

# **AGENDA ITEM 6**

## **APPENDIX 3**

**2019/0275/DET**

**OBJECTION**

The Dulaig  
Seafield Avenue  
Grantown-on-Spey  
PH26 3JG

30 September 2019

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

**Objection to Planning Application 2019/0275/DET - Erection of 13 residential units (8 cottage flats, 4 semi-detached houses, 1 bungalow) (affordable homes) in Land 150M NW Of Beachen Court Grantown-on-Spey**

I have no specific objection in principle to the construction of the 13 homes themselves, 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. Proposed Design of Houses**

I object to the design of the proposed houses as 12 of the 13 houses 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 and matters which require clarification are:

1. It is claimed in the planning letter dated 9 July 2019 submitted by Ness Planning that the proposed two storey houses will be below the height of the previously proposed 1¾ storey houses. Additionally, drawing 1742\_BT2\_00\_100 rev C includes a sketch indicating that the two storey ridge height is less than the 1¾ storey equivalent. In comparison, in planning application 2017/0286/DET the supporting argument for two storey houses was that they would only be 600mm higher at the roof ridge than 1¾ storey equivalent, now what appears to be the same two storey house design has roof ridge heights below that of 1¾ storey equivalent houses.

**The accuracy of the statements on roof ridge height in this application need to be verified and evidence of the roof ridge heights proposed vs. the actual roof ridge heights of the adjacent 1¾ storey houses build under planning consent 2015/0394/DET compared. Additionally, if the assertions on lower roof ridge**

**heights in this application are correct, then the only way this can be achieved is by reducing the roof pitch. The Planning Authority should check with Building Control whether the reduced roof pitch heights are acceptable.**

2. Just as important as keeping roof ridge heights as low as possible, is the floor level of the proposed houses. Drawing 1754\_PL-00-200, shows what appear to be proposed floor levels for the application houses. If these heights are FFLs then it would appear that with the exception of plots 15-18, the proposed FFLs are slightly lower than the heights proposed in planning permission 2016/0060/DET. This slight lowering of levels, if correct, is appreciated.

**I recommend that the Planning Authority checks that these indicative heights are the proposed FFLs for the application houses.**

3. 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.”*

a. 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”*.

b. The house types approved as part of the 10 Highland Council houses (2015/0394/DET) are all 1¾ storeys.

c. The Design Statement states, *“All homes have been designed to reinterpret vernacular forms in a contemporary manner. Simple forms have been adopted where pitched roofs are used with minimal eaves and verge overhangs”*. Two storey houses of this design do not reflect the vernacular house designs of the area, but only promulgate the few bad designs of two storey houses in the locality. The vast majority of housing in the local area is 1.5 or 1¾ storey houses.

The two storey house designs are not in line with the design principles set out in the development brief and subsequent consent 2016/0060/DET, and do not complement and respond to existing dwellings surrounding the site or vernacular designs in the wider area.

Furthermore, 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.

It is claimed that the two storey houses would be cheaper to build than the 1¾ storey houses built for Highland Council under planning permission 2015/0394/DET, however no evidence for this has been provided. CNPA Planning Authority should ask for real evidence to support these claims. Even if costings can support the applicant's claims, relative costs should not be the only driver, instead quality of design should be the main driver subject to roof ridge height considerations above.

4. The supporting Design Statement contains numerous unsupported and likely to be unenforceable claims. For example, in addition to the matters discussed above, the section on Sustainable Use of Resources is meaningless with all the claims being caveated by words like “where practical”, “where possible” and “where economically feasible”.

**I therefore object to the two storey designs for 12 out of the 13 proposed homes. CNPA Planning Authority should reject this application and request that it is re-submitted with appropriate 1.5 or 1¾ storey designs. In my view the designs used in planning permission 2015/0394/DET would be satisfactory.**

## 2. Tree Protection

I am concerned about several important errors concerning the protection of trees on neighbouring land. These are:

a. The Planning Application form incorrectly states that there are no trees on or adjacent to the application site. This is incorrect as numerous trees on the eastern boundary of the application site with The Dulaig which currently have some form of protection. As a minimum this tree root protection **must** remain for the duration of the construction of this development. Additionally, there are some trees on the northern edge of the application site (on the boundary with Revoan) which might require protection.

b. The Landscape Proposals Planting Plan (Keith L Wood Landscape Design drwg HHA 100.19 SL-01 rev B) is highly misleading in the drawing of the application site boundary (edged in red), implying that little tree root protection is required. Clarity is required on where the application site boundary lies on its eastern edge as:

- drwg 1754\_PL\_90\_100 Rev C shows this boundary to be the wooden fence line which is the property boundary fence of The Dulaig.
- drwg HHA 100.19 SL-01 rev B appears to show this boundary to be approximately where the existing tree root protection fence is positioned.

Anyone solely reading the latter drawing could easily misinterpret this boundary to be the wooden fence property boundary and construe that the drawing shows that little or no tree root protection is necessary. Additionally, the tree protection plan referred to in this drawing is not the one approved by CNPA – the approved drawing is dated 7 February 2017.

c. I notice that the tree root protection drawing approved by CNPA Planning Authority under planning permission 2016/0060/DET does not adequately protect the roots of one of the major trees on the boundary with The Dulaig – namely tree 15 (Tsuga Heterophylla). The tree root protection area should extend over 6 metres into the application site (and that is based on a tree survey which is now over 4 years old). This root protection area, by my calculations extends into the application site and is not adequately protected by the current tree root protection fence. The Landscape Proposals Planting Plan supporting this application also supports my assertions that the existing tree root protection fence inadequately protects this tree.

d. Planning permission 2016/0060/DET contained a condition (Condition 13) on the installation of a cut off drain near the eastern boundary of the application site. This application is silent on the maintenance of this drain whilst construction work is in progress.

**Actions necessary:**

- **These numerous errors in supporting drawings and the application form itself need to be corrected prior to this application being considered by the Planning Committee.**
- **The evidence (the tree survey) on which the existing tree root protection plans is now over 4 years out of date and requires updating before new tree root protection areas are approved.**
- **New tree root protection plans need to adequately protect all trees on the site boundary and in particular be extended to protect tree 15 (Tsuga Heterophylla). especially when the area of construction work proposed by this planning application overlaps this tree's root protection area.**
- **there needs to be a condition requiring the protection and maintenance of the cut off drain approved under planning permission 2016/0060/DET.**

### **3. Working Hours**

An informative on restricting construction working hours was included in planning permission 2016/0060/DET and 2017/0286/DET. These informatives have been consistently ignored by the developer, with work on numerous times starting at 06.30 on Saturdays and very regularly on weekdays going on until 20.00 or 21.00 at night. There has also been Sunday working. If this is denied, I have many examples from timed photographs and videos. I recognise that noise is inevitable during construction, but the contractors need to be aware of the disruption they cause in this semi-rural environment and try to minimise noise, even during normal working hours.

The amenity of neighbouring properties needs to be respected – e.g.,:

- there are young families living beside this development
- The Dulaig (which immediately adjoins the application site) operates one of the top Bed & Breakfasts in Scotland. Visitors to a National Park should not expect to be awakened by construction noise, nor to have such noise going on late into the evening. We were phoned some weeks ago by a neighbour in Rhuarden Court (which is further away from the current development) checking whether we were at home and asking if our burglar alarm had been going off all day. We had to inform them that what they were hearing was the reversing noise from one of the construction vehicles and noises from other construction plant.

The noise outside of advised construction hours associated with the two planning permissions 2016/0060/DET and 2017/0286/DET has been and remains totally unacceptable and on occasions regularly breaches Public Nuisance legislation. The construction work associated with the 13 houses in this application will be much closer to The Dulaig B&B. In addition, as the other new homes are completed and occupied, there will be more families living close to this proposed development.

**If this planning application is approved, the decision notice must make reasonable construction working hours an enforceable planning condition.**

My comments above have highlighted a number of errors and omissions in this planning application. There are many more errors and omissions including no inclusion of construction plans, waste management plans etc. Collectively this application does not meet the quality standards of what is ostensibly has been drafted and submitted by a professional team. Clearly quality standards have slipped badly since the days that I was involved in the drafting and submission of planning applications.

Yours faithfully,



Dr Gordon Bulloch

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1 November 2019

Cairngorms National Park Authority  
Planning Team  
14 The Square  
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**Addendum to my Objection to Planning Application 2019/0275/DET - Erection of 13 residential units (8 cottage flats, 4 semi-detached houses, 1 bungalow) (affordable homes) in Land 150M NW of Beachen Court Grantown-on-Spey**

Resulting from the supplementary information submitted by the applicant after the end of the public consultation period, I have some comments I wish to add to my original objection dated 30 September 2019.

I note that the supplementary information provided by the applicant includes:

1. An admission that that the proposed two storey houses will not (as originally claimed) have ridge heights lower than the equivalent 1¾ storey houses, but that the ridge heights are now stated to be some 500mm higher than the equivalent 1¾ storey houses i.e. approximately a metre **higher** than was claimed in the original supporting documents..
2. FFL heights have now been added to the section drawing.

My comments contained in this addendum focus on these changes, but for the sake of clarity my original objection letter dated 30 September 2019 still stands in its entirety.

It should be noted that I identified the error in the claimed roof ridge heights and brought it to the attention of the Planning Authority: to my knowledge it was not picked up by other parties. I not find it credible that a professional planning consultant and architect could make such a fundamental mistake on roof ridge heights, and then use this to promote their argument for two storey house designs. This 'mistake' should alert the Planning Authority and the Planning Committee to double check any other assertions made by the applicant's consultants to support this application.

My argument against having two storey house designs is further supported by the fact that the roof heights will be 500mm higher than the neighbouring equivalent 1¾ storey houses built for The Highland Council under planning permission 2015/0394/DET and occupied from August 2018. The applicant's planning consultant continues to try to justify two storey houses by the latest assertion, "*....This identifies that the proposed 2 storey units will be some 500mm higher than the 1 ¾ units. However, none of the proposed buildings are higher than the units already constructed on site and in this way reflects the scale of development on site*". This is yet another completely misleading comment. Building the

houses in this current application to the design suite used for the neighbouring 10 houses recently completed for The Highland Council under 2015/0394/DET would result in the same (lower) roof heights of these 1¾ storey houses. The 1¾ storey houses built for The Highland Council are much closer to this proposed development – in fact the garden of Plot 31 adjoins the Highland Council development – thus building these proposed houses to this existing 1¾ storey design would fit better.

It is claimed in the Design Statement that, *“To ensure compliance with Scottish Government ‘benchmark’ costs for building affordable homes, storey and a half or three quarter dwellings would be problematic due to an unfavourable ratio of construction cost to valuation cost;”*. As I stated in my objection, no evidence has been presented to support this assertion. The cost of building the 10 1¾ storey houses for The Highland Council under 2105/0394/DET must be available by now - what evidence can The Highland Council produce which demonstrates that these house build costs did not comply with Scottish Government ‘benchmark’ costs? If the 10 off 1¾ storey houses completed in late 2018 are acceptable as affordable houses, then these proposed 13 houses should be built to that design.

Turning to the FFLs which have now been added to the section drawing for the 13 houses. I appreciate that some attempt has been made to lower the FFLs of some of the houses from the levels approved under 2016/0060/DET. However, with what has transpired on this application to date (including ‘mistakes’), the continual history of enforcement problems and the ad hoc design changes on the adjacent private development, what confidence can I (and the Planning Authority) have that, if this application is approved, the FFLs of the as built houses will not exceed that shown in the approved drawing? Given the history on this site, sign off by the developer’s consultant is not satisfactory, instead an independent sign off must be required.

Yours faithfully,



Dr Gordon Bulloch