

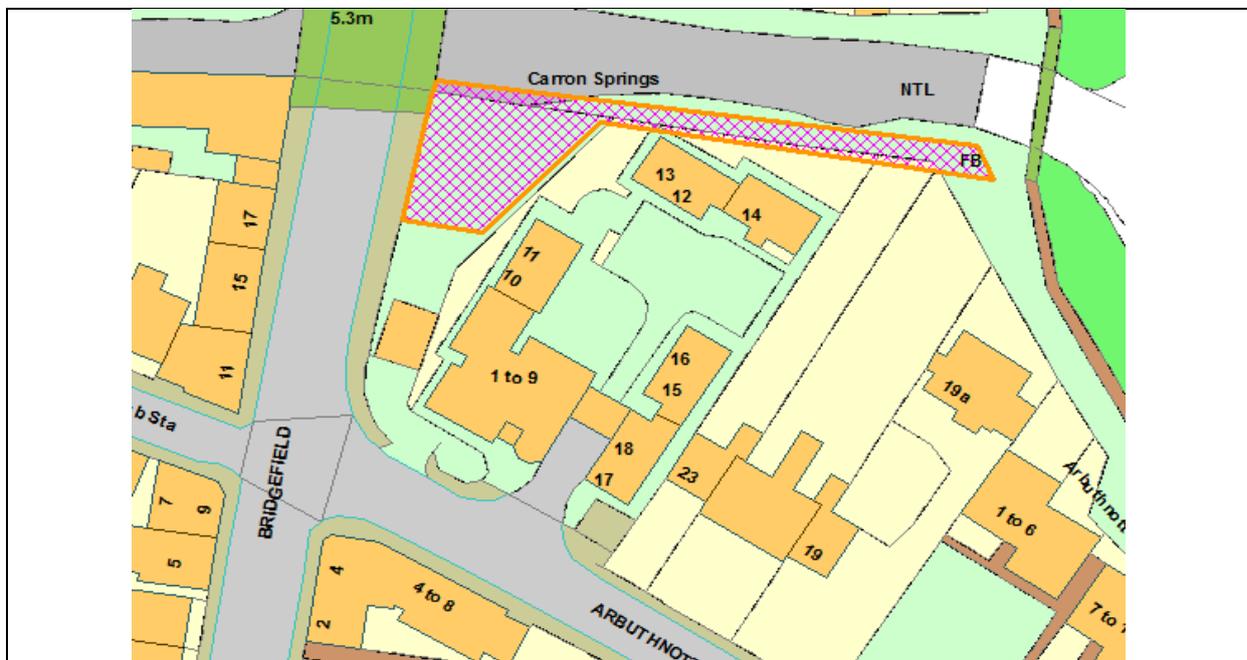
Kincardine & Mearns Area Committee Report 3 March 2020

Reference No: APP/2019/2750

Listed Building Consent for Demolition and Erection of Section of Wall at Carron Springs, Arbuthnott Place, Stonehaven, Aberdeenshire

Applicant: McLaughlin & Harvey, 15 Trench Road, Mallusk, Newtown Abbey, Northern Ireland, BT36 4TY
Agent: McLaughlin & Harvey, 15 Trench Road, Mallusk, Newtown Abbey, Northern Ireland, BT36 4TY

Grid Ref: E:387479 N:785730
Ward No. and Name: W18 - Stonehaven And Lower Deeside
Application Type: Listed Building Consent
Representations: 13
Consultations: 1
Relevant Proposals Map: Aberdeenshire Local Development Plan
Designations: Stonehaven Conservation Area
Complies with:
Development Plans: Yes
Main Recommendation: Grant



NOT TO SCALE

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright and database rights. Ordnance Survey Licence Number 0100020767.

1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises. In addition, the application is recommended for approval and has been submitted by the Local Authority [or its appointed agents] or relates to land in the ownership of the Local Authority or land in which the Local Authority has a financial interest and there has been a valid objection.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

Planning History - Stonehaven Flood Protection Scheme

- 2.1 Flood protection works are currently underway on the River Carron as approved under the Flood Risk Management (Scotland) Act 2009 and the Flood Risk Management (Flood Protection Scheme, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations.
- 2.2 Following an extensive period of public consultation on the proposed Stonehaven Flood Protection Scheme, and in accordance with his letter of appointment dated 10 January 2017, the Reporter conducted a public hearing in connection with objections to the Stonehaven Flood Protection Scheme on 28-29 March 2017.
- 2.3 The Reporter recommend that the Stonehaven Flood Protection Scheme, including the modifications proposed and agreed by the Aberdeenshire Council Infrastructure Services Committee on 28th January 2016, be confirmed on the grounds that, from all the evidence before him he found that the Flood Protection Scheme is necessary to provide an adequate level of protection to the town of Stonehaven.
- 2.4 In accordance with Section 60 and Schedule 2 of the above Act and Parts II, III & IV of the Regulations, the Council gave notice under Paragraph 10 of Schedule 2 of the Act that the above flood protection scheme was confirmed with modifications on 1st June 2017.
- 2.5 The current Listed Building Consent application has been submitted by McLaughlin and Harvey, the principal contractor on the Stonehaven flood protection scheme, who is seeking permission to demolish and re-build a section of the boundary wall adjacent to the river Carron, on the south bank to the seaward side of Bridgefield. The site is within the Stonehaven Conservation Area. Part of the wall is Category C listed and was associated with 19, 21 and 23 Arbuthnott Place, Carron Springs, Bowmount House and

Burnside to the south. The boundary walls are listed and described as 'flat-coped rubble boundary walls, breached and lowered to SW'. The listing was made in 1980.

- 2.6 A structural appraisal has been submitted with the application, following a visual inspection carried out in April 2019 to assess the condition of the boundary wall and comment on its structural stability. The wall is a mix of stone and concrete, ranging in height from around 4.5m at Bridgefield to approximately 2m at the seaward end. It is in total around 90m long, 60m from Bridgefield to the corner and around 30m to the end at 19a Arbuthnott Place. The 20m section nearest the bridge, which is not listed, is a retaining wall to around 1.5m depth. The section of the listed wall to be demolished and re-built is 40m long and runs from the rear of 1-9 Arbuthnott Place to the corner at the rear of 21 Arbuthnott Place. The remainder of the listed wall would not be demolished.
- 2.7 The report concludes that the stone masonry and concrete wall is in generally fair structural condition, some sections are in similar structural condition to their original state of construction. Other sections have been affected by gradual deterioration in mortar pointing resulting in pockets of loose and detached stonework. Open jointing and undermining of foundation stones at a lower level has been exacerbated by the effects of flood water over a considerable period of time. Tree roots also contribute to some of the wall degradation. The report concludes: 'Due care and attention will need to be exercised when working adjacent to the wall and some temporary barrier protection would be advisable especially at sections where there are pockets of missing stones. It is expected that you will keep a watching brief on the wall as works proceed and any changes in its condition should be picked up during the Completion Survey Report'
- 2.8 Further clarification has been sought from the contractor, who has confirmed that they intend to take down only the section of wall necessary to allow construction of the new floodwall foundations and walls. They see no reason to remove the remaining section of the listed wall, they have assessed it and concluded that they can construct new flood scheme structural elements required in this location safely while also not compromising the structural integrity of the existing wall. Where the section of wall to be demolished interfaces with the existing wall to be left, special attention will be given to removal of existing wall materials so as not to cause any damage to the remaining wall. The access gate is to remain.
- 2.9 The contractor has advised that the structural survey was carried out to assess and report on the condition of the wall. Its recommendation regarding the installation of temporary barrier protection while works are carried out have been considered by the contractor who has concluded that would be insufficient when the actual construction process is properly considered. The depth of construction required to construct the flood walls, the proximity of the listed wall to the new permanent works and the space required to construct these elements mean that the wall has to be removed to facilitate the works. A working space of around 1.5m wide is required for formwork and operatives,

in addition the ground level has to be altered to a safe angle on the slope and sheet piles will be required.

- 2.10 The section of wall which is affected is characteristic of boundary walls throughout the conservation area and has been constructed from a variety of sandstone including rubble and some dressed stone. There are various openings which have been infilled over the years. Part of the wall has a brick coping, other areas have a concrete cap. The riverside elevation has had less obvious maintenance than the inner face of the wall, parts of which have been re-pointed with cement.
- 2.11 The application advises that the wall would be demolished either manually, by hand from the top of the wall to ground level, or by mini digger if it can be carried out safely without causing damage to existing materials. These will be stored in an area away from the main works until needed for the reconstruction of the listed wall.

Supporting Information

- 2.12 Bat Survey Report and Species Protection Plan complied by Black Hill Ecology (Specialist Ecological Consultants) dated September 2016. The report and plan relates to the wider Stonehaven Flood Prevention Scheme and identifies a single bat roosting under Bridgefield Road Bridge. This survey noted records of pipistrelle and Daubenton's bats with 5km of the wider flood scheme site. Bats were observed to alight on the old wall both up and downstream of Bridgefield road bridge, no roosts were observed but the survey noted that bats may be present in any suitable gaps available on site and that old walls with attached outbuildings could potentially be used by roosting bats.
- 2.13 The original survey is now out of date, however, an update has been provided by the contractor's ecologist who has been monitoring the site during works. They have advised that the wall is too low and exposed to support roosting bats, it is considered to have negligible roost potential. The majority of features are likely to be relatively shallow and unsuitable to support roosting bats. The ground level was higher so a lot of features were quite accessible by predators (ie rats, mink, corvid species of birds and gulls). Anthropogenic disturbance has increased since the start of site works and it is exposed to weather/storms. There is uncertainty regarding the presence of a cavity between brick facings, if one is present it may provide suitable roosting opportunity. However, given the less suitable location of the structure, the higher suitability of both natural habitats and build structures further upstream, the importance of any potential roosting features at the wall is reduced.
- 2.14 Mitigation is proposed through having an ecologist available during demolition to ensure there is no cavity, in the unlikely event of a bat or signs of bat roosting being found works would stop and an EPS licence sought from Scottish Natural Heritage.

3. Representations

3.1 A total of 13 valid representations (13 objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- It was previously stated that the wall would be left intact
- Wall is a well-built sandstone structure in keeping with the character and heritage of the old town of Stonehaven, skilled labour not available to rebuild in the same style
- Wall could be shored up to maintain safety during flood works
- Wall is located in an identified bat roosting and feeding location
- Structural survey states that the wall is in a 'fair structural' condition and would 'require temporary barrier protection when working adjacent to the wall'. The application does not indicate why temporary barriers or supporting structures for the wall have been considered and rejected.
- The wall to be demolished joins onto the wall of the neighbouring property. To demolish only one part will leave the wall surrounding 21 Arbuthnott Place unstable. Therefore, the entire wall, including that of 21's garden, should be demolished and rebuilt whilst retaining 21's existing direct access to the beach through a gate.
- Parts of the wall have already been damaged through vibration from existing work and there are no measures in place to protect health and safety of people in the garden or to preserve the wall.
- Concern that demolition of part of the wall will compromise the safety of the rest, leaving it more vulnerable to flooding. All should be demolished and rebuilt.
- Rebuilding the wall will totally alter its appearance as it will not be possible to rebuild in its original form
- Should be conditioned that after works all necessary repairs to the wall be carried out sympathetically with appropriate matching materials
- Structural report 11.12.2019 states that 'Due care and attention will need to be exercised when working adjacent to this wall and some temporary barrier protection would be advisable especially at sections where there are pockets of missing stones. It is also expected that you will keep a watching brief on the wall as works proceed and any changes in its condition should be picked up during the completion survey report'. At a meeting in November contractors assured the public that the wall would not be affected.
- Wall has been damaged already and work has not begun in earnest on this section.
- Demolition will alter the character and setting of a listed structure in the conservation area.
- Re-building would not be old or unique, stands for a replica of what used to be our heritage. Would be impossible to reinstate its former glory.
- Planning permission should not be granted until there is more assurance that a like-for-like replacement can be achieved and its character retained as a recognisable historical structure.

4. Consultations

- 4.1 **Infrastructure Services (Environment Team)** has commented that in terms of interest the materials and construction of the wall are all significant to its character, although it has undergone some less than sympathetic alterations over the years. There appear to be some openings in the wall which may have been filled in as part of some very early flood defences but are of interest if they were original access routes to the burn.
- 4.2 There should be a supporting statement clearly outlining why the works are required, which is understood to be for safety concerns during construction of the flood wall. There should be a photographic record of the full length of the wall. This is required to inform the rebuild, to keep as a permanent record and to assist in the assessment of the application.
- 4.3 The rebuild should be based on the original construction and should keep and replicate elements which are of interest i.e. openings, but it should also look to reverse more negative later additions i.e. concrete block. Where there is a shortfall in materials the Environment Team will require to know how it will be made up. Appropriate conditions will cover these matters.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

From the 29 March 2019, the Strategic Development Plan 2014 went beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

5.3 Aberdeenshire Local Development Plan 2017

Policy HE1: Protecting historic buildings, sites and monuments
Policy HE2: Protecting Historic and Cultural Areas
Policy E1 Natural heritage

5.4 Other Material Considerations

Historic Environment Scotland. Managing Change Guidance Notes on Boundaries

- 5.4.1 Highlights the importance of boundary treatments in defining the character of historic buildings and conservation areas. Age, design, materials and associated features are amongst the features that contribute to their interest. It is important to understand and protect their key characteristics. New work should seek to maintain local traditions and local materials wherever possible. Physical or documentary evidence should inform the reinstatement or reconstruction of boundaries. Clues to earlier buildings and structures in the form of blocked windows and doors can be important in understanding the historical landscape. Where a wall needs to be rebuilt for structural reasons it is usually possible to rebuild using the bulk of the dismantled original material, dressed stone, in particular, should be rebuilt in its original position. Proportions, depth and irregularities should be maintained. Proposals should normally be supported by a structural report, photographs and detailed survey drawings.

5.4.2 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

6. Discussion

- 6.1 The key issues in determining this application for listed building consent are the impact of the proposal on the listed wall and the process of its demolition and re-building, the impact in the wider conservation area, along with the potential impact on bats.
- 6.2 There have been a number of objections which refer to the wider flood scheme, this is not part of the consideration of this application. Stonehaven has suffered through a number of flood events and the flood alleviation scheme has been approved through the appropriate process and is now well underway to help reduce the risk of future flood events to homes and businesses in the town. Whilst it is recognised and understood that such a major scheme will raise concerns and interest, these matters do not form part of the consideration of this application which is solely considering the impact on the listed wall.
- 6.3 Several objections refer to the inclusion of a footpath adjacent to the wall, this is not part of the consideration of this application, which is only to consider the demolition and re-building of the listed section of boundary wall. The works for installation of a walkway are part of the wider flood alleviation scheme as previously approved.
- 6.4 The works have been explained by the applicant as a necessary part of the overall construction of the flood walls below Bridgefield, whilst the original intention was to retain the wall it has become apparent that the required working area for the contractors and the need for piling in proximity to the wall risk its stability and would be a health and safety issue. The scope of works for the flood scheme has not changed however the process of construction requires temporary works necessary to carry out the permanent works. In assessing and designing these temporary works solutions have to be found to enable the safe and efficient construction of permanent works. In this case sheet piles are required next to the existing wall which will cause structural damage and the need to grade ground levels to a safe angle will extend beyond the original wall, thus requiring the removal of the wall whilst works are undertaken.
- 6.5 Objections have been made about the impact on the stability of the remaining section of the listed wall, after demolition and during works. The applicant has advised that there is no reason to demolish the remaining section, works can be carried out without compromising its structural integrity.

- 6.6 In relation to bat roost potential, there is ongoing ecological monitoring during construction of the flood scheme and an assessment has been made of the potential for bats using the section of wall to be demolished. This has confirmed that there is negligible likelihood of bats, however, the presence of an ecologist will ensure works are carried out in accordance with the correct procedures. As such the proposal complies with Policy E1: Natural heritage.
- 6.7 Alterations to listed structures are only permitted if they are of the highest quality and respect the original structure in terms of setting, scale, design and materials. Whilst the original intention had been to retain the wall it is now apparent that the required works to complete the flood scheme will necessitate its removal for both practical construction purposes and for safety reasons. It is considered that the proposal is acceptable, with appropriate conditions to cover the removal, retention and storage of the materials for re-use, along with the submission of a detailed method statement including the type of lime mortar and the source of additional stone as required.
- 6.8 In summary, this section of wall is typical of boundary treatments in the Stonehaven conservation area and is in a prominent location between Bridgefield and the shore bridge. It will be more visible and accessible following the construction of the flood wall and footpath. It is important that the rebuild respects the character and history of the original. Subject to the addition of, and compliance with, appropriate planning conditions it is considered that the proposed development complies with Local Development Plan (2017) Policy HE1 Protecting Historic Buildings, Sites, and Monuments and Policy HE2 Protecting Historic and Cultural Areas.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An equality impact assessment is not required because the proposal does not have a differential impact on any of the protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

None

- 10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 GRANT Listed Building Consent subject to the following conditions:-

01. No works, including demolition or removal of materials, in connection with the listed building consent hereby granted shall commence unless a method statement for the safe removal, reclamation, temporary storage and appropriate re-use of salvageable materials (including stone, pinnings and bricks) from the proposed works, has been submitted to and approved in writing by the Planning Authority. The method statement shall include full details of how the wall will be re-built to replicate the wall as existing, including the reinstatement of interesting detailing/ openings and, where appropriate, the reversal of inappropriate modern interventions. The method statement shall also cover stabilisation of any adjoining walls which may be impacted on as a result of the works. Thereafter, the works shall be carried out in complete accordance with the approved method statement.

Reason: To ensure the safe removal, reclamation and appropriate re-use of original traditional building fabric in the interests of the character and appearance of the built environment.

02. No works in connection with the listed building consent hereby granted shall commence unless the full specification of the proposed lime mortar to be applied has been submitted to, and approved in writing by, the planning authority. The specification shall include details of the proposed lime mortar mix and protective measures to be employed during the carbonation stage. Thereafter, the work shall be carried out in complete accordance with the approved details.

Reason: In order to safeguard the special architectural character and historic interest of this listed structure and in the interests of preserving or enhancing the character or appearance of the conservation area

03. No works in connection with the listed building consent hereby granted shall commence unless a sample of the proposed stone to be used has been submitted to and approved in writing by the planning authority. The specification of the new stone shall match the existing stone as closely as possible in terms of appearance, coursing, grain and durability. Thereafter, the works shall be carried out in complete accordance with the approved plans.

Reason: In order to safeguard the special architectural character and historic interest of this listed structure and in the interests of preserving or enhancing the character or appearance of the conservation area.

11.2 Reason for Decision

The proposal would enable the requisite works for temporary and permanent construction to be carried out safely. Demolition and safe storage of the materials will allow their re-use on completion of the flood works. Conditions to ensure the stored materials are re-instated, appropriate construction methods are used and any new materials are sourced to match the originals will recreate the character of the wall whilst securing its long-term future in a key location in the conservation area. The presence of an ecologist on site will ensure there is no detrimental impact on protected species. As such the proposal complies with Policy HE1: Protecting Historic Buildings, sites and monuments; Policy HE2: Protecting historic and cultural areas and Policy E1: Natural Heritage of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services

Author of Report: Jan Regulski
Report Date: 17 February 2020

Comments for Planning Application APP/2019/2750

Application Summary

Application Number: APP/2019/2750

Address: Carron Springs Arbuthnott Place Stonehaven Aberdeenshire

Proposal: Demolition and Erection of Section of Wall

Case Officer: Jan Regulski

Customer Details

Name: Mrs Maureen Brown

Address: 4 Robert Street Stonehaven

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having lived in Stonehaven for over 50 years, I am dismayed by the escalating costs of work on the flood protection project. I object to the Listed Building Consent application for Demolition and Erection of Section of Wall in a Conservation area as I believe that this part of the project is not a necessary requirement of the flood protection scheme. The proposed walkway alongside the wall is purely cosmetic and while this was part of the original application, the demolition and rebuilding of the wall was not. Rebuilding this wall will totally alter the appearance as it will not be possible to rebuild in its original form.

As a council taxpayer and long term resident I am extremely concerned about the extra cost of the wall and walkway and feel that they are totally unnecessary especially as the local authority appears to have no extra funds. As a commercial property owner who was affected by flooding I am concerned that due to council budget restrictions, maintenance of the beach and drains have been neglected over many years which have contributed to the flooding situation. As the council appear to have funds for this unnecessary project, surely these funds would be better used to maintain the beach area, drains and existing infrastructure to prevent further flooding problems

Comments for Planning Application APP/2019/2750

Application Summary

Application Number: APP/2019/2750

Address: Carron Springs Arbuthnott Place Stonehaven Aberdeenshire

Proposal: Demolition and Erection of Section of Wall

Case Officer: Jan Regulski

Customer Details

Name: Dr Paul Davison

Address: Sangara, Fullerton Farm Kintore Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There is currently insufficient justification for the proposed demolition and reconstruction of the listed wall.

The consideration and evaluation of alternatives to removal of the wall as part of the flood protection works has been inadequate.

There is insufficient reassurance that the wall would be rebuilt without changing the character and key features of the existing wall.

Planning permission should not be granted until there is much more assurance that a like-for-like replacement for the wall can be achieved, and its character retained, remaining recognisable as a historical structure.

Comments for Planning Application APP/2019/2750

Application Summary

Application Number: APP/2019/2750

Address: Carron Springs Arbuthnott Place Stonehaven Aberdeenshire

Proposal: Demolition and Erection of Section of Wall

Case Officer: Jan Regulski

Customer Details

Name: Mr Anthony Gilbert

Address: Flat C Bowmont House 21 Arbuthnott Place Stonehaven

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The wall it is proposed to demolish joins continuously onto the wall of my neighbouring property. To demolish only one part will leave the wall surrounding the garden area of 21 Arbuthnott Place unstable. Therefore I feel the entire wall, including that of our garden, should be demolished and rebuilt, while still retaining 21's existing direct access to the beach through a gate,

Comments for Planning Application APP/2019/2750

Application Summary

Application Number: APP/2019/2750

Address: Carron Springs Arbuthnott Place Stonehaven Aberdeenshire

Proposal: Demolition and Erection of Section of Wall

Case Officer: Jan Regulski

Customer Details

Name: Mrs R Harper

Address: 2 Slug Road Stonehaven

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the demolition of this wall, according to the structural report published on 11th December 2019 there is no need for a knock down rebuild, rather, all that's required is due care and attention (excerpt of report below). As much as the flood prevention works are very welcome and I'm sure appreciated by the whole town of Stonehaven it seems this is just additional unnecessary spend. I believe the works in the area of the wall should be done with the condition that post completion of works all necessary repairs be carried out sympathetically with the appropriate matching materials.

I attended the public meeting in November and was assured by an engineer from the contractors that there would be no works being carried out close enough to the wall that it could possibly be affected - I can only conclude that was a false statement, given that they now want to demolish the wall.

Excerpt of Structural Report Published 11th December 2019:

"Due care and attention will need to be exercised when working adjacent to this wall and some temporary barrier protection would be advisable especially at sections where there are pockets of missing stones. It is also expected that you will keep a watching brief on the wall as works proceed and any changes in its condition should be picked up during the completion survey report"

Comments for Planning Application APP/2019/2750

Application Summary

Application Number: APP/2019/2750

Address: Carron Springs Arbuthnott Place Stonehaven Aberdeenshire

Proposal: Demolition and Erection of Section of Wall

Case Officer: Jan Regulski

Customer Details

Name: Mrs Aileen King

Address: 19a Arbuthnott Place Stonehaven

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I live at 19a Arbuthnott Place. My property lies a couple of meters inside the C listed wall, which surrounds Bowmont house. I have an outhouse which is built up against the wall and I have been told that this is to be demolished as part of the already agreed scheme. Work has been ongoing on the seaward side of the wall at a distance of a couple of meters since the middle of summer. The vibration has caused the bits of the wall to fall to the ground and the whole house to shake. My neighbours have been told to stay away from the wall during working, for their health and safety. No measures have been put in place, thus far, to protect our health and safety, nor to protect the structure or stability of the wall. Some days I think that the wall is going to fall down. It has certainly been damaged, and work has not begun in earnest on this section of the scheme. I object to the demolition of the wall, as shown on the location plan submitted on 4th December 2020, as it will alter the character and setting of a listed structure in a conservation area. I also object to the proposed use of a mechanical digger if it is found that it can't be dismantled by hand. This sort of assessment should have been done prior to lodging such a controversial application.

Comments for Planning Application APP/2019/2750

Application Summary

Application Number: APP/2019/2750

Address: Carron Springs Arbuthnott Place Stonehaven Aberdeenshire

Proposal: Demolition and Erection of Section of Wall

Case Officer: Jan Regulski

Customer Details

Name: Mrs Miroslava Kosova

Address: 31 Cameron Street Stonehaven

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am a current resident of Stonehaven and property owner, directly affected by the flood protection scheme works. My house is on the Carron river bank, right in the heart of the construction site. I object to the proposed demolition of the C Listed wall in Stonehaven's conservation area.

I have been observing the total destruction of the most beautiful and historical part of Stonehaven with despair, especially as the works progress and more "unplanned" damage is being caused by the works, such as the tree cutting along the Carron Terrace and main road in Dunnottar woods collapsing. I believe that, whenever possible, the works should be carried out as originally planned and not expanding beyond of the planned scope. I object to the demolition of the listed wall as it seems just an easier solution to a problem for the contractor rather than a viable reason. If things were always taken with the approach of easy and most economical solutions, then there would be no historical heritage left in Scotland or elsewhere. What is the purpose of the heritage listing when we choose to ignore it whenever it suits us? Moreover, the proposed footpath along the wall seems to be an extravagant outlay in the light of the proposal to demolish and rebuild the historic wall. I believe if plans are to be changed, they should be changed in favour of the listed structures being preserved and not of a footpath that has never existed nor has been called for.

Moreover, the contractor, so far, hasn't shown the capability of adhering to listed building demolition and restoration processes. The C listed outhouse in our garden was unsympathetically demolished by large machinery, taken in one big pile onto a truck. No one even attempted to carefully dismantle and store this more than 100-year-old building, including its original features such as doors, hinges, door handles, roof tiles and skylights prior to its demolition. No matter the best intentions, demolition is rarely a straightforward process during which part of the history will inevitably be gone. A rebuilt can never be original, nor old and unique, and it only stands for a replica of what used to be our heritage.

Comments for Planning Application APP/2019/2750

Application Summary

Application Number: APP/2019/2750

Address: Carron Springs Arbuthnott Place Stonehaven Aberdeenshire

Proposal: Demolition and Erection of Section of Wall

Case Officer: Jan Regulski

Customer Details

Name: Mr Rory McGee

Address: 21 Arbuthnott Place Stonehaven

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this listed building consent application for the demolition of a section of the C listed wall which surrounds Bowmont house, where i live with my young family. Work has been ongoing only feet from the wall since the summer of 2019, yet no measures have been taken to protect the health and safety of persons in the garden. Parts of the wall have been falling off due to vibration, yet the contractor has refused to take any actions to preserve this section of the wall. The gate, which allows us access to the beach has mysteriously disappeared in the artist's impression of how the area will look when completed. It also shows the C listed Bowmont House, about 30 meters from its actual position. I feel that the contractor should be required to re point the wall at the earliest opportunity, as it is clear from this late application that the initial assessment of the condition of the wall failed to take account of the damage that would be caused by the pilling operations. I also object to the noise and vibration from the works, which prevent our youngest daughter getting to sleep for the occasional hour during the day. I do understand that this final objection is not a valid ground for objecting to a planning application, but a point worth making.

Comments for Planning Application APP/2019/2750

Application Summary

Application Number: APP/2019/2750

Address: Carron Springs Arbuthnott Place Stonehaven Aberdeenshire

Proposal: Demolition and Erection of Section of Wall

Case Officer: Jan Regulski

Customer Details

Name: Ms Fiona Scott

Address: 21A Arbuthnott Place Stonehaven

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am concerned that the demolition of part of the wall will compromise the safety of the rest, which borders my property, therefore leaving it more vulnerable to flooding than previously. I feel that if any part is to be demolished then it all should be, provided that it is all also be rebuilt.

From: [Sylvia Coutts](#) on behalf of [Planning](#)
To: [Planning Online](#)
Subject: FW: planning app APP/2019/2750
Date: 05 February 2020 12:59:18

Please upload to DMS etc

Kind Regards

Sylvia Coutts
Admin Support Officer
Infrastructure Services
Planning & Environment Services
Gordon House
Blackhall Road
Inverurie
AB51 3WA
Tel: 01467 539425
Email: sylvia.coutts@aberdeenshire.gov.uk

From: neil spinks [REDACTED]
Sent: 05 February 2020 12:25
To: Planning <planning@aberdeenshire.gov.uk> [REDACTED]
Subject: planning app APP/2019/2750

I object to listed building consent application 2750 to demolish the stone wall to the south of the River Carron east of the Bridgefield main road and towards the river estuary.

The wall was previously indicated that it would be left untouched. This has been superseded by the proposal to demolish a 150 year old heritage protected structure with a modern construction.

No notification has been given directly to the residents whose property is adjacent to the structure, rather the intention has been notified by an obscure pinned on A4 sheet attached to the safety barrier adjacent.....sneaky?

As a Stonehaven resident of merely 40 years with a deep affection for its history and heritage I am very concerned that the wall is even being considered for demolition and replacement. I am aware that the wall is in less than optimal condition but it has stood for a considerable length of time and currently is an ongoing danger to no-one.

I can appreciate the amenity value of the proposed footpath to the south of the river connection directly to Bridgefield. The expense of making good any repairs to the existing stone wall is small compared to the demolition/replacement option with the proposed new footpath. If costs are a consideration then I would suggest the retention of a List C structure is preferable to the new pathway.

The pathway suggested has no relevance or bearing on the Flood Prevention Scheme at all and was introduced it seems at a later stage. If it comes to a choice it would seem preferable to fund the existing wall strengthening and forego to proposed path. The FPS will already be over

budget and behind schedule.

My preference would be for a repaired wall AND the proposed path but as we can rarely have everything it comes down to what is most important to local heritage.

Finally while, as above, there is some amenity value in the proposed path it is hardly essential. We have managed for well over a century without it. The proposed path duplicates existing access between the beach and Allardice Street already afforded by Salmon Lane, a mighty 40 yards away from the wall in question just to the other side of the river.

As an additional point of unnecessary costs involved with the project, I am not in favour of the proposal to replace the existing perfectly functional green steel bridge barriers over the river with perspex screens. In my experience these attract the graffiti spray-can merchants. When cleaned the perspex is then left scoured and etched. Over time the elements will inevitably give the perspex a similar unwelcome appearance in any event.

Neil Spinks
4 Silver Gardens
Stonehaven AB39 2PH



Stonehaven resident and neighbour

Comments for Planning Application APP/2019/2750

Application Summary

Application Number: APP/2019/2750

Address: Carron Springs Arbuthnott Place Stonehaven Aberdeenshire

Proposal: Demolition and Erection of Section of Wall

Case Officer: Jan Regulski

Customer Details

Name: Mr Ronald Strachan

Address: Hamewith 92 Queens Road ABERDEEN

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a former resident of Stonehaven, who attended Mackie Academy and became a long term member of Stonehaven Heritage Society, I object to the demolition of a Listed wall in a Conservation Area notice of which has recently come to my attention.

I know this wall very well and recognise it as a well built sandstone structure very much in keeping with the character and the heritage of the old town of Stonehaven. If this wall were to be demolished there is no chance of finding skilled labour to rebuild the wall in the same style as exists and any plans to rebuild the wall with other materials will not be of a style worthy of this Conservation Area.

I for many years have lived in a Listed building in a Conservation Area and very much respect the fact that my property is Listed and protected by law. What is different about the laws of Conservation in Stonehaven and in Aberdeen and who has proposed that this Listed wall be demolished?

If safety is a factor then surely proper shoring of the wall would be the way to maintain safety while flood protection works are in progress. After completion of works the shoring can be removed with the original wall remaining intact, resplendent and pleasing to the eye as it has been for many decades if not centuries.

In addition, I cannot understand why a new footpath alongside the river is in the design, as a footpath has never existed before nor has ever been called for. This seems to be an extravagant outlay for no reason.

Comments for Planning Application APP/2019/2750

Application Summary

Application Number: APP/2019/2750

Address: Carron Springs Arbuthnott Place Stonehaven Aberdeenshire

Proposal: Demolition and Erection of Section of Wall

Case Officer: Jan Regulski

Customer Details

Name: Mr Colin Stuart

Address: 46 Dunnottar Avenue Stonehaven

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The objection to the proposal to demolish this listed wall covers three main areas.

1. Aberdeenshire Council and its agents are making this application pursuant to implementing a flood prevention scheme within the framework of the Flood Risk Management (Scotland) Act 2009. They are presumably relying on the area of the Act which permits interference with private property without the owners consent. However for that option to be valid it would have required the intention to demolish the wall in private ownership to be included within the Scheme of Operations which was submitted to the Scottish Government in September 2017. That wasn't the case as the scheme drawings clearly stated that the wall would be protected. Therefore it is considered that the approval to demolish the wall without the owners consent cannot be assigned to Aberdeenshire Council or its agents through this process. It will require the agreement of the owners before it can be progressed. In that respect the permission to demolish should be given to the owners of the wall subject to them making an application rather than the Council.

Secondly this wall is located in an identified bat roosting and feeding location and requires approved procedures to be followed under the European Protected Species scheme. Old stone wall, buildings and structures are key features for bat habitats and I note that there is no mention of this within the application or supporting documentation. You are no doubt conversant with the species protection legislation but I include here the relevant guidance from Scottish Natural Heritage to make my point clear. If the required surveys had been completed and mitigation measures defined, I would have expected that to be provided to support the application.

Guidance

Scottish Natural Heritage is responsible for issuing licences to permit development, including major works and minor home repairs, that might affect bats or their roosts. You should apply to us for a licence if your work could otherwise result in an offence in relation to bats.

A licence to permit development can only be granted if you can meet the three strict European

protected species licensing tests.

Survey and mitigation

If bats are likely to be present on or near a development site, we strongly recommend that a suitably experienced person conducts a bat survey.

Bats may be present in, for example:

a building to be modified or demolished

trees that may need to be felled

Planning authorities must consider the same strict tests as the licensing authority when considering any planning application that might affect bats. So it pays to have a survey conducted at an early stage.

To avoid any unnecessary delays to licence and planning applications, surveys should be:

no more than 18 months old

carried out in line with the Bat Surveys for Professional Ecologists: Good Practice Guidelines

Where bats, roosts or any other sign of bats are found on or near a development site, a species protection plan should be drawn up.

How to find a licensed bat consultant

You can search the Chartered Institute of Ecology and Environmental Management (CIEEM) Registered Practice Directory for licensed bat consultants.

Not all licensed bat consultants are registered with CIEEM, so you may also wish to carry out a general internet search.

You should check that your preferred consultant holds a bat survey licence for Scotland.

How to apply

Fill in the application form and email it to licensing@nature.scot.

Download the Licence application form - works affecting bats

Read the Guidance notes for application for a licence for European protected species

Read the Guidance notes on providing supporting information for a licence for European protected species

If you are a licensed bat consultant and you would like to apply for the Bat Low Impact licence (BLIMP), please read the Licence application - Bat Low Impact Licence (BLIMP) - an ecologist's guide for background and application instructions.

Licence returns

A condition of any licence is that you must submit a licence return to us.

You should submit your return information using our licence return form for works affecting bats.

Email us your completed form, giving your name and licence number in the subject line.

Licence changes and renewals

You should get in touch if you wish to amend a licence. But check your licence conditions first: you may be able to appoint agents and assistants without having to get them named on your licence

European protected species licensing tests

Test 1

There must be a licensable purpose for which licences can be granted. The reason for the licence must relate to one of several purposes specified in regulation 44(2) of the Conservation (Natural

Habitats &c.) Regulations 1994 (as amended).

Read European Protected Species Licensing: Test 1 - Licensable purpose

Test 2

There must be no satisfactory alternative. Read the following guidance to find out how you must demonstrate this European Protected Species Licensing: Test 2 - No satisfactory alternative

Test 3

The proposed action must not be detrimental to maintaining the species at 'favourable conservation status'.

In considering this test, Scottish Natural Heritage will take into account any possible impacts of development proposals on the favourable conservation status of the relevant species in its native range.

You must clearly set out all of the mitigation and compensation measures you propose to use to minimise impacts on the species. You should include these details in the supporting information you send with your licence application. Find out more about what to include in the additional guidance below.

We will base our decision on whether the proposed mitigation and/or compensation work is enough to maintain the conservation status of the species concerned.

Thirdly, whilst the contractor has applied to demolish the listed wall on the grounds of health and safety to its personnel, this requirement is not stated within the Structural Survey report provided by Macleod/Jordan to support the applications, it states that the wall is in a 'fair structural' condition and that it would 'require temporary barrier protection when working adjacent to the wall'. There is no option analysis within the application which would indicate why temporary barriers or supporting structures for the wall have been considered and rejected. Is the proposal to demolish the wall a more convenient option for the contractor rather than a necessity. Additionally the Council's design consultants scheme Mott Macdonald did not identify this as risk within the development of the design and presumably their Risk Assessment Framework which is required by law prior to scheme approval. There is no indication within the application that they have been consulted and changed their original advice, which was that the wall would be retained in its current form and that the scheme could be constructed with the wall in situ.

Comments for Planning Application APP/2019/2750

Application Summary

Application Number: APP/2019/2750

Address: Carron Springs Arbuthnott Place Stonehaven Aberdeenshire

Proposal: Demolition and Erection of Section of Wall

Case Officer: Jan Regulski

Customer Details

Name: Mr Graeme Thain

Address: 50 Victoria Street Stonehaven

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to listed building consent application 2750, the demolition of CAT C listed boundary wall, which forms part of LB41545 (Google that). My primary objection is to the possibility of this application being determined by the council, under delegated powers. I understand that there is a requirement for 6 objections to ensure that this application goes before the elected members of the planning committee. This is due to the scale and nature of the proposal, which represents a u turn in the previously stated policy that the wall would be left intact.

At a public meeting, in November, there was no mention of this being a "requirement" for this part of the flood protection scheme. This part of the scheme is for the construction of a walkway over the Carron river, which did not previously exist, and offers no contribution to the protection of Stonehaven, from flooding. The existing wall does and has done since the century before last.

I am concerned that the application does not notify the owner of the wall. I am equally concerned about the complete lack of any neighbour notification.

I am concerned that some parts of the application point to some parts of the wall, however the upper diagram of the "Location plan" clearly states in red ink "proposal to demolish" with three red arrows appearing to point to the entire length of the wall. This has to be clarified before committee, and if passed, before any demolition work commences.

The proposed walkway will overlook existing properties, and will be a health and safety risk in adverse weather.

Comments for Planning Application APP/2019/2750

Application Summary

Application Number: APP/2019/2750

Address: Carron Springs Arbuthnott Place Stonehaven Aberdeenshire

Proposal: Demolition and Erection of Section of Wall

Case Officer: Jan Regulski

Customer Details

Name: Mr Graham Whyte

Address: 33 Dunnottar Avenue Stonehaven

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposed demolition of this wall. Enough of the natural aesthetics and character of Stonehaven have already been impacted by the flood protection scheme. To even consider demolishing this category C listed boundary wall through delegated council powers as apposed to it going before the elected members of the planning committee seems wholly irresponsible. The demolition of this wall was not included in the original flood protection plans and appears to now fit the needs of the contractors rather than protecting the conservation area. Surely this should've been included in the original survey during the planning phase. In conclusion I am at a loss as to why this boundary wall needs to be demolished whilst there remains alternative options. This wall has stood for over 100yrs and would be impossible to reinstate to it's former glory warts and all.