopes to the back of the plots will be constructed and stabilised. There has already been concern over the stability of the existing slopes cut without planning permission into this hillside. The stability design of these very steep slopes is a major safety issue.

The proposed slope design, supported by civil engineering calculations must be provided before any decision is made on planning consent.



## 6. Housing design

This has been a continuing contentious issue throughout the development of the larger site. In this application, the proposed housing is in a very prominent position and is visible from many parts of the town and surrounding area. There is already a precedent set with all the housing to the south of the application site lining the edge to Beachen Wood. This existing housing is all low visual impact housing.

I appreciate that some attempt has been made in the design of the 3-bedroom units to break up the rooflines and give the appearance of a partial dormer window design. The proposed houses are, however, still full two storey house designs, whereas the vernacular house design throughout the surrounding area and in most of the Highlands is 1.5 or 1.75 storey designs with dormer windows. It is highly disappointing to see that the applicant still will not include 1.5 or 1.75 storey designs in this prominent area of the overall development site. I will leave it up to CNPA Planning to decide whether it wants to retain the character of housing in the National Park, or just let the developer do what it wants - as has happened on previous occasions in the wider development of this site – despite strong objections from local residents and the Grantown and Vicinity Community Council.

Yours faithfully,

