

APPENDIX 2

**APPLICANT REQUEST TO RE-CONSIDER
CONDITIONS**

(1 SEPTEMBER 2011)

From: Alex Donald [REDACTED]
Sent: 01 September 2011 00:36
To: Mary Grier
Cc: [REDACTED]
Subject: waltzing waters planning conditions

Mary Grier
Planning Officer
C.N.P.A.
Ballater

Firstly may I thank both yourself and the committee for all the work done in order to arrive at the decision to approve my application for change of use at Waltzing Waters. Unfortunately some of the conditions are financially onerous and will jeopardize the housing element of the project. I respond to the conditions as follows :-

1. Certainly, we will start immediately.

Reason. Everyone is waiting.

2. I do not expect to be able to provide a copy of contract until February or March next year.

Reason. Solicitor is currently working on lease with Co-op and still has a long way to go. I doubt lease with Highland Council will be any quicker.

3. Visibility splay to the west will certainly be as you require, however this is not completely possible to the east

Reason. Our neighbours garden ground level is considerably below pavement level and by your rules their wall must be at least 1.1 metres high.

4. Is unnecessary. However we will be extensively improving the white lining.

Reason. a. There will be no increase in traffic, indeed a decrease from 25 coaches per day to a maximum 5 delivery vehicles per day. There will also be a small reduction in the number of cars.

b. Our entrance is fully fit for purpose with all vehicles of all sizes entering and leaving in forward gear.

c. For the construction of our access we at our own expense using our own land widened Balavil Brae by fully 2 metres from Main Street to our entrance.

We also provided the land for the pavement on the whole of our boundaries on both Balavil Brae and Church Terrace.

d. These pavements have always had dropped kerbs, indeed we had the first dropped kerbs in Newtonmore

e. Balavil Brae does not require retarring indeed it is one of the few roads in Highland Region with no potholes.

5. It is the case that there will a major increase in pedestrian traffic and our white lining

will use both colours and symbols to designate clear safety routes. Cycle traffic will be minimal and security racks unnecessary.

Reason. Unlike some other parts of the national park in Newtonmore we not have to lock up our bicycles.

6. With regard to the visual appearance of the building the suggestion of timber cladding would be very high maintenance and on the western wall would require total replacement at least every 10 years, giving the appearance of new and old botch. The suggestion of wet harl is much more practical, however this is financially impractical. I propose to have those areas which have become soiled and unsightly sand blasted in order to bring the site back to its original state.

Reason. Due to the height and size of the building the cost of wet harling could be as much as £30,000 . As this was not anticipated and has not been included in costings the development of the houses would have to be postponed or cancelled

7. Reluctantly I will agree to change the wall finish to wet harl. There is no difference in cost.

Reason. The neighbouring properties which are harled were all built as council houses. The proposed houses are not council but will be leased to the council. The majority of private houses are dry dashed, but this is splitting hairs so wet harl it is.

8. I do not think there will be any timber cladding.

Reason, I believe the co-op will soon apply for an amendment to change the frontage to much nicer and much more expensive.

9. This would be very out of context and be likely to give some leaving the pub an area to abuse. Your suggestions are welcome.

Reason. Nearly all the houses on Church Terrace have a garden fence, wall or hedge

10. The trees and bushes have already been chosen, purchased and delivered. They average 18 feet tall, cost £4,500 and will be planted next week.

Reason. I firmly believe the choice of trees etc for my property is strictly a matter for me

11. Naturally.

12. There is no need for additional lighting at this time.

13.. Wrong way round. If you can do anything to keep rainwater from the public road out of my property I will be eternally grateful. (the council have spectacularly failed on all of 3 attempts.)

14. It is not my place to tell you how my tenant will run their business, I doubt they know themselves yet.

Please look again at the conditions and alter if and where possible.

Regarding the developer contribution, would it make any difference if I were to permanently pull back my boundary to leave the bus stop area as belonging to the pavement,

It would mean an area for the public ie. bus stop became an extension of the pavement.

Yours faithfully,

Alex G Donald

Waltzing Waters (Scotland) Ltd.