

Kincardine & Mearns Area Committee Report 21 September 2021

Reference No: APP/2021/1201

Conservation Area Consent for Substantial Demolition Works to Existing Building at Old Brotherton Mill, New Road, Johnshaven, Aberdeenshire

Applicant: Barr Demolition, Old Station Buildings, Station Road
Drumlithie, AB39 3YT

Agent: A B Roger & Young Ltd, 9 Macgregor Street, Brechin
DD9 6AB

Grid Ref: E:379663 N:767187

Ward No. and Name: W19 - Mearns

Application Type: Conservation Area Consent

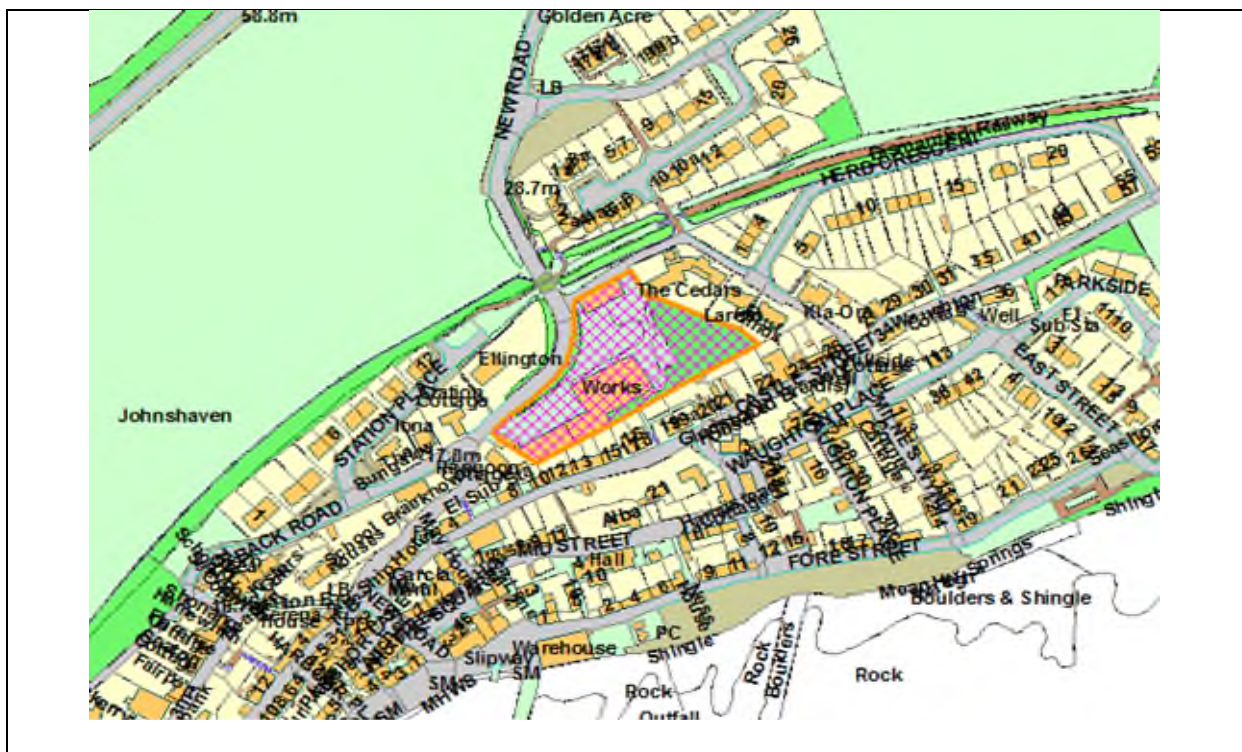
Representations: 11

Consultations: 4

Relevant Proposals Map Designations: Aberdeenshire Local Development Plan 2017
Conservation Area, Within Settlement

Complies with Development Plans: Yes

Main Recommendation: Grant with Conditions



NOT TO SCALE

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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.

2. Background and Proposal

- 2.1 The application site is located within Johnshaven Conservation Area and comprises an extended former flax and jute spinning and weaving mill, believed to have originated from the mid to late 19th century. The site is located, just south of the former railway line which led from Montrose to Inverbervie, with the line now forming part of a local footpath. It directly abuts New Road to the north west (which is tree lined along the mutual embankment), with the southern boundary adjoining predominantly residential properties at Castle Street at a lower level. To the north east and east are residential properties which front Milnes Wynd. None of the buildings on site are listed.
- 2.2 The buildings have been unoccupied for some time, with a separate storage building to the north of the site at the junction of New Street and Milnes Wynd. A row of single storey buildings extends from the former mill parts to the western edge of the site with New Road, with the closest building having most recently been occupied by a hairdresser.
- 2.3 The main building itself is constructed from a mixture of coursed and rubble stone walls (mostly granite), with later extensions in red brick. It is evident that the roof has been significantly altered over the years, with pronounced gables illustrating previous ridge heights. The current roof is a combination of slate, and profiled sheet.
- 2.4 Conservation area consent is sought to demolish a proportion of the former mill which has been the subject of collapse, as well as an area directly to the south, alongside the boundary with Castle Street. As a result of the proposals, the main building would see the roofs (slated and profiled sheeting) removed, with the gables reduced to eaves level, thereby retaining the walls of the original parts of the building. To the west of the site, the parts of the extended mill would be retained, with demolition stopping at the existing separating wall.

Relevant Planning History

ENQ/2020/1455 - Conversion and Alterations and Extension of Store to Form Dwellinghouse and Erection of 7 Dwellinghouses and Formation of Access

- 2.5 The response outlined the planning and built heritage considerations for the site and flagged that there could be difficulty with the type of layout shown, as it is unlikely to preserve or enhance the character or appearance of the

Conservation Area. As such, “appreciating the southern building have been significantly altered in the past (reduction in roof ridge for example), it is unclear as to whether they may ultimately be suitable for conversion in part”.

ENQ/2021/1107- Demolition of the former Mill Buildings and Workshops and Erection of 3 Dwellinghouses and Conversion Alterations and Extension of Existing Building to form 2 Dwellinghouses and Erection of 1 Commercial Unit

- 2.6 The response also flagged difficulties with the tabled layout provided and indicated the extent of policy considerations *that would be required*.

Supporting Information

Health and Safety Plan for Demolition Works Package Report by Barr Demolition Ltd dated 7 May 2021

- 2.7 Report outlines the following aspects:

- Protection Measures
- Access arrangements
- Dust Mitigation
- Demolition Method Statement

- 2.8 Confirms that the programme of works would be over a 6 week period. It further confirms that the roof on the main building is to be mechanically demolished.

- 2.9 It also adds that 6 new props are to be installed to the underside of the existing timber lintel to support current roof structure. Slates would then be removed and lowered to ground level where they would be placed in boxes. Roof trusses shall be removed by machine, before commencing on the hand reduction of the rear wall to cill height.

Variations & Amendments

- 2.10 None.

3. Representations

- 3.1 A total of 11 valid representations (3 support/8 objection) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 12 letters in total. All issues raised have been considered. The letters raise the following material issues:

- 3.2 Objections

- Mill buildings are a key part of Johnshaven history/heritage and should not be lost;
- Loss of historic fabric should be avoided;

- The scale of demolition is excessive and should be reduced;
- Concern at the methodology for demolition, and risks to adjacent property;
- Consideration should be given to salvaging materials and reusing them for future development; and,
- Support the stance of built heritage comment in respect of minimising impacts on buildings and conservation area.

3.3 Support

- Pleased that ugly and dangerous buildings are to be removed;
- The existing buildings spoil the approach down into Johnshaven; and,
- Mill is a danger to the public.

4. Consultations

Internal

- 4.1 **Infrastructure Services (Archaeology)** has confirmed that the proposal affects an archaeological site which is a former flax and jute spinning & weaving mill dating from the 19th century and developed further in early 20th century. As a minimum, building recording in the form of a photographic survey is required.
- 4.2 **Infrastructure Services (Environment – Built Heritage)** at the outset, acknowledged that Building Standards have intimated that the roof requires to be removed and walls taken down to eaves level on the grounds of public safety. As such, it was recommended that the plans be amended to extend to those lengths of demolition only. It was further flagged that consideration would need to be made as to how they will salvage and store downtakings, and how they shall temporarily support the remaining structure. It was made clear that complete demolition would not be supported at this stage.
- 4.2.1 Positive attempts should be made to reduce the scale of demolition and enable partial retention, restoration, and sympathetic conversion. A structural survey demonstrating the condition of the remaining elements of the building shall be required.
- 4.2.2 Subsequent comments were also received which confirmed that the Council would not normally accept a conservation area consent application without the tandem planning application. However, this consent is firmly based on the health and safety requirements, to ensure that the site does not pose a risk to the public. It is further confirmed that the demolition as proposed, leaving only the north elevation, and associated gables, standing to eaves height, is acceptable.
- 4.2.3 Further information should be provided as to how the remaining parts of the building will be protected over winter, and also how they intend to undergo architectural salvage and storage of reuseable materials.

External

- 4.3 **Benholm and Johnshaven Community Council** has commented that overall there is a consensus that something needs to be done with the existing structures, given that they are derelict and not enhancing the village. They also flag that there are health and safety concerns with the existing structures, particularly from adjoining neighbours, in respect of the processes and methods for demolition. Notwithstanding, the Mill represents a significant historical link to Johnshaven. It is therefore hoped that future development will incorporate the remaining structures in a way that provides a link back to the mill history of the village
- 4.4 **Historic Environment Scotland** has confirmed that they have considered the information received and do not have any comments to make on the proposals. Their decision not to provide comments should not be taken as their support for the proposals. "This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance".

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 2020

The Strategic Development Plan (SDP) was approved on 12 August 2020.

The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years. 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.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Aberdeen City & Shire SDP 2020 as approved forms part of the Development Plan.

5.3 Aberdeenshire Local Development Plan 2017

Policy P1: Layout, siting and design
Policy HE2: Protecting historic and cultural areas
Policy PR1: Protecting important resources

5.4 Proposed Aberdeenshire Local Development Plan 2020

Aberdeenshire Council on 5 March 2020 resolved to agree the Proposed Aberdeenshire Local Development Plan (LDP) 2020 as the 'settled view of the Council' on what the final adopted content of the LDP 2021 should be. A period during which representations on the Proposed LDP 2020 could be made took place between 25 May and 31 July 2020.

The Proposed LDP 2020 is a material consideration in the determination of planning applications. The Planning Authority must therefore assess what weight it should have in the context of this particular application. The Proposed LDP has been subject to public scrutiny and has now been submitted for Examination by an independent Reporter. Nevertheless, it is considered that the level of weight that should be applied to the Proposed LDP 2020 remains as not significant at this time. The Aberdeenshire LDP 2017 remains the up-to-date LDP for the area and the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted.

5.5 Other Material Considerations

Historic Environment Scotland Policy Statement

Historic Environment Scotland – Managing Change in the Historic Environment Series - Demolition

6. Discussion

- 6.1 The main issue to consider is the impact of the proposed demolition on the character, setting and appearance of the Johnshaven Conservation Area. Policy HE2: Protecting historic and cultural areas does not allow development, including change of use or demolition that would not preserve or enhance the character or appearance of a conservation area.
- 6.2 At the outset, it should be noted that ordinarily, an application for Conservation Area Consent, generally would not be entertained unless there was a parallel application for full planning permission in order to ensure that the qualities of the conservation area were being preserved and ultimately enhanced. However, in this instance, the perilous state of the building which has been the subject of a partial roof collapse, is considered to take precedence as a consideration.
- 6.3 Therefore, while the general preference would be to prevent the loss of any historic fabric, prior to ensuring that a long term/ acceptable solution for new development has been tabled, in this instance, the key consideration is in respect of permitting an agreed level of works to prevent any further risk to public safety, whilst also seeking to preserve as much of the historic fabric as possible while other development proposals are prepared.
- 6.4 Through the consideration of the Environment (Built Heritage) Team, it has been agreed that while the extent of demolition sought is regrettable, it is the maximum allowable to ensure that there is no immediate danger to the public. This however, would be subject to conditions in respect of further details in respect of the management of salvageable materials, and also how the retained building shall be supported/propped, and also how wallheads etc. shall be protected over winter where water ingress and frost damage can cause significant problems.
- 6.5 While some pre application discussions have taken place on potential development on the site, to date an acceptable solution has not been found. However, as a result of the partial demolition works proposed, it is hoped that it would allow for consideration of the incorporation of the retained structures and wall into any new development, so as to reflect the historical building pattern of an east/west orientation on the site, which is synonymous with the lower part of Johnshaven.
- 6.6 Notwithstanding, the demolition works proposed, are considered to allow for the retention of a significant proportion of the existing buildings, whilst ensuring public safety. It is therefore considered that the proposals help sustain the general character of the Johnshaven Conservation Area for the time being while further proposals are developed, thus being in accordance with Policy HE2 Protecting historic and cultural areas.
- 6.7 In respect of the existing trees on site, while largely located on the roadside embankment towards New Road (other than a number of self seeded specimen to the southern boundary), a condition requiring a tree protection

plan, can adequately control the positioning of protective fencing, to ensure that no damage is sustained during demolition works on site, thereby being in compliance with Policy PR1 Protecting important resources. Furthermore, while Archaeology have flagged the need for a photographic survey as a minimum, a condition can similarly control that aspect, although the ultimate level of photos could be limited due to the current building condition.

- 6.8 Turning to the representations submitted, the majority of the matters raised have already been raised above. Many of the other matters raised were civil considerations. Notwithstanding, the methodology proposed, does in a significant part seek to undertake hand duntakings particularly to the south, to avoid the use of heavy machinery in close proximity to the boundary, which already suffers from bowed walls.
- 6.9 Ultimately, the existing disused mill buildings have been the subject of an element of collapse, and their partial demolition in this instance is necessitated in the interest of public safety. The extent of works sought is the maximum permissible at this time in order to endeavour to save as much of the historic fabric which is of some significant architectural and historical merit thereby aiming to preserve as much of the character of the conservation area as possible. The proposal is therefore in accordance with the relevant policy of the Aberdeenshire Local Development Plan, as well as guidance from Historic Environment Scotland.

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 integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 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.
- 8.4 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.

9. Departures, Notifications and Referrals

9.1 Strategic Development Plan Departures

None

9.2 Local Development Plan Departures

None

9.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.

9.4 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.

9.5 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.

10. Recommendation

10.1 **GRANT Conservation Area Consent subject to the following conditions:-**

01. No works, including demolition or removal of materials in connection with the conservation area consent hereby granted shall commence unless a method statement for the safe removal, reclamation and appropriate re-use of salvageable slate, stone or other traditional materials accruing from the proposed works, has been submitted to and approved in writing by the Planning Authority. 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, including demolition or removal of materials in connection with the conservation area consent hereby granted shall commence unless a method statement for the propping/stabilisation of the retained walls, and intended measures for winter wallhead protection for the proposed works, has been submitted to and approved in writing by the Planning Authority. Thereafter, the works shall be carried out in complete accordance with the approved method statement.

Reason: To ensure the appropriate stabilisation measures are implemented so as to best retain the remaining original traditional building fabric in the short term, and in the interests of the character and appearance of the built environment.

03. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

04. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction);
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas;
- d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation;
- e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained;
- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

10.2 Reason for Decision

The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The existing disused mill buildings, have been the subject of partial collapse, and their partial demolition in this instance is necessitated in the interest of public safety. The extent of works sought is the maximum permissible at this time in order to endeavour to save as much of the historic fabric which is of some significant architectural and historical merit thereby aiming to preserve as much of the character of the conservation area as possible. The proposal is therefore in accordance with HE2 Protecting historic and cultural areas.

Alan Wood
Director of Infrastructure Services
Author of Report: Paul Williamson
Report Date: 8 September 2021