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8th July 2024

Dear Team,

Application Number: 2024/0163/DET

Erection of 107 Dwellinghouses Including Open Space, Landscaping and Associated Infrastructure - Site Adjacent To Monaltrie Park, Ballater Aberdeenshire

We are glad to note that CNPA have called in this application.

We are disappointed to note that this application was lodged on 17th April 2024 and not validated until 24th June, but that comments on this very complex application must be submitted within 14 days by 15th July.

This has given us a very tight timescale in which to consult and consolidate a very wide range of views in the community.

The Community Council has already raised a number of concerns with the developers, Scotia Homes in relation to various aspects of the proposals now in the current application. The majority of these concerns have been raised more than once and it is disappointing that they appear to have been largely ignored. These concerns are very much focussed on the settlement objectives set out in the Local Development Plan (LDP).

- Conserve and enhance Ballater's distinctive built heritage and the integrity of its Conservation Area
- Increase the attraction of Ballater as a business, tourist and recreation destination
- Deliver housing that meets local need and affordable housing, including low-cost ownership and affordable housing for rent
- Increase and enhance flood management and resilience

Conserving and Enhancing Ballater's Distinctive Built Heritage

The proposals do not conserve and enhance Ballater's distinctive built heritage and do not accord with Policy 1: New Housing Development. Clause 1.1(b) of this policy states that *'All proposals for housing will need to ... reinforce and enhance the character of the settlement'*.

The current proposals fail to do this for the following reasons:

1. The general layout is at odds with the prominent street pattern of Ballater which has streets running in a southwest to northeast direction. This proposal has turned the streets 90 degrees to run in a southeast to northwest direction. The suggested reason for this being that the streets run in the direction of field boundaries in the area of H1 is a very weak justification

given most of Ballater's streets run in the opposite direction. This layout looks uncomfortable when seen in the context of Ballater as a whole and does not integrate well with its surroundings and *reinforce and enhance the character of the settlement*.

2. The decision to run roads in a southeast to northwest direction means that the houses are generally orientated in the wrong direction for maximising solar gain. Coupled with this, the windows are very small and do not afford the opportunity for maximising natural daylight and utilising the path of the sun during the day to benefit as much as possible from natural resources, a core principle of The National Park. Notwithstanding that, natural daylight and sunlight are extremely important for well-being and it appears an opportunity is being missed to help to create better places for people to live. The current layout therefore does not accord with Policy 3: Design & Placemaking as it is: not resource efficient as set-out in Policy 3.1: does not minimise the effects of the development on climate change due to house orientation as set-out in Policy 3.3(a); does not make sustainable use of resources, including the minimisation of energy due to lack of solar gain as set-out in Policy 3.3(d); does not promote good health and well-being as set-out in Policy 3.3(l). Scotia homes have stated that with a scheme of this size it is difficult to orientate all houses to maximise solar gain. We do not accept this as any justification for the current layout and house designs. By example, you just need look at the 'Townscape Evolution' within the Design Statement whereby the traditional street scape sees houses on the street frontage facing north with private gardens to the south, and houses facing south set back from the street allowing privacy, gardens and solar gain to living spaces.
3. The layout is very road dominated and urban in appearance with well over 1000 linear meters of roads which either only have houses accessed off them on one side or no houses accessed off them at all. The layout therefore fails to comply with Policy 1 as it does not integrate well with its surroundings and *reinforce and enhance the character of the settlement* and fails to comply with Policy 3.1 as it is not welcoming, safe and pleasant or sustainable in terms of use of materials. This is a highly inefficient layout both in terms of cost to construct and housing numbers. A more efficient layout i.e. less roads, could create a more pleasant and welcoming environment and could potentially increase the number of houses and therefore a greater percentage of affordable housing being provided. The current layout does not comply with Policy 1: New Housing Development, as it fails to provide 45% of affordable housing and no justification for a reduction in this percentage has been provided.
4. The houses are generally not site specific to Ballater and are generic in their design and appearance being used on numerous Scotia sites throughout Scotland. The 1 ¾ storey height is out of character with the adjoining housing which are generally 1 ½ or single storey. The elevational treatment and window placement and proportions are sporadic and confusing bearing no resemblance to the local vernacular or even a modern interpretation of it. The catslide dormer is not a feature appropriate for Ballater. The lack of entrance doors facing the street is not welcoming and creates bland street frontages and no sense of place. The houses in design therefore fail to comply with Policy 1 as they do not *reinforce and enhance the character of the settlement, and fail to comply with Policy 3 as they are not sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness, nor are they distinctive or welcoming*.
5. The proposed materials and most notably the concrete roof tiles, white drydash render walls and metal sheeting to garages, are not considered appropriate roof and wall finishes for a site in The National Park and do not accord with Policy 1 as they are not materials that *reinforce*

and enhance the character of the settlement, nor are they distinctive which compliment local features and materials as set-out in Policy 3. The white render will dominate the streetscape and landscape setting and is not a colour prevalent within Ballater, leading to the development not integrating with its surroundings, a core requirement of Policy 3 which states that the development must reflect its setting in terms of siting, scale and design.

6. The general dominance of the housing is of concern given that the site is being raised with house floor levels being 1.5-2.0m above the existing field level. Coupled with the proposed finishing materials, it is unclear how the housing will integrate within the existing landscape setting and Ballater as a whole. 3D images were requested and promised previously but these are still awaited to allow the community to fully understand what visual impact the proposed housing will have.

Increase the attraction of Ballater as a business, tourist and recreation destination

It is disappointing that whilst the LDP refers to capacity for other mixed uses including business and community uses, the application is solely for residential properties.

Support for businesses with commercial, storage and other associated uses is vital for the economic development of the community. The concept for H1 was for an urban development incorporating commercial properties.

We understand from the landowner, Invercauld Estate that they own other land in Ballater which can be used for this purpose but they have not identified the land and presumably do not have planning consent. We would ask for a linked condition in relation to commercial use on other suitable land.

Deliver housing that meets local need and affordable housing, including low-cost ownership and affordable housing for rent

The three main points listed in the pre-application consultation report feedback relating to affordable housing were that affordable housing should be offered initially to local residents, mainstream units should be offered to the local population initially, to provide them with the first opportunity to purchase and that holiday or second homes should be limited in the development.

The community is very much in favour of affordable housing and believes there is considerable demand for it. It is disappointed that the percentage of affordable housing has been reduced from 45% to 35%. It is appreciated that the developer will have arguments on viability and the community looks to CNPA to ensure that its policy is fulfilled.

Up to date housing needs data should be shared with the Community Council.

Reassurance is required to ensure that priority to purchase would be given to locals for an agreed time period, before the properties are released onto the open market, with fixed pricing.

A firm agreement that a local letting scheme will be implemented and that the community Council are consulted on the allocation criteria.

Action is need to ensure that housing will remain 'affordable' in perpetuity. Any future sale or development to an 'affordable' unit should require the consent of Aberdeenshire Council or the social

housing provider to set up a system to protect the affordable housing status on these properties for the future.

Scotia has indicated the concern of holiday and second homes has been addressed in other parts of the Cairngorms National Park and that there could be potential for a similar approach to be taken in Ballater. We would like to understand further the CNPA's position on this and how the impact can be controlled.

Increase and enhance flood management and resilience

The understanding of the BCCC Flooding Issues Group (FIG) is that the Flood Risk Assessment (FRA) was prepared on the basis that the proposed developed is not on the functional floodplain (+ climate change) as defined by the latest available data i.e. Storm Frank. The expanded functional floodplain has resulted in a significant reduction (approx 50%) in the number of houses from what was initially envisaged. We note however that the proposed development is immediately adjacent to the floodplain.

It appears that the elevated Deeside way plays a role in the definition of the floodplain but cannot be assumed to be a formal flood defence and therefore the development must be designed assuming it does not exist. This is a puzzling contradiction for the layman.

This results in the development (houses) being raised in the region of 1-2 meters depending on their location within the site.

We would ask that the CNPA and technical authorities, ABCO and SEPA review the FRA (particularly SUDs and general drainage) to ensure that the flooding risk to the adjacent existing houses particularly in Pannanich Road and Lochnagar Way is not increased.

As stated in the LDP, the open spaces must maintain and, where possible, enhance their existing flood storage and conveyance properties. We understand that there are in fact opportunities to reduce the flood risk of the existing properties to the south of the H1 site by lowering the Deeside way. It would seem obvious to the Community Council that an action that would reduce flood risk at no cost to the public purse should be high up the priority list for all the public authorities.

We believe that being able to show that the new development could benefit the existing Pannanich Road and Lochnagar Way housing, may increase community support for the development.

Implications for Access and Priority for Pedestrians and Cyclists

The proposed access into the site from Craigview Place cuts across the Deeside Way which it is proposed is to be diverted. Pedestrians and cyclists on the Deeside Way would have to exit the Deeside Way and take a convoluted route by ramp either side to re-join it.

Lowering the Deeside Way would enable priority to be given to pedestrians and cyclist and not the car, with the Deeside Way remaining on the original Deeside Way alignment. The current proposals fail to comply with Policy 3: Design and Placemaking as they are not: *welcoming; safe and pleasant; easy to move around and beyond*, and importantly Policy 3.3(h) which states all development proposals must be designed to *maintain and maximise all opportunities for outdoor access, including links into existing path networks and ensuring consistency with the Cairngorms National Park Core Paths Plan*.

Lowering the Deeside Way would have this added benefit of simplifying the access to the site, improving priority for pedestrians and cyclists and reducing the amount of land needed at the games park for its access.

Ballater Highland Games

The application is not compatible with the needs, aspirations or future viability of the Highland Games.

Currently the proposed development overlap about 14m into the 55m extension to the Games Park agreed between Invercauld Estate and the Ballater Highland Games committee, recorded in a Minute of Agreement. Furthermore, the raised platform for the houses being 1.5- 2m above the Games Park ground level may impact on emergency escape routes and accessibility along the east boundary.

The Games Committee will no doubt submit their own comments, but the proposals do not demonstrate how the viability of the Highland Games event and adequate parking for that event will be maintained. The plans showing vehicular routes appear to be along a route without a road, the gradients involved may be unfeasible for vehicular access and the land shown for parking is to be landscaped and much of it unavailable for parking. There is no proposal as to how the small area of land available for parking is to be maintained.

Consultation, Impact Assessment and Developer Obligations

We look forward to working with the CNPA in relation to this application, and in particular receiving a copy of the impact assessment once it is completed and being fully consulted in relation to developer obligations.

Ballater and Crathie Community Council