

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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14 December 2010

SUPPLEMENTARY PACK 1

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE – WEDNESDAY 15 DECEMBER 2010 AT 10.45 AM, COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD

I enclose herewith supplementary reports in respect of item 8 (**ISLE OF LUING COMMUNITY TRUST: DEMOLITION OF UNLISTED BUILDING IN CONSERVATION AREA: LAND SOUTH EAST OF CULLIPOOL HOUSE, CULLIPOOL, ISLE OF LUING REF: 10/01348/CONAC**) and item 9 (**ISLE OF LUING COMMUNITY TRUST: APPLICATION FOR ERECTION OF BUILDING INCORPORATING MUSEUM, LICENSED CAFE, EXHIBITION/FUNCTION ROOM AND OFFICE, LAND EAST OF CULLIPOOL HOUSE, CULLIPOOL, ISLE OF LUING REF: 10/01059/PP**) for the above agenda.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

8. **ISLE OF LUING COMMUNITY TRUST: DEMOLITION OF UNLISTED BUILDING IN CONSERVATION AREA: LAND SOUTHEAST OF CULLIPOOL HOUSE, CULLIPOOL, ISLE OF LUING (REF: 10/01348/CONAC)**
Report by Head of Planning and Regulatory Services (Pages 1 - 4)
9. **ISLE OF LUING COMMUNITY TRUST: APPLICATION FOR ERECTION OF BUILDING INCORPORATING MUSEUM, LICENSED CAFE, EXHIBITION/FUNCTION ROOM AND OFFICE, LAND EAST OF CULLIPOOL HOUSE, CULLIPOOL, ISLE OF LUING (REF: 10/01059/PP)**
Report by Head of Planning and Regulatory Services (Pages 5 - 6)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Rory Colville
Councillor Vivien Dance
Councillor Daniel Kelly

Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh

Councillor Neil Mackay
Councillor Bruce Marshall
Councillor Roderick McCuish
Councillor James McQueen

Councillor Donald MacMillan
Councillor Alister McAlister
Councillor Alex McNaughton
Councillor Al Reay

Contact: Melissa Stewart

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**Argyll and Bute Council
Development Services**

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

Reference No: 10/01348/CONAC

Planning Hierarchy: Local Development

Applicant: Isle of Luing Community Trust

Proposal: Demolition of Unlisted Building in Conservation Area

Site Address: Land Southeast of Cullipool House, Cullipool, Isle of Luing

SUPPLEMENTARY REPORT NO. 1**(A) Background**

This application is due to be presented to the Planning, Protective Services and Licensing Committee on 15 December 2010.

Since finalising the report to that meeting, further representations from the following individuals have been received.

Edna Whyte, Gallery House, Cullipool, Isle of Luing (07/12/10)

Leonard V. McGeoch, Cluain Siar, Cullipool, Isle of Luing (04/12/10)

The above representations raise no new issues but reiterate the issues raised in their previous submissions which are detailed and commented on in the main report.

Further representations from the following individuals have also been received.

Ian Malcolm, Tapsalteerie Cottage, Cullipool, Isle of Luing (04/12/10)

Barry & Brenda Wilson, Kinkell, Cullipool, Isle of Luing (06/12/10)

Bernice D. Robb, Carraig an t'uaichdar, Cullipool, Isle of Luing (05/12/10)

Phyllis Malcolm, Tapsalteerie Cottage, Cullipool, Isle of Luing (04/12/10)

Cully Pettigrew, 48 Cullipool, Isle of Luing (03/12/10)

The above representations make reference to an independent structural report which was commissioned by a group of the islanders and undertaken by David Narro Associates.

The structural report submitted can be summarised as follows.

The report is based on the walkover visual survey carried out on 19/11/10. No investigations or detailed appraisal work were carried out into the strength of individual structural members nor was any site investigation work or inspection undertaken to determine the nature or bearing capacity of the existing foundations or underlying sub-soil. No specific detailed investigation was made to determine the presence or otherwise of embedded timber elements like bonding timbers. Observations were made from ground level around and inside the building and of the wallheads from a ladder.

The report goes on to give two options which are summarised as follows.

Option 1 – The walls could form part of the main structure of the building which would require it to be demonstrated that the walls have the capacity and integrity to act as the main structure of the building.

Option 2 – The walls could be treated as non-structural and form the cladding to a new structure built within the existing footprint of the building.

As the walls are not required to act structurally (other than as self-supporting walls of course) no further assessment of their structural capacity would be necessary. The new main structure would need to be built within and around the walls, and consequently investigations would be necessary to establish exactly how to do this, for example how to round the new structure without undermining the walls. It would be sensible to tie the existing walls back to the new structure for restraint.

In its conclusion, the report states *“the condition of the surviving walls is clearly not good however they are robust and have survived reasonably well given their exposure and location. It would not be difficult to consolidate the walls using largely traditional repair and maintenance techniques. These operations are not difficult or unusual and in comparative terms are less intrusive than other similar consolidation projects we have work on.*

The walls are not about to fall down. Parts are vulnerable at the moment due to the lack of maintenance and protection, and the deterioration of local structural elements like lintels. There is a risk to public safety of falling loose stones or the failure of the rotting timber lintels in the north elevation. Measures should be taken now to deal with these issues, for example, the lintels could be replaced and any loose stonework removed, and it may be that access in and around the building should be restricted until this is done. This is not unusual and no-one should be alarmed by this comment. What it illustrates is the vulnerability and unchecked deterioration of the building, which should be addressed in overall terms.

The existing wall will respond well to being reintegrated into a refurbished building. There are two ways which this might be achieved, however on balance, and based on our experience of revitalising buildings like this it is likely that Option Two is the simplest way to do this in this instance”.

A further response has also been received from the Architectural Heritage Society of Scotland who maintain their initial objection and also make reference to the above mentioned structural report which suggests that restoration is possible.

(B) RECOMMENDATION:

Given that the advice from David Narro Associates conflicts with the advice given by John Peden Associates in support of the proposal to demolish, it is recommended that an independent structural engineer be appointed by the Council to assess both reports and the building and provide a definitive response on the structural integrity of the ruin.

In the event that this report were to support demolition, it is recommended that:

- a) Conservation Area Consent be granted as a ‘minor departure’ subject to the conditions and reasons set out in this report;

- b) a discretionary hearing be held prior to the determination of the application in view of the number of representations received;
- c) the application be referred to Historic Scotland for final clearance.

In the event that this report were to support retention of the building, the matter would be the subject of reconsideration and a further supplementary report prior to the hearing.

Author of Report: **Fiona Scott** **Date:** 13/12/10

Reviewing Officer: **Richard Kerr** **Date:** 13/12/10

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 10/01348/CONAC

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: To comply with Section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

2. No work shall commence on the demolition until satisfactory evidence has been submitted to the Planning Authority to show that a contract has been let for the redevelopment scheme, the subject of related Planning Consent Reference Number 10/01059/PP.

Reason: In the interests of visual amenity and the built environment, in order to prevent the premature demolition of the property concerned.

3. No works of demolition shall commence until the Royal Commission on the Ancient and Historic Monuments of Scotland (RCAHMS) have been afforded the opportunity to survey and record the building. Such notice shall be sent in writing to the Royal Commission on the Ancient and Historic Monuments of Scotland (RCAHMS) and shall afford reasonable access to the building for a period of not less than 3 months following notice being given, unless the RCAHMS have stated in writing that they have completed their record, or do not wish to record the building.

Reason: To comply with Section 7 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

4. The development shall be implemented in accordance with the details specified on the application form dated 16/08/10 and the approved drawing reference numbers:

Plan 1 of 2 (Drawing Number 10.18.01)

Plan 2 of 2 (Drawing Number 10.18.02)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: In order to ensure that the proposed demolition is carried out in accordance with the details submitted and the approved drawings.

NOTE TO APPLICANT

The address of the RCHAMS is: Royal Commission on the Ancient and Historic Monuments of Scotland, John Sinclair House, 16 Bernard Terrace, Edinburgh, EH8 9NX

**Argyll and Bute Council
Development Services**

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

Reference No: 10/01059/PP

Planning Hierarchy: Local Development

Applicant: Isle of Luing Community Trust

Proposal: Erection of building incorporating museum, licensed cafe, exhibition/function room and office

Site Address: Land East of Cullipool House, Cullipool, Isle of Luing

SUPPLEMENTARY REPORT NO. 1

(A) Background

This application is due to be presented to the Planning, Protective Services and Licensing Committee on 15 December 2010.

Since finalising the report to that meeting, further representations from the following individuals have been received.

Edna Whyte, Gallery House, Cullipool, Isle of Luing (07/12/10)
 Leonard V. McGeoch, Cluain Siar, Cullipool, Isle of Luing (04/12/10)
 Ian Malcolm, Tapsalteerie Cottage, Cullipool, Isle of Luing (04/12/10)
 Barry & Brenda Wilson, Kinkell, Cullipool, Isle of Luing (06/12/10)
 Bernice D. Robb, Carraig an t'uaichdar, Cullipool, Isle of Luing (05/12/10)
 Jean & John Alexander, 11 Cullipool, Isle of Luing (03/12/10)

The representations raise no new issues but reiterate the issues raised in their previous submissions which are detailed and commented on in the main report.

(B) Recommendation

Given that the further representations raise no new issues and having due regard to the Development Plan and all other material considerations, it is recommended that:

- a) planning permission be granted subject to the conditions and reasons set out in the original report;
 - b) a discretionary hearing be held prior to the determination of the application in view of the number of representations received.
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Author of Report: Fiona Scott

Date: 13/12/10

Angus Gilmour Head of Planning

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