

**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**13/0004/LRB**

**REFUSAL OF PLANNING PERMISSION FOR THE  
REPLACEMENT ROOF COVERING TO THE THREE  
TOWERS**

**COLUMBA HOTEL, NORTH PIER, OBAN**

**PLANNING PERMISSION REFERENCE NUMBER  
12/02148/PP**

**27<sup>th</sup> February 2013**

## **STATEMENT OF CASE**

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is SGE Hotels (“the appellant”).

Planning application 12/02148/PP which proposed the replacement of the roof covering on three towers from Rosemary tiles to lead at the Columba Hotel, North Pier, Oban (“the appeal site”) was refused under delegated powers on the 13<sup>th</sup> November 2012.

The planning decision has been challenged and is subject of review by the Local Review Body.

### **DESCRIPTION OF SITE**

The site is located at Oban’s North Pier within the town centre. The site is very prominent from key views across Oban Bay and from various key viewpoints across the town including MacCaig’s Tower, Pulpit Hill and South Pier. The North Pier is characterised by red roofed buildings given the restaurants of Ee-Usk and Piazza have red roofs. The Columba Hotel is a category ‘B’ listed building finished in red sandstone with Rosemary tiles. Although the hotel is large multi-storey building the distance views afford excellent visuals of the external materials. There are a number of other listed buildings within the immediate vicinity.

### **SITE HISTORY**

No history relevant to this appeal.

### **STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED**

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan and determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is the test for this planning application.

### **STATEMENT OF CASE**

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- Whether the material considerations asserted by the appellant are sufficient to outweigh the fact that the planning application is contrary to the current adopted development plan; or whether in fact the development plan remains the primary determining factor.

The Report of Handling (Appendix 1) sets out Planning Services assessment of the planning application in terms of policy within the current adopted development plan and other material considerations.

## **REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING**

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were covered in the Report of Handling which is contained within Appendix 1. As such it is considered that the Council has all the information required to determine this particular planning application. Given the above and that the proposal is small scale in nature, constitutes a Local Development, has no complex or challenging issues and has not been the subject of any public representation, it is not considered that a Hearing is required.

## **COMMENT ON APPELLANT'S SUBMISSION**

1. Historic Scotland's consultation response actually says that the three turrets have always had a tile finish in order to match the existing adjoining roof slopes. To this end the turrets and roof slopes should match. Although the response states that if there are good technical reasons for the proposed change then this might be acceptable but the introduction of lead rolls will have a considerable visual impact on this very prominent building. The applicant has not submitted technical information relating to a good reason for the alteration. The cost of replacing the Rosemary tiles is not a valid argument for the change to what is a very prominent building within the town centre. It is considered that the appellants' statement misinterprets Historic Scotland's response. It should also be noted that the application was for lead not copper and that the appellant could have raised the option of alternative materials at any time and was advised at the pre-application stage that the planning authority would be unlikely to support a formal planning application. Therefore the applicant had ample opportunity to continue pre-application discussions and investigate alternative materials.
2. Although the listing information does not specifically highlight the roof finish as being of special architectural quality the distinct red roof is a feature of the town centre and the building itself is extremely prominent. The building was listed in 1995 when the Rosemary tiles had been installed and are therefore covered by the listed.
3. All proposals involving listed buildings are required to enhance and improve the building. There has been no evidence submitted that a competent maintenance regime could not be achieved for the use of Rosemary tiles and the appellant has not submitted a case stating why a competent regime cannot be achieved for the existing tiles. Approved Structure Plan policy STRAT DC 9 requires proposals to enhance the existing historic fabric and in this instance it has been demonstrated by the planning authority through the determination process that this proposal does not enhance or improve the fabric of the building or its wider setting.
4. There may be lead used on other parts of the building the main red sandstone building is covered in red tiles which matches the colour of the Rosemary tiles. The flat roofs that may have lead are not readily visible and therefore do not attract the same attention as the red roof material. Changing the colour of

tiles to a colour that does not match the main roof will drastically alter the character of the building and the wider setting of North Pier.

5. The examples provided by the appellants' statement are different buildings in different settings and bear no direct relation to the setting of Oban. This particular listed building is unique in its setting and it is not appropriate to state that because a proposal might be acceptable in another location does not mean it is acceptable in this case.
6. The referred to 'sound technical reasons' have not been presented to the planning authority. So far the main reason for the application appears to be the regular maintenance required for the Rosemary tiles. This is not a reason to drastically alter the character of such a prominent listed building. The applicant has not provided details of alternative materials and has had ample opportunity to pursue discussion with the planning authority and Historic Scotland but has opted to pursue this option. There has been no submission of any technical data to support the application nor has any reason been provided as to why a competent maintenance regime cannot be implemented for more efficient management of the Rosemary tiles. It should be noted that the Rosemary tiles have lasted since the 1950s and that these tiles are able to withstand a coastal environment.

## **CONCLUSION**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

In conclusion the proposed lead is not an appropriate material in this instance. This would result in a mismatch of materials when viewing the building from across the bay and key view points across Oban. The use of Rosemary tiles adds to the character of the building and breaks up the use of West Highland slate across the town providing a positive visual focus. The applicant has not provided a technical reason for the proposed change or a reason to justify the change other than to say the Rosemary tiles require regular maintenance. There is no reason so far demonstrated to suggest that a competent maintenance regime would not be appropriate for the Rosemary tiles. The fact that they may require more regular replacement than the proposed lead rolls is not sufficient justification for drastically altering the character of the listed building. The proposal is contrary to the existing adopted development plan and there are no material considerations of such weight that have been identified to justify the proposal. It is respectfully requested that the review be dismissed and the original refusal be upheld.

# APPENDIX 1

Argyll and Bute Council  
Development and Infrastructure

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

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**Reference No:** 12/02148/PP

**Planning Hierarchy:** Local Development

**Applicant:** SGE Hotels

**Proposal:** Replacement roof covering to the 3 towers

**Site Address:** Columba Hotel, North Pier, Oban

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## DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

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### (A) THE APPLICATION

#### (i) Development Requiring Express Planning Permission

- Replacement roof covering to the 3 towers
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### (B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be refused for the reasons appended to this report.

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### (C) HISTORY:

No relevant history.

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### (D) CONSULTATIONS:

N/A

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### (E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 01/11/12.

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**(F) REPRESENTATIONS:**

No representations have been received regarding the proposed development.

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

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|---|-----------|
| <b>(i) Environmental Statement:</b>   | <b>No</b> |
| <b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>   | <b>No</b> |
| <b>(iii) A design or design/access statement:</b>   | <b>No</b> |
| <b>(iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b> | <b>No</b> |
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**(H) PLANNING OBLIGATIONS**

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| <b>(i) Is a Section 75 agreement required:</b> | <b>No</b> |
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|---|-----------|
| <b>(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:</b> | <b>No</b> |
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**(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Structure Plan 2002

STRAT DC 1 – Development within the Settlements

STRAT DC 9 – Historic Environment and Development Control

STRAT SI 1 – Sustainable Development

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 13b – Demolition of Listed Buildings

LP ENV 19 – Development Setting, Layout and Design

Appendix A – Sustainable Siting and Design Principles

**(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

The Town & Country Planning Act (Scotland) 1997

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

Scottish Historic Environment Policy, Historic Scotland, 2011

Sustainable Design Guidance 3, Working With Argyll and Bute's Built Heritage, 2006

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<b>(K)</b>	<b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b>	<b>No</b>
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<b>(L)</b>	<b>Has the application been the subject of statutory pre-application consultation (PAC):</b>	<b>No</b>
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<b>(M)</b>	<b>Has a sustainability check list been submitted:</b>	<b>No</b>
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<b>(N)</b>	<b>Does the Council have an interest in the site:</b>	<b>No</b>
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<b>(O)</b>	<b>Requirement for a hearing:</b>	<b>No</b>
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**(P) Assessment and summary of determining issues and material considerations**

Planning permission is sought for replacement of the Rosemary roof tiles to the three towers of the Columba Hotel with lead. An associated application for Listed Building Consent reference 12/02158/LIB is currently with this Service for consideration.

The property is a Category B listed building located within a very prominent position on the North Pier within the town centre of Oban. The towers and adjoining roof slopes of the sandstone part of the building are finished with the Rosemary tiles.

Scottish Planning Policy (SPP) states that when determining applications for planning permission or Listed Building Consent regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is a presumption against works which will adversely affect a listed building or its setting.

In terms of the approved Argyll and Bute Structure Plan policy STRAT DC 9 promotes positive management of the historic environment. Development that

damages or undermines the historic, architectural or cultural qualities of the historic environment will be resisted.

The above policy advice is followed through in policy LP ENV 13a of the adopted Argyll and Bute Local Plan which states that development affecting a listed building or its setting shall preserve the building or its setting and any features of special architectural interest which it possesses. Furthermore Appendix A states that when undertaking works to a listed building materials and detailing must be compatible with the existing building. Inappropriate or unsympathetic development which could damage the property or its setting will be resisted.

Historic Scotland's Scottish Historic Environmental Policy (SHEP) 2011 states that historic buildings are a highly visible and accessible element of Scotland's rich heritage. Listings recognise their historic importance. In assessing an application for a listed building, special regard should be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

It is considered that the existing Rosemary tiles add to the historic and architectural character of the building. Their replacement with lead would have a significant adverse visual impact and be detrimental to the special interest of the building, particularly given its setting within a prominent position on the North Pier within the town centre of Oban.

In support of the application the applicant has advised that due to the elevation of the towers they are exposed to high winds. This results in tiles being frequently lost in adverse weather conditions leading to expensive repair work. They further state that a retired plumber has confirmed that the tower roofs were previously covered with lead and that the change to clay tiles took place around the 1950s and would assume that the lead, previously used, would have been the original covering given that the building was completed circa 1902. Notwithstanding the above, the building was listed in May 1995 when the Rosemary tiles were in place on the towers and, for the reasons set out above, the change to lead is not considered an acceptable alteration to this listed building.

Furthermore, the application is not accompanied with sufficient documented evidence to support the proposal to replace the existing roof tiles with lead. Therefore the proposal is considered contrary to Development Plan Policy, Government Advice and the Scottish Historic Environment Policy and is recommended for refusal for the reasons appended to this report.

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**(Q) Is the proposal consistent with the Development Plan: No**

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**(R) Reasons why planning permission should be refused.**

The application is recommended for refusal for the reasons appended below.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

N/A

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**(T) Need for notification to Scottish Ministers or Historic Scotland: No**

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**Author of Report: Fiona Scott**

**Date: 30/10/12**

**Reviewing Officer: David Love**

**Date: 06/11/12**

**Angus Gilmour  
Head of Planning**

## **REASONS FOR REFUSAL RELATIVE TO APPLICATION REFERENCE 12/02148/PP**

1. In assessing an application for works affecting a listed building, special regard must be given to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Historic Scotland's Scottish Historic Environment Policy (SHEP) 2011 states that historic buildings are a highly visible and accessible element of Scotland's rich heritage. Listings recognise their historic importance. In assessing an application for a listed building, special regard should be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

It is considered that the existing Rosemary tiles add to the historic and architectural character of the building and their replacement with lead would have a significant adverse visual impact and be detrimental to the special interest of this Category B listed building which is situated within a prominent position within Oban's town centre.

The application is not accompanied by documented evidence to support the need for the proposed replacement roof covering.

The proposal is considered contrary to Policy STRAT DC 9 of the approved Argyll and Bute Structure Plan, Policy LP ENV 13(a) of the adopted Argyll and Bute Local Plan, Scottish Historic Environment Policy (2011) and Argyll and Bute Sustainable Design Guidance 3, all of which seek to resist inappropriate developments which give rise to adverse consequences for the character and appearance of listed buildings.

### **NOTE TO APPLICANT**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of review should be addressed to the Director of Customer Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

## APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 12/02148/PP

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- (A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

**No**

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- (B) The reason why planning permission has been refused.

In assessing an application for works affecting a listed building, special regard must be given to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Historic Scotland’s Scottish Historic Environment Policy (SHEP) 2011 states that historic buildings are a highly visible and accessible element of Scotland’s rich heritage. Listings recognise their historic importance. In assessing an application for a listed building, special regard should be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

It is considered that the existing Rosemary tiles add to the historic and architectural character of the building and their replacement with lead would have a significant adverse visual impact and be detrimental to the special interest of this Category B listed building which is situated within a prominent position within Oban’s town centre.

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