
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: DEMOLITION OF CONVERTED STEADING AND ERECTION OF REPLACEMENT HOUSE AT BALNAGOWAN STEADING, BALNAGOWAN BRAE NETHY BRIDGE

REFERENCE: 08/228/CP

APPLICANT: WILBURN HOMES LTD., C/O MBM PLANNING AND DEVELOPMENTALGO BUSINESS CENTRE, GLENEARN ROAD, PERTH

DATE CALLED-IN: 30 JUNE 2008

RECOMMENDATION: APPROVAL



Fig. 1 - Location Plan

1. This application was considered by the committee at the meeting on 6th March 2009 when it was decided to defer the application until an independent engineer's survey is done and to allow, in the meantime, some further consideration of design changes. Copies of engineering reports are to be published on agenda in full and an engineer should be present at committee and at a proposed site visit. A site visit has yet to be arranged, should the committee require it, pending sight of the engineers reports. A bat survey had been provided but at the time of the committee, had not been submitted to SNH.
2. An inspection and report by an independent structural engineer has been carried out and is reported on below. The applicant was asked to consider design changes to the proposed house but has not responded. The bat survey is reported on below. The reports by the applicants Structural Engineer and Construction, Design and Management Inspector, as well as the report commissioned by CNPA and comment on it by the applicants engineers are copied in full in Appendix I.

SITE DESCRIPTION AND PROPOSAL



Fig. 2 - Balnagowan Steading looking West from Balnagowan Brae

3. The site is located to the North side of Balnagowan Brae just as it turns and descends into the centre of the village. Balnagowan Brae is a C Class road on the eastern approach to the village, entering from Tomintoul and Dorback. The site is embanked at the road side, made up of generally flat partially made up ground on the top and then slopes gently down to the North and West. The site is covered by a Tree Preservation Order that does not include the Poplar Trees over the North boundary.
4. Balnagowan Steading is located towards the West end of the site and is a traditional, probably 19th Century, two storey former farm building built in partially dressed granite blocks. It has been built into the North facing

embankment so appears as single storey with roof accommodation from the East and South and two stories from the North and West. It appears to have been built over an older rubble built structure now completely consumed within the embankment and current building.



Fig. 3 - East Elevation



Fig. 4 - South elevation with Balnagowan farmhouse in background

5. To the immediate West is a newly built single dwelling house that faces North and shares the same access as the proposed site. The existing new house is both marginally higher (200mm) and set marginally lower than the steading. The proposed new house would be at the same level as the steading with a ridge height to match the new house.
6. To the North, the boundary is marked by a row of thin Poplars and then continues to slope down steeply across an area of open amenity land towards the Nethy Bridge Hotel and Grantown Road. To the North East is Balnagowan (a former farmhouse) and, well separated from the site by Balnagowan and intervening trees, a new development of 10 detached houses currently under construction on allocated land.



Fig. 5 - Looking South from Mountview Hotel, across the amenity open space. Balnagowan steading and the adjacent new house in the middle distance.



Fig. 6 - Balnagowan steading and the adjacent new house viewed across the open amenity land from Grantown Road

7. To the South and East, Balnagowan Brae, the public road, is bound by trees and embankments descending Westwards, towards the village. Beyond the trees to the South, are distant views of the Cairngorm mountain range. The opposite (southern) embankment has been cultivated as a small public amenity space, including a seat and viewpoint towards the village. The site and existing steading are visible from this point and from the Brae as it approaches the village centre from the East (Dorback).



Fig. 7 - Balnagowan steading viewed from the amenity area on Balnagowan Brae

8. There is an extant planning permission (expires July 2010) for extensions to the steading which would involve obscuring both the existing South gable facing the road and about 38% off the East side facing Balnagowan. Planning permission for a new house on the land to the East of the site was refused and dismissed at appeal in January 2008 on the grounds that it would be in a conspicuous elevated position between existing traditional buildings where it would obscure views across the open space to the North. It would also be a cramped development in relation to the spacing between it and the steading. The design of the house itself was found to be satisfactory but it would look out of place between traditional buildings, particularly as it would face away from the public road.
9. It is proposed to demolish the existing converted steading and replace it with a single dwelling house in the same orientation as the steading. The steading is 16.4 metres long by 6.2 metres wide. The house would be 18 metres long by 9.2 metres wide. The proposed access would be from Balnagowan Brae and the new access to the housing development to the North East. The shared driveway also serves the new house to the West.
10. The proposed house would be finished in stone recovered from the existing steading and timber facings to the garage, porch, conservatory and dormer cheeks. The roof would be slated. The design has been amended to improve its traditional elements, increase the use of stone down takings and to align the height of the ridge of the roof with the adjacent new house.

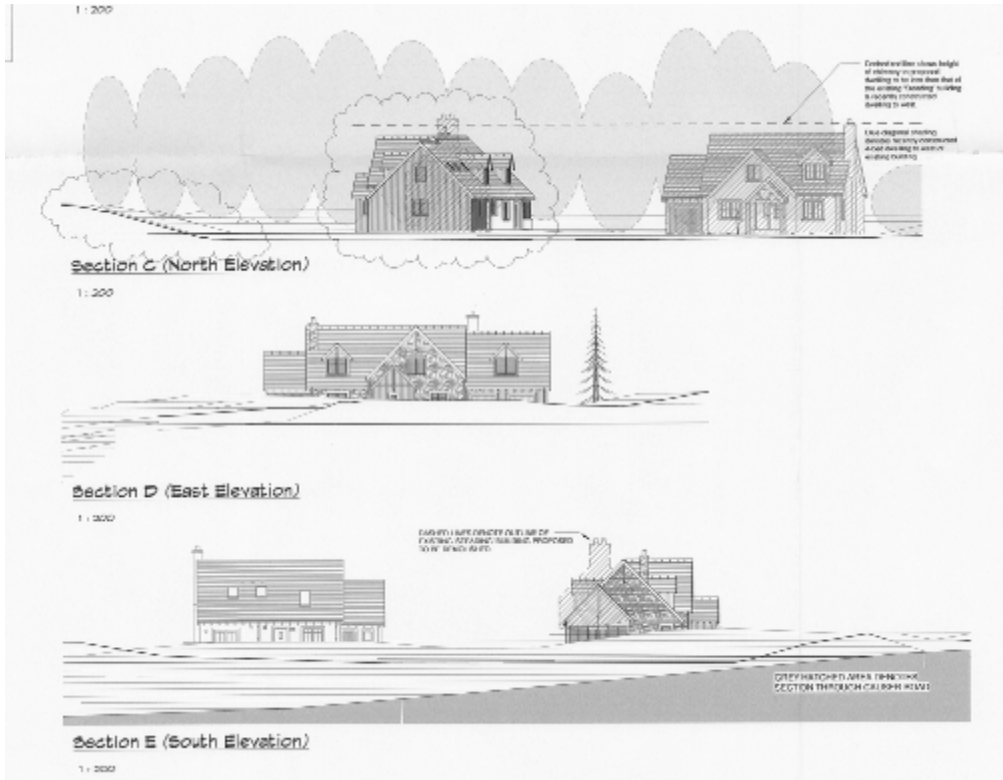


Fig. 8 - Site Levels



Fig. 9 - Elevations and Plans

DEVELOPMENT PLAN CONTEXT

Cairngorms National Park Plan 2007

11. Strategic objectives for Landscape, Built and Historic Environment include; ensuring that development complements and enhances the landscape character of the Park; with new developments within settlements and surrounding areas complementing and enhancing the character, pattern and local identity of the built and historic environment.

National Planning Policy

12. **NPPG 18 Planning and the Historic Environment:** states that the historic environment “has tremendous visual appeal, provides inspiration and enjoyment and helps reinforce a sense of local, regional and national identity. Scotland's historic environment is characterised by its diversity..... More modest historic buildings, townscapes and landscapes are valued for their distinctive style and character, quality of workmanship, and important archaeological remains. The historic environment is of immense importance for education, recreation, leisure, tourism and the wider economy”.
13. **PAN 52 Planning in Small Towns:** states that “The future for small towns does not involve turning the clock back but it should involve an appreciation of their historical development and an understanding of how market forces and social trends can be harnessed. Planning for small towns should be underpinned, *inter alia*, by identifying, safeguarding and reinforcing a sense of place and local (heritage) assets “in the interests of local distinctiveness and character.

Highland Structure Plan 2001

14. **Policy G2 (Design for Sustainability)** considers that proposed developments will be assessed on the extent to which they are compatible with service provision, are accessible by public transport, cycling and walking, maximise energy efficiency, make use of brown field sites, existing buildings and recycled materials, impact on individual and community residential amenity, impacts on landscape, habitats, species, cultural heritage, promote varied, lively and well used environments and contribute to the economic and social development of the community. In relation to **housing** the structure plan’s strategic objectives aim to steer housing development to appropriate locations within existing settlements.

Badenoch and Strathspey Local Plan 1997

15. The policy thrust of the Plan links social and economic development to maintaining the cultural and natural environment, with recognition of the need to improve urban design and enhance the character and identity of all the villages. Policy objectives for Nethy Bridge include maintaining a scale and form of development compatible with the village character. The site lies within the village envelope and Policy 4.1.3. (Infill) is relevant. In the interests

of safeguarding the character of established residential areas, this policy provides a presumption against development that would involve inappropriate scale, design or orientation, inadequate plot size and spacing, the breach of established building lines, tree felling, loss of privacy and amenity of neighbours and substandard access.

To the North of the site is a defined area of restraint, complimented by an area of amenity open space reserved from the current housing development. The resultant open grassy field area is important to the character and amenity of the village, including two important local hotels. This area is safeguarded by Policy 4.5.2 of the Local Plan.

CONSULTATIONS

16. **Scottish Natural Heritage:** notes that the bat survey indicates that signs of bats have been found in the building. A small number of pipistrelle bats have been roosting around a dormer window and there is potential for roosting and hibernating bats in the roof structure. Any works to the building require a licence. Works already carried out to remove linings in the dormer window should be reinstated to allow the roost to function. A detailed survey should be undertaken before the application is determined, to establish the type and numbers of bats present and the nature of their use of the building. This will inform the timing and method of any works that may be licensed and any mitigating measures. No further survey work has been carried out by the applicant.
16. **Nethy Bridge Community Council:** The applicant and agent met with the Community Council before the application was made and at that stage the Community Council did not raise objections. Subsequently the Community Council stated in writing that a fine house would be created but not necessarily right for this site. They are unconvinced that the existing building is beyond repair. The site is very prominent and visible to many so restoration of the existing building is preferable to its demolition and replacement. A new building would ruin a very prominent part of the village.
17. **Heritage and Land Management (Landscape Officer)** states that the site is in an elevated location in relation to the road and is visible from the East. The steading and Balnagowan farmhouse to the East, together form a pair on either side of the access road to the new Wilburn Homes housing development, contributing to the streetscape and character of the area. The proposed house has traditional elements but lacks the authenticity of the existing structure. The removal of the traditional building would weaken the local character by reducing the stock of such buildings and eliminating its relationship with Balnagowan Farmhouse and therefore there is an objection to the proposal on landscape grounds. The site should be enhanced by appropriate planting and most importantly a stone wall to the boundary of the garden. A condition is recommended.

18. **Heritage and Land Management (Ecologist):** the building is of an age and type that could have bats roosting in the structure. A bat survey is a legal requirement before planning permission is granted. In the event that there are bats currently using the building a licence to disturb the bats through the demolition is required from Scottish Government via SNH. If the demolition is delayed until the summer breeding season, a further survey would be required and if necessary a licence obtained. A licence is also needed to disturb any nesting birds.
19. **Forestry Officer** states that a more detailed landscape plan is required. The roots of the existing Poplar Trees to the North have already been compromised by the repositioning of the access lane to the existing new house. They are also very closely spaced and would benefit from being thinned out. They should be closely monitored and a replacement planting scheme put in place. They are situated within 10m of the proposed gable of the new dwelling (and the steading). There should be no new development within 15 metres of the trees.
20. **Archaeology** states that the building is depicted on the first edition of the OS map dated c.1870. It is of historic interest and should not be further altered without a visual record first being made. This can be dealt with by condition.
21. **Contaminated Land Officer** states that the building has been in previous use for agriculture. An assessment of potential contamination should be made prior to the commencement of development. The agent completed the Highland Council questionnaire, confirming that there is no knowledge of any contamination at the site.
22. **Highland Council Roads Authority** recommends planning conditions relating to sight lines, gates, parking and surfacing.

REPRESENTATIONS

23. A total of 21 letters of objection have been received. Concerns raised can be summarised as follows:
 - Balnagowan steading is one of the older historic stone buildings, providing a visible link to the agricultural past of the village, witnessed by its present juxtaposition with Balnagowan Farm House. It is part of the history and “feel” of the village. It appears to be in good repair and its removal would be detrimental to the rural character of Nethy Bridge,
 - The replacement house would have a detrimental impact on the amenity of the area in terms of prominence, style and scale and would not be in-keeping with surrounding houses. It is too suburban in character and would be much more conspicuous than the single storey stone building it would replace. The proposed use of

recovered stone from the demolished building is tokenism and bears witness to the qualities of the stonework of the original building.

- Previous decisions have protected the open view to the North and the amenity and setting of the traditional steading building. Its demolition and replacement could lead to further efforts to sub-divide the plot,
- The existing steading should be repaired and extended rather than replaced,
- The replacement of the characterful and rural steading building would be to the further detriment to the outlook from two major hotels in the village, at a time when business considerations are of great importance,
- In present conditions there is no guarantee that the steading would be replaced once demolished,
- Any replacement should be no higher than the existing steading,
- The existing steading screens the new and uncharacteristic house that stands behind it,
- The proposed landscaping appears to block the sight lines from the adjacent access road.

24. Copies of all representations received are provided for the Committee's consideration.

APPRAISAL

25. The main issues for consideration in this application are the legal basis for the decision, the condition and qualities of the existing building, the design and suitability of the proposed house in the context of the site and its surroundings and the impacts of the proposal on the wider character of the village.

Legal Considerations

26. The policy advice in NPPG 18 deals with the statutory requirements surrounding the demolition of Listed Buildings or unlisted buildings in Conservation Areas. Balnagowan steading is neither Listed nor in a Conservation Area. Outside Conservation Areas demolition in itself is defined as permitted development. Demolition of a dwelling house is permitted subject to the prior approval of details of the method of demolition and the reinstatement of the site. When demolition is proposed as part of a redevelopment scheme then the details should be included in the proposals for the redevelopment of the site. The suitability and acceptability of the redevelopment proposal is therefore material to considering the reinstatement of the site following demolition. The Planning Authority is therefore entitled to consider the redevelopment in the context of its contribution to the character of the area when compared with the qualities and condition of the existing building to be removed. This is particularly material in the context of the statutory Aims of the National Park to conserve the natural and cultural heritage of the area and to promote a sustainable economic and social development of the area's communities. The

emphasis must therefore be on considering the merits of the new house proposed for the site, in the context of the qualities and condition of the building to be removed and not merely the merits or otherwise of the proposed demolition.

The Existing Building

27. The existing building is a dwelling house previously converted from a disused agricultural building. The building is in a very prominent position and makes a notable contribution to the character and amenity of Nethy Bridge, by virtue of its age, position and traditional appearance. It is a granite building partially faced in modern harl. It is solid, plain and sturdy, conveying a quality build and appearance. It therefore roots the origins of Nethy Bridge in a former agricultural age and is appreciated locally for its character and history.
28. The previous conversion is simple on the exterior but the interior bears witness to substantial efforts made to stabilise and tank the building. There are large areas of block building inside and evidence of damp and failed tanking. Little of the original character remains.
29. A structural engineer's report from HGA Consulting Engineers attests to the condition of the building. They recommend that the building is demolished and rebuilt. Their recommendation arises from the condition of the building below ground level. The visible building is thought to have been built on top of the loose rubble walls of an older former steading, set well into the embankment. The lower walls have failed completely and are incapable of safely supporting the upper steading despite the apparent soundness of the visible part of the building. To quote from their recommendations: "The masonry viewed in the lower section of the property is situated on material containing organic material. To stabilise and renovate this property the lower masonry below ground level on the walls would require to be rebuilt. The formation stones elsewhere would require to be underpinned....A tanking system and damp proof membranes would be required....The rear (East) wall and South East corner would be taken down to approximately 3 metres below the adjacent ground level. The remaining wall sections would require to be stabilised utilising specialist scaffolding or propping. They would also require to be underpinned....Due to the condition of the masonry we do not see how this could be carried out in a safe manner and retain the building. Any works carried out to the property would require to be undertaken to the relevant Health and Safety Guidelines and the CDM Regulations".
30. The agent has also submitted a letter from CDMM (UK) Ltd., Industry Inspectors responsible for co-ordinating the Construction (Design and Management) Regulations 2007, in Highland. Under the new regulations, all design parties are required to take responsibility for the health, safety and design characteristics of building projects. He concludes that underpinning the existing structure in a safe manner would be virtually impossible and he sees no feasible alternative to demolition.

The independent consulting engineer commissioned by CNPA, Nortec Consulting Engineers Ltd. of Inverness, reports that much of the existing masonry of the West wall, the South gable and the North section of the East wall is in reasonable condition and could be retained with remedial work comprising underpinning and re-pointing. This could be safely carried out in small sections. The South section of the East wall, the retaining wall, will require to be stabilised either by rebuilding the lower section using temporary shoring or alternatively by pressure injection. It is acknowledged that the shoring to support the upper wall would be expensive and care would be needed if pressure grouting to ensure that no bursting of the wall would occur. The South gable is built in recent masonry block and could be retained although temporary shoring would be required in order to carry out the re-construction of the wall at the South East corner. The report does not comment on the financial viability of the remedial works when compared with demolition and rebuilding.

Both structural engineers agree on the rebuilding work required at the southern section of the East wall and at the South East corner. They appear to disagree on the extent of works required at the North end of the East wall and the extent of underpinning of the remaining walls. There is also disagreement about the feasibility and extent of shoring that would be required in order to carry out the work safely. The CDM Inspector corroborates this point on behalf of the applicant.

31. The applicant argues that the extent of the rebuilding work is not viable and if implemented, the already approved alterations and extensions would materially alter the appearance and character of the building. A rebuild as existing would not result in the retention of the building in its existing form as it is likely to be extended via the existing approved extension or by an alternative design.

The Proposed House Design and Siting

32. It is proposed to replace the building with a new house. The house is traditionally styled with Victorian features but adopts a modern scale, proportions and layout. From Balnagowan Brae the house is partially obscured by the undulating ground levels. From Grantown Road the proposed house would appear no higher than the existing steading building or the adjacent new house and would stand out no more severely on the skyline. It would be partially screened by Poplar Trees. It is similar to many of the more recent houses in the area and has been modified to improve the traditional detailing and levels. It includes a facing of stone intended to reflect its historic context and evoke the former steading. It is evident that this does not provide the same character or vernacular qualities as the original. Unlike the previous appeal proposal it is not, however, discordant with the very traditional former farm house at Balnagowan due to the spacing and change in levels between the two and the landscaping that is likely to grow up between the two buildings.

33. It is the case that a rebuild and sensitive extension of the original steading structure would better uphold the National, National Park and local objectives to protect the interests of local distinctiveness and character but the new house proposed is positioned and designed such that it to would maintain a scale and form of development compatible with the village character, albeit without the historical depth and heritage evoked by the former steading.

Impact on Immediate Surroundings

34. The new house is 3 metres wider than the steading but seeks to respect the original footprint, thus avoiding a position further East. Positioning the house further East would have a greater impact on the open spaces to the North and South and would lead to a higher and more imposing profile, all as found by the Reporter when a previous application was dismissed at appeal. The proposal would be only 16 metres from the side wall of the garage of the house to the West but the levels would be equal and rooms would not be intervisible from each other. The house would be only 0.75metres closer to the Poplar Trees to the North than the existing building. The ground concerned has already been disturbed in efforts to stabilise the building and the Poplars would not be affected. No trees in the TPO area would be affected.

Bat Survey

35. The HLM Ecologist has identified the possibility of bat roosts or maternity roosts in the building. A bat survey has been carried out but SNH have advised that further supplementary work is required. The timing of the demolition is key to ensuring that either winter or summer habitat is not disturbed. Mitigation measures to provide for bats in the new house are likely to be required. A licence to demolish from Scottish Government, through SNH, would be required. In the event that the committee is minded to approve the application, this should be subject to confirmation from SNH that demolition is acceptable following submission of an additional bat survey.

Conclusions

36. The evidence indicates that the existing building has structural defects that would prevent its partial rebuild and renovation in a viable manner. I therefore reluctantly conclude that demolition is necessary. It is recognised that a sympathetic rebuild would better uphold the historic references, character and authenticity of the original but such a proposal is not up for consideration and a view must be taken on the proposed house presently before the committee. The house is of a different character and proportions but has some merits in reflecting the Victorian traditions of the village, similar to many houses in the village. The site and the house have been designed and positioned to protect the amenity and character of the area, the amenities of neighbours and the setting of Balnagowan Farm. The relationship with Balnagowan Brae is restricted by the profile of the banks but the undulating nature of the locus and partial view of the house from the public road is not

untypical of the area, not detrimental to the point that refusal is necessary and it is not considered to be in breach of local policies on layout and infill development. The application is therefore recommended for approval subject to conditions and further consideration of the potential for bat habitat at the site.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

37. The replacement house would be neutral in terms of this aim whilst the demolition of the existing converted steading would be detrimental to maintaining the physical fabric of the village that bears witness to the cultural heritage and past of Nethy Bridge as an agricultural community.

Promote Sustainable Use of Natural Resources

38. Continued attempts to refurbish the conversion involve a futile use of resources. A new structure offers opportunities for energy saving and a reuse of stone recovered from the site.

Promote Understanding and Enjoyment

39. The replacement house would be neutral in terms of this aim.

Promote Sustainable Economic and Social Development

40. The proposed building would not detract from the attractiveness of Nethybridge but could not provide the same depth of character projected by older buildings and found so attractive by visitors. The loss of the converted steading would remove a characterful building in a prominent position on a tourist route into the village. The demolition is therefore detrimental to this aim but the proposed replacement is considered to be neutral in its effect.

RECOMMENDATION

That Members of the Committee agree to a recommendation to:

GRANT planning permission subject to:

- i) Receipt of a satisfactory additional bat survey to identify the types and numbers of bats and the nature of the use of the building, together with confirmation by SNH that demolition is acceptable, (subject to the granting of a licence and mitigation measures);
- ii) The following conditions:

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. Prior to the commencement of the development hereby approved, a photographic record shall be made of the remains of the former steading at the site, in accordance with the details contained in the "Basic Photographic Record" notes published by Highland Council and dated 11/03/07, and submitted to the Highland Council Archaeological Service. No demolition or site clearance shall take place until confirmation in writing has been received from Highland Council that the record made has been lodged and is satisfactory.
3. The dwelling house hereby approved shall be finished in the natural stone and slate down takings recovered from the existing building or in natural stonework of a matching type, colour and finish, as shown on the approved plans, to the satisfaction of the Cairngorms National Park Authority.
4. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted. For the avoidance of doubt all trees shall be native to the Speyside area and shall ensure:-
 - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the Planning Authority.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
5. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no fences or walling shall be erected on the site without the prior written consent of the Cairngorms National Park Authority.
6. Prior to any other part of the development commencing, the access road off the main access road from the public road at Balnagowan Brae shall be a minimum of 5.0 metres wide for at least the first 6 metres measured from the nearside edge of the main access road. Construction over this length shall consist of 40mm thick Close graded wearing Course on 60mm thick Dense Base Course on 350mm thick Type I sub base, all on a sound formation. Thereafter

the access shall be at least 3.0 metres wide and construction shall consist of 350mm thick Type 1 sub base on a sound formation.

7. Prior to any other part of the development commencing visibility splays shall be provided and thereafter maintained on each side of the site access road at its junction with the main access road. These splays shall be the triangles of ground bounded by the first 2.5 metres along the centre line of the access road (the x dimension) and the nearside edge of the main access road (the y dimension) measured 70 metres in each direction from the intersection of the access road with the main access road. Within the visibility splays nothing shall obscure visibility between the driver's eye height of 1.0 metre positioned at the x dimension and the object height of 1.0 metre anywhere along the y dimension.
8. Any gates that are provided shall open into the property only.
9. Prior to the approved dwelling house coming into use, parking and manoeuvring space for at least 2 vehicles shall be provided within the curtilage of the property such that all may enter and leave the site independently and in forward gear.

ADVICE NOTE

The applicant is advised that it is a criminal offence under the Wildlife and Countryside Act 1981 to disturb or destroy a bat roost without a licence from the Scottish Government. Attention to the requirements of the legislation is essential before any works on the demolition of the building take place.

It is similarly an offence to disturb birds nests and the building must be checked for any nesting birds before any demolition commences. If there is any evidence of nesting birds a licence is required from the Scottish Government.

Hilary MacBean
18th May 2009

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The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.