

**Reference No:** 14/01018/PP

**Planning Hierarchy:** Local Development

**Applicant:** Isle of Luing Community Trust

**Proposal:** Discharge of Condition 9 of Planning Permission 10/1059/PP – type of slate to be applied as roof finish

**Site Address:** The Atlantic Islands Centre, Cullipool, Isle of Luing

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## **DECISION ROUTE**

**Local Government Scotland Act 1973 – discretion of Head of Planning not to exercise delegated powers.**

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### **(A) BACKGROUND:**

Planning permission 10/01059/PP was granted on 10/02/11, following a discretionary hearing, for the erection of a building incorporating museum, licensed cafe, exhibition/function room and offices at Cullipool, Isle of Luing. Planning permission was granted subject to conditions, including condition 9, requiring that West Highland Slate was applied as the roof finish.

A subsequent planning application 14/01018/PP sought to vary condition 9 and allow the use of Matacouta Spanish slate instead. The Planning, Protective Services and Licensing Committee (PPSL) resolved to remove specific reference to West Highland Slate in the wording of the condition at their meeting in August 2014, on the understanding that the proposed type of slate would still require to be submitted and agreed. The PPSL also determined to rule out the use of Matacouta Spanish slate as it was considered too regular in appearance.

Condition 9 as amended by planning permission 14/01018/PP reads:

“9. No roofing works shall commence on the building until a sample(s) of the proposed roofing slate to be used has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the duly approved sample(s) which shall be applied to the roof in diminishing courses.

*Reason: To ensure the use of a roofing material of local provenance to reinforce local distinctiveness in the interests of visual amenity and to safeguard the character and appearance of the conservation area.”*

The reasons for granting planning permission were:

“Whilst it is considered important that any new development should reflect the character and appearance of the Conservation Area, it is not considered that there would be sufficient justification in this case to insist on the use of a slate of West Highland origin provided the slate proposed is largely similar in appearance.

In this case whilst the proposed slate may match the size, thickness and quality of the traditional Scottish slate, it is considered it is too regular in appearance giving the overall effect of a roof with a different character to that of traditional Scottish slate. Accordingly whilst it is reasonable to consider new slate for the building given the quantities required and the difficulties of sourcing second-hand slate, it is considered appropriate that samples from alternative sources should be submitted for the further approval of the Planning Service. These could include other indigenous sources in the UK, such as Welsh or Cumbrian slate, rather than the Spanish slate proposed, as these would in size, texture and appearance more closely relate to West Highland slate.

On this basis it is considered acceptable to vary the wording of the existing planning condition to remove the requirement for a slate of West Highland origin, provided samples from alternatives sources are submitted for further approval.

It is not considered that this approach would be materially detrimental to the character and appearance of this part of the Cullipool Conservation Area and would not represent a conflict with the provisions of the Development Plan.”

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**(B) UPDATE:**

The justification behind, and decision making process leading to, the grant of planning permission 14/01018/PP has been the subject of ongoing public comment and complaint in the intervening two months. In particular, the statements of the agent in terms of the availability of West Highland Slate (WHS) and the wastage figures provided in the submissions have both been challenged. Planning Service staff have confirmed independently that a stock of 22,000 second hand West Highland Slates is currently available from Highland Slate Supplies in Inverness. Samples of that slate which have been provided by a member of the public are a good match for the existing Luing slate, apart from being marginally larger. They have similar weathering to old Luing slate as would be expected given their age. The use of second hand WHS would remain acceptable to the Planning Service, despite the obligation to use them having been relaxed to allow consideration of a broader range of slate options.

In response to the availability of WHS being raised with the agent, a response has been received that suggests that the lack of accreditation for second hand slate means they cannot be used for the roof as they will not satisfy Building Standards, Lottery funders or insurers. When asked about comparison to Historic Scotland (or similar) publicly funded projects which do use second hand WHS, the agent has highlighted that the Atlantic Islands Centre is a new build project and as such must meet new build standards. Neither Historic Scotland nor Heritage Lottery Funding is available or involved in this project. The agent has also emphasised that reclaimed WHS is a finite resource which is best reserved for use on historic buildings which are being re-roofed, altered or extended. In her view it would not be appropriate to utilise these on new build projects, as to do so would prejudice the continuing availability of supply to serve the requirements of projects requiring historical authenticity in terms of materials.

Building Standards have advised that there is no absolute requirement in Building Standard terms that precludes the use of second hand slate as a roof finish on new buildings.

Lottery funders have advised that they are the principal funder but not the only one. In terms of the question of what material is used on the roof, the factors that are important to them are 1) that a decision needs to be taken now so that the project can be finished, 2) the life cycle costs along with longevity contribute to the sustainability of a material choice, 3) they have a standard security over the building for 20 years during which the Trust are required to maintain the building, and 4) the defects liability period for the contractor runs for 13 – 15 months following completion and they will be eager to guarantee any material chosen. These submissions do not of themselves dictate that second hand materials can not be used, but they do provide context within which the applicant and contractor's choices will be made and the importance of being able to provide guarantees with material finishes.

The proposed insurers of the building are not known to the Planning Service and their position has therefore not been investigated.

There is a question of when the accreditation issue was known to the agent and why it only came to the fore after other issues had been raised/considered first; such as the availability of second hand WHS. If it was a solid obstacle to the use of WHS, it would be expected that an appeal against the original condition 9, or an application to vary it for that reason, could have been made far sooner.

From a planning perspective, West Highland Slate remains the most appropriate finish for a building celebrating the historic and cultural importance of the Atlantic Slate Islands. Planning condition 9 no longer obliges the developer to use WHS, but neither does it preclude WHS from being approved as an option. It is therefore incumbent on the Planning Authority to adjudicate on a range of slate samples presented for consideration in terms of condition 9 as amended.

The guiding principle in determining an appropriate slate for the new build centre is to achieve a finish that fits into the historic setting of the Cullipool Conservation Area, taking account of colour, size, texture and application. It is important to bear in mind however, that this is a new build project rather than a renovation of a historic building, and to employ a proportionate response.

Following the advice of planning permission 14/01018/PP, the agent has explored UK sourced options from Wales and Cumbria. Our officer assessment is:-

Welsh Penrhyn slate is considered to be too purple in colour for the site. The quarry is not currently in production following a serious landfall.

Welsh Porthmadog appears to be a good match in colour texture and regularity and is a suitable option.

Cumbrian Burlington Blue is available but the texture is slightly grainy and the colour is slightly lighter than Luing slate. Whilst this slate does have some merit and similarities to WHS particularly in terms of edge detailing in this instance in this part of Cullipool we do not consider it to be the best of the available options to progress. In addition, it is understood to be an expensive option compared to others.

Other Spanish slates have also been investigated as follows:

Samanca, whilst very slightly closer in colouration to Luing, is very similar in appearance to the previously discounted Matacouta slate, and as such is not considered acceptable on the basis of regularity of appearance.

CUPA Heavy 3 appears to be a good match to Luing slate in thickness, colour and texture. The edge detailing has less regularity than Matacouta or Samanca and there is some random surface texture. This slate is specially produced in Spain to satisfy the Scottish market. It is available in five sizes and can be laid in diminishing courses to replicate traditional practice. It has been across Scotland in a range of historic locations including listed buildings. It has been accepted by Historic Scotland at Rhu Community Hall in March this year laid in diminishing courses. The Hall is B listed and sits within a Conservation Area.

Riverstone is predominantly grey but contains elements of silver and green in colour, is more reflective, plus the sample provided is very thick at 16mm and would result in a very heavy roof with overly deep leading edges. The texture is also marginally different from Luing. For these reasons it is not considered appropriate at this location.

In order to inform the discharge of the condition, a site visit was undertaken by Stephen Fair and Fiona Scott from the Oban planning team who compared submitted slate samples with existing slate roofs in Cullipool. Samples were examined in wet and dry conditions as well as in both light and shade. These environmental factors alter the perceived colour and reflectivity of slate significantly across the whole settlement and the new slate roof will need to present a good fit in the broad range of conditions that it will be experienced in.

Arising from the site visit and an assessment of potential slate options it has been determined that the following warrant further consideration.

- 1) Second hand West Highland Slate
- 2) Cumbrian Burlington Blue
- 3) CUPA Heavy 3
- 4) Porthmadog

The CUPA Heavy 3 slate is the preferred option of the agent, and therefore in the first instance Members should give consideration to its acceptability as requested. Samples of this slate and the others which have been considered, along with samples of local slate and those available on the second hand market, will be available for Members to consult at the meeting.

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**(C) CONSULTATIONS:**

Conservation Officer

Following a site visit, confirms that the use of West Highland Slate remains a preference.

However, it is also confirmed that there is a compelling argument that the finite resource of second hand WHS is retained for use on existing listed buildings and repairs within Conservation Areas; whereas new build developments provide an opportunity for new materials to be applied.

The CUPA Heavy 3 option is a good colour match to Luing slate. Whilst a new roof would still have a more uniform colour than a second hand one, the use of CUPA Heavy 3 would of the correct size and laid to diminishing courses would be acceptable. It is recognised that Cullipool already contains a number of different slates both original and reclaimed.

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**(D) CONCLUSIONS & RECOMMENDATION:**

It is recommended that the agent's request to utilise CUPA Heavy 3 roofing slate on this building be accepted on the basis that it is considered an appropriate natural slate for use on a new build project. The use of the CUPA Heavy 3 would retain the finite resource of WHS for use in Listed Buildings and conversion projects as well as sitting comfortably within the context of a new building. The CUPA Heavy 3 is also considered to be an appropriate match in this context given its colouring, grain, texture and edge detail which closely align to that of WHS.

Provided the slates are no larger than 405 x 205mm and laid to diminishing courses, it will result in an appropriate appearance in terms of the completed new building, and will not harm the surrounding Cullipool Conservation Area which already contains a number of different slate types.

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**Author of Report:** Stephen Fair      **Date:** 20/10/14

**Reviewing Officer:** Richard Kerr      **Date:** 20/10/14

**Angus Gilmour**  
**Head of Planning and Regulatory Services**