

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604444
DX 599700 LOCHGILPHEAD
e.mail –douglas.hendry@argyll-bute.gov.uk

24 January 2011

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **VILLAGE HALL, CULLIPOOL, ISLE OF LUING** on **MONDAY, 31 JANUARY 2011** at **11:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **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)**
Reports by Head of Planning and Regulatory Services (Pages 1 - 20)
4. **ISLE OF LUING COMMUNITY TRUST: 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)**
Reports by Head of Planning and Regulatory Services (Pages 21 - 50)

COPY OF PROCEDURE NOTE FOR DISCRETIONARY HEARINGS (Pages 51 - 56)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Rory Colville
Councillor Vivien Dance
Councillor Daniel Kelly
Councillor Neil Mackay
Councillor Bruce Marshall
Councillor Roderick McCuish
Councillor James McQueen

Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Alister McAlister
Councillor Alex McNaughton
Councillor Al Reay

Contact: Melissa Stewart

Tel. No. 01546 604331

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. 2

(A) BACKGROUND

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

Due to conflicting advice contained within the structural reports submitted by the applicant and the objectors, it was 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.

Accordingly, the application was continued to a site visit and hearing to be held on Monday 31 January 2011.

In the interim, an independent assessment has now been undertaken by ATK Partnership on behalf of the Council, the conclusions of which are detailed below.

“On the basis there is a great similarity with both reports with the exception of the plumbness of the walls and their final conclusions we would suggest that there may be scope for incorporating the existing walls within a new development. While the out of plumb of some walls may present problems these may be partially demolished to around normal cill level and rebuilt trying to minimise the distortion of the upper section. Where there are drystone areas these too can be taken down and rebuilt properly using appropriate mortar mixes. The wallheads can be capped off using a concrete ring beam at eaves level, cast just inside the facing stonework thus disguising it from view.

We have ourselves on similar types of conversion projects allowed for a new internal concrete slab with a thickened edge to help support an internal loadbearing timber stud framework. This allows a physical tie to be made between the remaining walling and the new structure. Where openings exist or have to be formed there are techniques available to introduce either tie or through stones or indeed remedial wallties to help retain the structural integrity of these areas.

We can appreciate that there is normally a greater cost implication to retaining existing structures rather than demolishing and starting from fresh. The overall shape of the building may also be restrictive to the final design and use. However as the building sits within a conservation area it may be that costs are not considered a priority within the planning process”.

Representations

Since the first supplementary report, further representations from the following individuals have been received.

Valerie Pearson, 17 Cullipool, Isle of Luing (undated)

George Pearons, 17 Cullipool, Isle of Luing (undated)

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

Since the original report was presented to Committee, it has been highlighted that the support intimated from Ann MacQueen was on behalf of the Luing History Group and not the Luing Community Trust.

(B) ASSESSMENT

In light of the report by David Narro Associates and the review carried out by ATK Partnership, it is considered that, contrary to the view expressed by the structural engineer employed by the applicants, there appears to be potential for the ruin to be incorporated into a redevelopment scheme. Whilst this would entail additional costs, both at the construction stage and in terms of future maintenance, there is no evidence to suggest that such costs would be prohibitive in terms of the overall viability of the scheme. It is inevitable that development projects entailing historic structures worthy of retention will attract additional costs over and above those where there is an absence of such considerations.

Local Plan Policy LP ENV 15 (Demolition in Conservation Areas) gives effect to the criteria set out in Policy ENV 13(b) (Demolition of Listed Buildings), which place the onus on the applicant to demonstrate that all avenues available to safeguard the building have been exhausted and that demolition is a last resort. In this case, it has not been satisfactorily demonstrated that demolition is the only course of action open to the applicants, as it appears that the condition of the structure would enable it to be incorporated as a non-load bearing element in any redevelopment of the site.

With that in mind, it would not be appropriate to grant Conservation Area Consent for the demolition of the structure, as this would be contrary to development plan and national policy.

(C) RECOMMENDATION:

It is recommended that Conservation Area Consent be refused for the reasons appended to this report.

Author of Report: Fiona Scott **Date:** 17/01/11
Reviewing Officer: Richard Kerr **Date:** 20/01/11

Angus Gilmour
Head of Planning

REASON FOR REFUSAL RELATIVE TO APPLICATION 10/01348/CONAC

1. The application proposes the demolition of an unlisted building situated within a Conservation Area in order to allow a comprehensive redevelopment of the site.

Policy LP ENV 15 (Demolition in Conservation Areas) of the 'Argyll and Bute Local Plan' (2009) gives effect to the criteria set out in Policy LP ENV 13(b) which require the building *'to have been actively marketed at a reasonable price and for a timescale reflecting its location, condition and possible viable uses without finding a purchaser'*; and, be *'beyond economic repair and incapable of re-use for modern purposes through the submission and verification of a thorough structural condition report'*.

Professional opinion in terms of the structural condition of the property has been expressed both by qualified engineers appointed by the applicants and by third parties. In the light of conflicting conclusions, the Council has appointed its own structural engineer to review these findings. This concludes that that the building, in its present form, has the potential to be incorporated into a redevelopment scheme as a non-load bearing element. As demolition can only be entertained as a last resort, where it can be demonstrated that all avenues open to the applicants, including re-use or sale, have been exhausted, it is not considered in this case that demolition can be justified in the light of the effect of this policy. The proposal is contrary to the requirements of Policy LP ENV 13(b), Policy LP ENV 15 of the Council's adopted local plan, to the advice contained within the Scottish Government's 'Scottish Planning Policy' (SPP) 2010, and to 'Scottish Historic Environment Policy' (SHEP) 2009, all of which encourage, where practical, retention of buildings that contribute to the character and appearance of Conservation Areas.

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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

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

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Conservation Area Consent

- Demolition of unlisted building in Conservation Area
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that:

- Conservation Area consent be granted as a 'minor departure' subject to the conditions and reasons set out in this report;
 - a discretionary hearing be held prior to the determination of the application in view of the number of representations received;
 - the application be referred to Historic Scotland for final clearance.
-

(C) HISTORY:

02/00742/DET

Alterations and change of use to dwellinghouse (renewal of 96/01502/DET) – granted: 23/08/02

96/01502/DET

Alterations and change of use to dwellinghouse – granted: 09/05/97

(D) CONSULTATIONS:

Historic Scotland

Letter dated 22/10/10 stating that the buildings character is one of an industrial ruin that shows evidence of its adaptation and alteration over time. They advise that the application should be supplemented by a structural report and also clarification should be sought on whether any other options have been considered.

Scottish Civic Trust

Letter dated 10/09/10 raising concerns over the proposed development and lack of justification for demolition.

The Architectural Heritage Society of Scotland

Letter dated 15/09/10 objecting to the proposed development until such time that it can be fully justified and an appropriate redevelopment scheme submitted.

(E) PUBLICITY:

The proposal has been advertised as a development affecting a Conservation Area, closing date 23/09/10.

(F) REPRESENTATIONS:

38 representations have been received regarding the proposed development.

33 Objections, 3 Support

OBJECTIONS

Brenda McGeoch, Cluain Siar, Cullipool, Isle of Luing

Valerie Pearson, 17 Cullipool Village, Isle of Luing, PA34 4UB

George Pearson, 17 Cullipool Village, Isle of Luing, PA34 4UB

Leonard V McGeoch, Cluain Siar, Cullipool Isle of Luing

Peter Cooke, Cullipool House, Cullipool, Isle of Luing

Bernice D Robb, Carraig-an-t'uachdar, Cullipool, Isle of Luing

Jean & John Alexander, 11 Cullipool Village, Isle of Luing PA34 4UB

Jacqueline MacDonald, 3/4 Cullipool, Isle of Luing, PA34 4UB

Susie Barrett, Redgate Lodge, Kilmichael Glassary, Lochgilphead, PA31 8QL (2 letters)

Edna Whyte, Gallery House, Cullipool Isle of Luing

Ian Prentice & Susan Cook, 27 Cullipool, Isle of Luing, PA34 4UB

Diana & Nicolas Francis, 3 Prospect Place, Beeches Cliff, Bath, BA2 4QP

Mrs Eleanor Cadzow, Benmore, Cullipool, Isle of Luing, PA33 4TX

Cully Pettigrew, 48 Cullipool Village, Isle of Luing, PA34 4UB (3 letters)

Audrey Stone, Gallery Cottage, Cullipool, Isle of Luing

Mrs Sheila Bielby, Frizingley Hall, Frizinghall Road, Bradford, BD9 4LD

Nicholas Bielby, Frizingley Hall, Frizinghall Road, Bradford, BD9 4LD

Peter Cooke, Cullipool House, Cullipool, Isle of Luing

Rupert & Sarah MacDonald, An Tigh Beag, Cullipool, Isle of Luing

Phyllis Malcolm, Tapsalteerie Cottage, Cullipool, Isle of Luing PA34 4UB

Ian Malcolm, Tapsalteerie Cottage, Cullippol, Isle of Luing, PA34 4UB

Peter Lamont, Glenburn, Isle of Luing, PA34 4TY

Janice White & Julian Stammers, New Haven, Fancy Road Parkend, Lydney

Vanessa Coulter, 5 Cullipool, Isle of Luing, PA34 4UB

Nicky Archibald, 6 Cullipool, Isle of Luing, Oban, PA34 4UB

Simone Van Dijn, 6 Cullipool, Isle of Luing, Oban

Lynn Jenkins, 3/4 Culipool, Isle of Luing, By Oban, PA34 4UB

JBS Coulter, 5 Cullipool, Isle of Luing, PA34 4UB

SUPPORT

Ann MacQueen, Luing Community Trust, Seadrift, Cullipool, Isle of Luing

Norman Bissell, Mo Dhachaidh, 51 Cullipool, Isle of Luing PA34 4UB (2 letters)

Fiona Cruickshanks, Kiloran Cottage, Cullipool, Isle of Luing (2 letters)

(i) Summary of Objections

- The application to demolish does not reflect the views of all members of the community trust and the views of the full community should be sought before determining the application.

Comment: This is not a material issue in the determination of this application.

- The project has grown out of all proportion without the consent of the majority of islanders.

Comment: This is not a material issue in the determination of this application.

- The engine shed was originally purchased specifically for restoration and not for demolition and rebuilding.

Comment: *This is not a material issue in the determination of this application.*

- The proposal is contrary to the aims of the community trust which are “to advance education for the public benefit in the heritage and history of the Isle of Luing and to preserve, restore and improve the environment around the Isle of Luing”. The engine shed is the last remaining piece of legible architecture of the quarrying era of Cullipool.

Comment: *It is for the applicants to address whether their proposals are consistent with the aims of the organisation set out in their constitution.*

- The proposal is contrary to advice given by the Council’s previous Conservation Officer.

Comment: *Advice has been sought from Historic Building Consultants following the departure of the previous Conservation Officer and the applicants have made amendments to their proposals in the light of the advice given.*

- The existing engine shed is an irreplaceable historical link between the quarry workers cottages, the managers’ house and the quarry which brought the entire settlement into being and to demolish it would destroy valuable evidence of the workings of Cullipool’s industrial past. There are other imaginative ways that such a significant historical building could be restored

Comment: *The structure to be demolished is neither scheduled nor listed as an important industrial archaeology asset in its own right. The application therefore has to address the contribution the structure makes to the Conservation Area as a whole. It is not considered that the character of the conservation area would be materially devalued as a consequence of its loss.*

- If an Atlantic Islands Centre is needed, it would be more appropriate to house it in an existing building such as the vacant Rockfield School in Oban, at the centre of cultural possibilities and able to deal with the volume of visitors required to make such a centre viable.

Comment: *The viability of the project and the opportunities available for it to be implemented elsewhere are matters for the Trust to address and are not material planning considerations.*

- No reliable physical or structural reasons have been demonstrated to support the necessity of demolishing such an historic building.

Comment: *The applicant has submitted a Structural Report in support of the demolition which is detailed in Section P of this report.*

- The demolition of the building should not be approved without a decision having been reached on the redevelopment scheme subject of a separate planning application.

Comment: *A condition to this effect will be attached to the permission.*

(ii) Summary of Support

- Without demolition of this structure the proposed Atlantic Island Centre will not be able to proceed and its significant social, economic, environmental, educational and cultural benefit such a proposal would bring will be lost.
- As much of the slate from the building will be used and incorporated into the new build which will be a valuable asset to the Luing Community.
- The engine shed ruin alone would be too small to provide the required facilities which the proposed development requires.
- Should the proposal not be supported, the £455,330 of European Regional Development Funding allocated to the trust as the result of an Argyll and Bute Council Community Planning Partnership bid to HIPP would be lost.
- The site has had previous planning permission for erection of a modern dwellinghouse.
- The Luing History Group Committee supports the application to demolish the engine shed as our requirements will be met in the new centre.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|--|-----|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation | No |
| (iii) A design or design/access statement: | Yes |

The following is an extract from the design statement submitted in support of the application.

The engine shed was a large hipped roofed building housing steam engines used in the working of the slate quarry – now defunct and filled with water. Large gantries, decks and cranes were built round the building that had a massive chimney towering well above the roof.

Part of the remaining walls are original; the southeast corners has been rebuilt – date unknown – to form a curved wall. From the study of the few old photographs that are in existence it is clear that this is not original but was in fact a rectangular set back. From further investigation of the walls it appears that the eastern half of the south wall and approximately one third of the east wall has been rebuilt or stabilised since the roof was removed; parts of the south and west wallheads have been reduced in height to give views from some recently built platforms to the Garvellachs and beyond; window openings to the west have been built up and blocked up; timber lintels have been added above the new doors in the north elevation.

Initially it was hoped that the walls could be retained and the new structure built within the walls. However, on further inspection it became apparent that the structural integrity of the walls had been compromised to such a degree that this was not possible.

All the slate from the walls will be carefully taken down and re-used in the construction of the new building. Further the shape, scale and overall appearance of the exhibition and cafe section of the proposed building will reflect the shape, scale and appearance of the old machine shed.

- | | | |
|------|--|----|
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
|------|--|----|

(H) PLANNING OBLIGATIONS

- | | | |
|-----|--|----|
| (i) | Is a Section 75 agreement required: | No |
|-----|--|----|

- | | | |
|-----|---|----|
| (I) | Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
|-----|---|----|

(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

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 13a – Development Impact on Listed Buildings

LP ENV 15 – Demolition in Conservation Areas

LP COM 1 – Community Facility Development

- (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 Planning (Listed Building and Conservation Areas (Scotland) Act 1997

Planning Advice Note 71, Conservation Area Management, 2004

Scottish Planning Policy, 2010

Scottish Historic Environment Policy, 2009

Managing Change in the Historic Environment Guidance Notes 2009

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
(M)	Has a sustainability check list been submitted:	No
(N)	Does the Council have an interest in the site:	No
(O)	Requirement for a hearing (PAN41 or other):	Yes

(P) Assessment and summary of determining issues and material considerations

Conservation Area Consent is sought for demolition of the former engine shed which is an unlisted building situated within the Cullipool Conservation Area on the Island of Luing.

The former engine shed is a ruinous structure with no roof; all that remains are the external slate walls. The footprint of the ruinous building is approximately 120 square metres with the walls measuring approximately 3 metres in height.

The proposal indicates that the walls are to be taken down and re-used in the construction of the comprehensive redevelopment of the site which is subject of a separate application for planning permission reference 10/01059/PP for erection of a building incorporating museum, licensed cafe, exhibition/function room and office.

The applicant commissioned a structural appraisal of the building which was undertaken by John Peden Associates. In the appraisal the structural report states:

“The remaining walls of the building are in generally poor or very poor condition, with substantial distortions of the masonry which may have been related to lateral loading from the roof prior to its removal, or to the deterioration, or both.

The movement may also be related to decomposition of the slate itself. This stone is known to suffer from expansion as the high pyrite content weathers, which tends to disrupt the fabric of the individual units and the masonry in general. Differential weathering on opposite sides of the walls can cause bulging and leaning. We noted a significant incidence of stones throughout the building showing micro-cracking and spalling.

None of the movement noted appears to be related to differential settlement of the foundations. From trial pits previously excavated adjacent to the north wall, and from observation of general topography of the site, it is probably that the entire building is founded on rock”.

The report concludes by stating:

“In view of the poor condition of the masonry, and the pronounced out-of plumb and other distortions to the walls, we consider that in their present form the walls are unsuitable for re-use, either as loadbearing walls or as non-loadbearing facing to a new internal structure.

The poor condition of the mortar suggest that it would be difficult or impossible to stabilise the walls in their present form. Even the walls could be successfully stabilised, there would remain a major continuing maintenance commitment as further deterioration took place as due to weathering.

It is our recommendation that the building be demolished and replaced with new construction using sound materials as part of the proposed development”.

The main issues in the consideration of this proposal are the impact on the built form of the Conservation Area in the context of the community benefit accruing from the associated redevelopment proposal. Accordingly, Policies LP ENV 15, LP ENV 13b and LP COM 1 are most relevant.

The general thrust of Policies LP ENV 15 and LP ENV 13b is to encourage retention of important buildings that contribute to the wider townscape of Conservation Areas, where this is practical. This current proposal to demolish the engine shed meets all of the terms of Policies LP ENV 15 and LP ENV 13b with the exception of section 1 of Policy LP ENV 13b which *“requires the property to have been actively marketed at a reasonable price and for a timescale reflecting its location, condition and possible viable uses without finding a purchaser”*. In this case the site including the structure in question has been latterly acquired by the Isle of Luing Community Trust with a view to providing a multi-use centre on the island. In the supporting design statement, the applicants have indicated that initially it was hoped that the walls could be retained and a new structure built within the walls. However, upon further inspection it became apparent that the structural integrity of the walls had been compromised to such a degree that this was not a viable option.

The ruined structure to be demolished is neither scheduled nor listed as an important industrial archaeology asset in its own right. In view of its dilapidation and structural condition there appears no realistic prospect of being reused in its current form. If marketed, it can therefore only be purchased in order to retain it in its current state, (potentially in a bid to ensure that its redevelopment does not take place) or for an alternative demolition/redevelopment proposal. Accordingly, given the circumstances of the existing structure, its recent acquisition and the likely acceptability of the current redevelopment proposal subject of application 10/01059/PP there does not appear justification in this particular case to require that this ruin be marketed.

As development in a conservation area, it is necessary to consider whether the demolition proposed would prejudice the overall character of the conservation area, thereby undermining the purpose of designation. In deciding whether consent should be granted it is necessary to have regard to the contribution the building makes to the designated area, and to proposals for the future of the cleared site. In particular, there is a statutory obligation to have regard to *‘the desirability of preserving or enhancing the appearance of the conservation area’* in arriving at a decision. As the structure is not protected in its own right (by virtue of having been listed or scheduled), it is necessary to consider whether its presence makes a positive contribution to the conservation area and whether its loss can be justified. Given its status as the remains of a former industrial building, inevitably, it commands some local interest in the context of the history of the slate islands. However, it is now a roofless ruinous structure, in a condition

which the accompanying structural report indicates that would not be suitable for adaptation and re-use as it stands. Where structural condition rules out restoration or re-occupation at reasonable cost, the loss of structures within conservation areas may be countenanced, provided that proposals for new development, in turn, respect and make a positive contribution to conservation area character.

The conclusion in this case, is that whilst the building is some merit (but apparently not sufficient to have prompted individual protection), its loss would not be so significant as to undermine the purposes of conservation area designation. Slate from the structure would be reclaimed and re-used in the construction of the building proposed on the cleared site, which in itself would secure an appropriate form of development in the context of the conservation area. The redevelopment proposed has been assessed elsewhere (application 10/01059/PP) as having a positive impact upon the community and the built environment of the Conservation Area, to the benefit of the future of the Cullipool and the wider Luing community.

In the particular circumstances, and especially in the light of the structural report that indicates that the building, in its present form, is not capable of redevelopment, it is considered it would run counter to the general interests of the conservation area and the community it serves to insist on the marketing of this ruined building in the light of the effect of Policy LP ENV 13b. It is therefore recommended that the proposal be supported as a 'minor departure' to local plan policy

Accordingly, it is recommended that Conservation Area Consent be granted subject to clearance by Historic Scotland. It should be noted that it would be a requirement of any consent that the Royal Commission on the Ancient and Historical Monuments of Scotland be afforded an opportunity, between consent being granted and demolition taking place, to record the building for historical purposes, should they wish to do so.

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

(R) Reasons why Conservation Area Consent should be granted

The proposal accords with Policies STRAT DC 1 and STRAT DC 9 of the approved Argyll and Bute Structure Plan and Policies LP COM 1, LP ENV 1, LP ENV 13(b) 2, LP ENV 15 of the adopted Argyll and Bute Local Plan and can be justified as a 'minor departure' from Policy LP ENV 13(b) 1 as the demolition of the structure will allow the site to be developed with a larger social scheme subject of planning application 10/01059/PP which will benefit both the local community and visitors to the island.

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

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: Yes

Author of Report: Fiona Scott **Date:** 23/11/10

Reviewing Officer: Richard Kerr **Date:** 24/11/10

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)

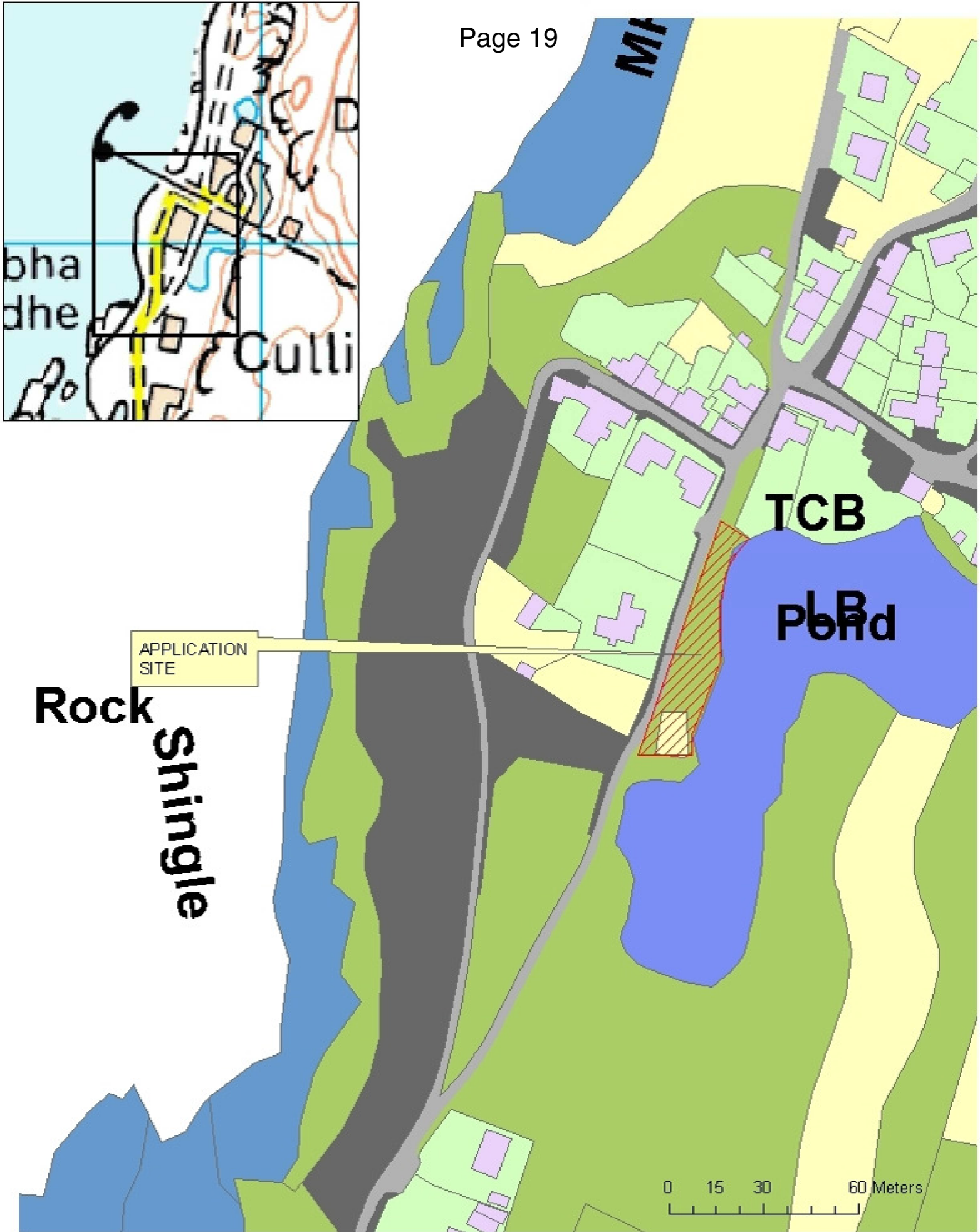
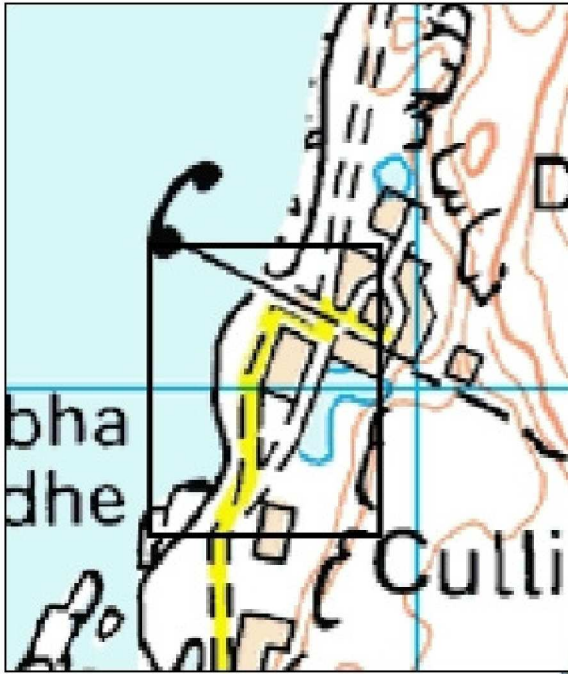
Plan 2 of 2 (Drawing Number 10.18.02)

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



**Committee Plan for Planning Application 10/01348/CONAC
Isle of Luing Community Trust**



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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: 10/01059/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. 2**(A) BACKGROUND**

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

At the Committee meeting, the application was continued to a site visit and hearing to be held on Monday 31 January 2011.

This application relies on associated application 10/01348/CONAC for demolition of the ruinous building to allow the redevelopment scheme to proceed.

Due to conflicting advice contained within the structural reports submitted by the applicant and the objectors for the associated Conservation Area application, it was 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.

The report is detailed in Supplementary Report 2 of application 10/01348/CONAC, but in summary, states that it is considered that there is potential for this ruin to be incorporated into a redevelopment scheme.

Representations

Since the original report was presented to Committee, it has been highlighted that due to an administrative error, there was a discrepancy in those listed as objectors and supporters in the Appendix accompanying the original report. This is clarified as follows.

The following were listed as Objectors but should have been listed as Supporters

Linda & Martin Leggett, 1 Fladda, Cullipool, Isle of Luing, PA34 4UA

Lasta King, The Swallows, South Cuan, Oban, PA34 4TU

Mrs Ann MacQueen, Secretary, Luing History Group, Seadrift, Cullipool, Isle of Luing

Alistair Fleming, 23 Cullipool, Isle of Luing, PA34 4UB
Mrs Barbara Lacey, 69 Carisbrooke Crescent, Poole, Dorset, BH15 4IA (2 letters)
Richard Wesley, 1 Kilbrandon Cottages, Balvicar, Isle of Seil
Gordon Peters, 2 Hart Street, Edinburgh, EH1 3RN
Dr William M Eddie, 20 Gosford Place, Edinburgh, EH6 4BH
James McCarthy, 6a Ettrick Road, Edinburgh, EH10 5BJ
Ken Cockburn, 75 West Savile Terrace, Edinburgh, EH9 3DP
Andrew Whitmore, Elm Cottage, Worcester Road, Grafton, Flyford

The following Supporters were inadvertently omitted from the original report.

Kirsten McHugh, 62 Dunedin Drive, G75 8QH
Ray Burnett, Old Schoolhouse, Torlum, Isle of Benbecula
Calum MacLachlan, Acha Feur, Cullipool, Luing
Larry Butler, 2/1 14 Garrioch Drive, Glasgow
Bill Taylor, 7 Wellpark Terrace West, Newport on Tay
Donna McEwan, 2 Homefarm Place, Portree, Isle of Skye
John Robertson, 20 Cullipool, Isle of Luing

The Luing Community Council have confirmed that their position regarding the application is one of neutrality rather than one of objection.

The consequence of the revisiting of the representations received is that the final confirmed tally is: **115 objectors and 110 supporters.**

Further Representation

In addition to the above, a further comment has been received from a party already having made representation, as detailed below.

Cully Pettigrew, 48 Cullipool, Isle of Luing (17/01/11)

This further representation refers to historical details in the form of photographic evidence which shows the building as a solitary structure as it appears today with the exception of some small sheds and a wooden platform overhanging the quarry pool. On this basis, the applicant's claim that the area to the north was filled with quarry buildings is unfounded and therefore the bulk and mass of the proposed Atlantic Island Centre is a poor representation of the original engine shed.

To build the Atlantic Island Centre would spoil what has survived as an almost complete interpretation of what a village in the Slate Isles would have been originally like.

Comment: *This is noted and will be dealt with at the hearing.*

(B) ASSESSMENT

The original report set out the circumstances and the merits of this development proposal. However, the development proposed is contingent on the demolition of the existing structure which currently stands on the site. As detailed in the accompanying conservation area consent report (10/01348/CONAC), the report commissioned by the Council to review the conflicting structural reports prepared on behalf of the applicants and the objectors concludes that there is potential for the ruin to be incorporated into a redevelopment scheme for the site. Supplementary Report No 2 in respect of that application now recommends that Conservation Area Consent be refused.

This application does not provide for the incorporation of the ruin into the redevelopment scheme, as its implementation would be based upon the site having been cleared prior to redevelopment. Any alternative proposal incorporating the ruin would represent a material amendment, requiring withdrawal of this application and the submission of a revised proposal.

(C) RECOMMENDATION

Accordingly, as this application relies on the demolition of the ruinous building to allow the proposed scheme to be implemented, and on the basis that Committee has refused application 10/01348/CONAC in advance of the determination of this application, it is recommended that planning permission be refused for the reason appended to this report.

Author of Report: **Fiona Scott** **Date:** 19/01/11

Reviewing Officer: **Richard Kerr** **Date:** 20/01/11

Angus Gilmour **Head of Planning**

REASON FOR REFUSAL RELATIVE TO APPLICATION 10/01059/PP

1. The redevelopment of the site as proposed is contingent upon the prior demolition of an unlisted building situated within a Conservation Area.

Policy LP ENV 15 (Demolition in Conservation Areas) of the 'Argyll and Bute Local Plan' (2009) gives effect to the criteria set out in Policy LP ENV 13(b) which require the building *'to have been actively marketed at a reasonable price and for a timescale reflecting its location, condition and possible viable uses without finding a purchaser'*; and, be *'beyond economic repair and incapable of re-use for modern purposes through the submission and verification of a thorough structural condition report'*.

In the context of Conservation Area Consent application 10/01348/CONAC, professional opinion in terms of the structural condition of the property has been expressed both by qualified engineers appointed by the applicants and by third parties. In the light of conflicting conclusions, the Council has appointed its own structural engineer to review these findings. This concludes that that the building, in its present form, has the potential to be incorporated into a redevelopment scheme as a non-load bearing element. As demolition can only be entertained as a last resort, where it can be demonstrated that all avenues open to the applicants have been exhausted, including re-use or sale, the Council has proceeded to refuse Conservation Area Consent for the demolition of this structure.

The proposal is incapable of implementation without prior demolition of the existing structure prior to redevelopment taking place. Retention and incorporation of the ruin in the redevelopment as proposed cannot be achieved by way of a conditional planning permission. Any alternative proposal incorporating the ruin would represent a material amendment, requiring withdrawal of this application and the submission of a revised proposal. Given that the implementation of the proposal would be dependent upon demolition of a structure for which Conservation Area Consent has been refused, the redevelopment proposal is considered to be contrary to the requirements of Policy LP ENV 13(b), Policy LP ENV 15 of the Council's adopted local plan, to the advice contained within the Scottish Government's 'Scottish Planning Policy' (SPP) 2010, and to 'Scottish Historic Environment Policy' (SHEP) 2009, all of which encourage, where practical, retention of buildings that contribute to the character and appearance of Conservation Areas.

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.
-

Author of Report: Fiona Scott

Date: 13/12/10

Angus Gilmour **Head of Planning**

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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

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of building incorporating museum, licensed cafe, exhibition/function room and office (Use class 10);
- Upgrade of vehicular access and provision of car parking.

(ii) Other specified operations

- Installation of septic tank with outfall to sea;
 - Connection to public water main.
-

(B) RECOMMENDATION:

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 this report;
 - b) a discretionary hearing be held prior to the determination of the application in view of the number of representations received.
-

(C) HISTORY:

02/00742/DET

Alterations and change of use to dwellinghouse (renewal of 96/01502/DET) – granted: 23/08/02

96/01502/DET

Alterations and change of use to dwellinghouse – granted: 09/05/97

(D) CONSULTATIONS:

Area Roads Manager

Initial report dated 15/07/10 advising no objection subject to conditions.

As a result of public representations received, the proposal was revisited by the Area Roads Manager who in his report dated 12/08/10 has confirmed his previous advice of no objection subject to conditions.

Scottish Water

Letter dated 21/07/10 advising no objection but providing advisory comments.

Public Protection Unit

Initial memo dated 16/07/10 advising no objection.

As a result of public representations received, the proposal was revisited by the Public Protection Unit who advised that conditions regarding appropriate control measures, together with management of internal noise levels will be adequate to prevent noise problems affecting the local area.

Luing Community Council

Letter dated 25/07/10 abstained from commenting on the proposal due to members declaring an interest.

Historic Scotland

Letter dated 10/08/10 advising that the proposed development will not have a physical impact on any of the B listed buildings in Cullipool.

Health and Safety Officer

E-mail dated 26/08/10 raising no objection but providing comments.

Gleeson HB Consultants (providing conservation advice during vacancy of Conservation Officer post)

Report dated Aug 10 advising that the proposal does not truly meet the design and planning criteria and standards appropriate when proposing new development and the extension and alteration of existing buildings within the setting of a Conservation Area.

As a result of the comments received from Gleeson HB Consultants, the design of the northern projection of the proposed building has been amended from a contemporary zinc roofed building to a more traditionally designed building incorporating a pitched slate roof which is more characteristic of properties in the surrounding area and throughout the island. Full details of the design are detailed in Appendix A of this report.

Scottish Civic Trust

Letter dated 30/07/10 objecting to the application due to the lack of justification for the taking down and rebuilding of the engine house as the works will be detrimental to the character of the historic building and the conservation area as a whole.

The Architectural Heritage Society of Scotland

Letter dated 05/08/10 objecting to the proposed development. They state that the proposal will require considerable alterations and rebuilding to adapt the irregular walls into the domesticated suburban version proposed. Such a character change will be detrimental to the conservation area and should only be considered if the engine shed is totally unsafe. A structural report should form part of the application.

Scottish Environment Protection Agency

E-mail dated 22/11/10 advising no objection.

(E) PUBLICITY:

The proposal has been advertised in terms of Development affecting the setting of a Listed Building and as development within a Conservation Area, closing date 16/07/10.

(F) REPRESENTATIONS:

223 representations have been received regarding the proposed development.

134 objections, 89 support

OBJECTIONS

Linda & Martin Leggett, 1 Fladda, Cullipool, Isle of Luing, PA34 4UA
Mr John Alexander, 11 Cullipool Village, Isle of Luing, PA34 4UB
Mrs Jean Alexander, 11 Cullipool Village, Isle of Luing, PA34 4UB
Jean & John Alexander, 11 Cullipool Village, Isle of Luing, PA34 4UB
Iain P D Pearson, 114 Bucks Road, Douglas, Isle of Man, IM2 4MF
Sebastian Wills Fleming, 114 Drumlanrig Street, Thonhill, Dumfries
Susan Gallagher, 129 Maxwell Drive, Pollockshields, Glasgow, G41 5AE
Julia Laidlaw, 13 Claremont Crescent, Edinburgh, EH7 4HX
Mrs Barbara Greenwood, 13 Spring Lane, Folkingham, Sleaford, Lincolnshire
B McDade, 132 Tantallon Road, Shawlands, Glasgow
Gerald McDade, 131 Tantallon Road, Shawlands, Glasgow
Jane Gallagher, 156 Campbell Road, Florence Park, Oxford, OX4 3NR
Mr R MacQueen, 16 Burn Road, Inverness, IV2 4NH
Shona MacQueen, 16 Burn Road, Inverness, IV2 4NH
B M Lane, 16 Knighton Close, Four Oaks, Sutton Coldfield, B74 4BA
John & Collete Marinko, 16 Pembroke Avenue, Hove, East Sussex (2 letters)
Mrs Sheila Gold, 17 Bishops Gate, Thornton Hall, South Lanarkshire
Dr Max Gold, 17 Bishops Gate, Thornton Hall, South Lanarkshire
George Pearson, 17 Cullipool Village, Isle of Luing, PA34 4UB
George Robertson, 17 Cullipool Village, Isle of Luing, PA34 4UB
Valerie Pearson, 17 Cullipool Village, Isle of Luing, PA34 4UB
Madeline Rahtz, 18 Cullipool Village, Isle of Luing, PA34 4UB
Hilary Taylor, 19 Cullipool Village, Isle of Luing, PA34 4UB
Ranald Hutton, 2/1, 27 Aberdour Street, Glasgow, G31 3NL
Peter McDade, 2/12 Easter Dalry Drive, Edinburgh, EH11 2TD
Mark Greenwood, 21 Bradley Gardens, London, W13 8HE
Simon Green, 21/8 Falcon Road West, Edinburgh, EH10 4AD
Alistair Fleming, 23 Cullipool, Isle of Luing, PA34 4UB
Carolyn Swaggerty, 23308 Granite Place, Land O Lakes, Florida, USA
Susan Cook & Ian Prentice, 27 Cullipool, Isle of Luing, PA34 4UB
Graham MacInnes, 28 Cullipool Village, Isle of Luing, PA34 4UB
Donna Marie Heron, 3 Factory Land, Inveraray, PA32 8UX

Diana & Nicolas Francis, 3 Prospect Place, Beechen Cliff, Bath, BA2 4QP
Jacqueline McDonald, 3-4 Cullipool Isle of Luing, PA34 4UB
Lynn Jenkinson, 3-4 Cullipool, Isle of Luing, PA34 4UB
Morag Watson, 32 Cullipool, Isle of Luing, PA34 4UB (2 letters)
Siobhan McDade, 33 Crosslees Drive, Glasgow, G46 7DY
Margery Browning, 35 Deanston Gardens, Doune, Perthshire, FK16 6AZ
Gary May, 39 Cullipool, Isle of Luing, PA34 4SB
Louisa Rogers, 41 Relf Road, London, SE15 4JT (4 letters)
Mr & Mrs Reddington, 41 Teynham Avenue, Knowsley Village, Prescot, L34 OJQ
Gregor May, 43 Cullipool Village, Isle of Luing, PA34 4SB
A Robb, 43 Weir Street, Greenock, PA15 2HW
Catherine Munrow, 46 Abbots Park, Chester, CH1 4AN
Suzanne Finlay, 46 Abbots Park, Chester, CH1 4AN
Cully Pettigrew, 48 Cullipool, Isle of Luing, PA34 4UB (7 letters)
JBS Coulter, 5 Cullipool, Isle of Luing, PA34 4UB
Vanessa Coulter, 5 Cullipool, Isle of Luing, PA34 4UB
Anna Young, 5 Wesley Place, Silsden, Keighley, BD20 OPH
Lewis Mail, 5/1 140 Clyde Street, Glasgow, G1 4LH
J & M Carruthers, 5/7 Pitlethie Road, Leuchars, Fife, KY16 O EZ
Simone Vand Dihil, 6 Cullipool, Isle of Luing, PA34 4UB
N. Archibald, 6 Cullipool, Isle of Luing, PA34 4UB
Liz Clegg & W. Crawford, 62 Campsie Drive, Milngavie, G62 8HP
Mrs Mhairi Speirs, 64 Fifth Avenue, Glasgow, G12 OAT
Mrs Barbara Lacey, 69 Carisbrooke Crescent, Poole, Dorset, BH15 4LA
Charles Laidlaw, 7 Eastern Way, Darras Hall, Ponteland, Newcastle
Ms Dorothy McQueen, 74A Dundas Street, Edinburgh, EH3 6QZ
Ran MacDonald, 76 St Leonards Road, Norwich, NR1 4JF
Nicola MacDonald, 7A Canon Street, Edinburgh, EH3 5HE
N. Archibald, 8 Cullipool, Isle of Luing, PA34 4UB
Simone Van Dijn, 8 Cullipool, Isle of Luing, PA34 4UB
Jill Fairley, 8 Spen Road, West Park, Leeds, LS16 5AN (2 letters)
L Washbourn, 81 Shenfield Place, Shenfield, Essex, C715 9AJ
Anna Proctor, 84 Sandyport Drive, Sandyport, West Bay Street, Nassau, Bahamas
John Proctor, 84 Sandyport Drive, Sandyport, West Bay Street, Nassau, Bahamas
Dr J Cater & Judith Thackray, 99 Becketts Park Crescent, Leeds, LS6 3PF
Sean Wood, 99 Platt Street, Padfield, Glossop, Derbyshire, SK13 1EJ
Pauline Young & Glenys Steele, Abbey Farm Park, Abbey Road, Llangollen
F R MacDonald, An Tigh Beag, Cullipool, Isle of Luing
Mrs Sarah MacDonald, An Tigh Beag, Cullipool, Isle of Luing
Hilary Birkin, Archway House, Playford, Ipswich, IP6 9DP
Trish Laws, Archway House, Playford, Ipswich, IP6 9DP
Tim Flinn, Ben More, Cullipool, Isle of Luing, PA33 4TX
Eleanor Cadzow, Ben More, Cullipool, Isle of Luing, PA33 4TX
Mrs H J Buckley, Boothlands Bungalow, Partridge Lane, Newgate, Surrey
Bernice D Robb, Carrag an tuachdar, Cullipool, Isle of Luing PA34 4TX
Mrs Carole Williamson, Chaim, 17 Cragganmore Place, Perth, PH1 3GJ
Leonard V. McGeoch, Cluain Siar, Cullipool, Isle of Luing, PA34 4TX (3 letters)
Brenda McGeoch, Cluain Siar, Cullipool, Isle of Luing, PA34 4TX
Fiona Rogers, Cobblers, Isle of Luing, PA34 4TX
Jennifer Cooke, Cullipool House, Cullipool, Isle of Luing, PA34 4TX
Peter Cooke, Cullipool House, Cullipool, Isle of Luing, PA34 4TX
Shane Cooke, Cullipool House, Cullipool, Isle of Luing, PA34 4TX
Tess Cooke, Cullipool House, Cullipool, Isle of Luing, PA34 4TX
Juliet Cooke, Cullipool House, Cullipool, Isle of Luing, PA34 4TX
Emma Hutton, Flat 2/1 27 Aberdour Street, Glasgow, G31 3NL
Emmylou Rahtz, Flat 3, 265 Balham High Road, London, SW17 7BD
Mrs Linda McMaster & Dr Bruce McMaster, 2 Orchard Avenue, Girvan, KA26 9DU

Nicholas Bielby, Frizingley Hall, Frizinghall Road, Bradford, BD9 4LD (2 letters)
Mrs Sheila Bieby, Frizingley Hall, Frizinghall Road, Bradford, BD9 4LD
Audrey Stone, Gallery Cottage, Cullipool, Isle of Luing, PA34 4TZ (3 letters)
Edna Whyte, Gallery House, Cullipool, Isle of Luing, PA34 4TX (4 letters)
Peter Lamont, Glenburn, Isle of Luing, PA34 4TY
Barry Wilson, Kinkell, Cullipool, Isle of Luing (2 letters)
Jane Law, Kinloch Cottage, Cullipool, Isle of Luing
C Pettigrew, Lowood, Wharf Lane, Bourne End, Bucks, SL8 5RU
J R Pettigrew, Lowood, Wharf Lane, Bourne End, Bucks, SL8 5RU
Julian Stammers & Janice White, New Haven, Fancy Road, Parkend, Sydney
Susie Barrett, Redgate Lodge, Kilmichael Glassary, Lochgilphead
Captain Peter Westwell, Roden House, Dobsons Bridge, Whixall, Whitchurch
Mrs Ann MacQueen, Seadrift, Cullipool, Isle of Luing
Ms Maureen Colquhoun, South Knoll, Rydal Road, Ambleside, Cumbria, LA22 9AY
Phyllis Malcolm, Tapsalteerie Cottage, 12/13/14, Cullipool, Isle of Luing
Ian M Malcolm, Tapsalteerie Cottage, 12/13/14, Cullipool, Isle of Luing
John Clare, The Hill House, Pennyghael, Isle of Mull
Lasta King, The Swallows, South Cuan, Oban, PA34 4TU
Nicoline Bos, Wagenstraat 15, 581 WP Utrecht, Netherlands
Mrs Anne Walton, Woodside Farmhouse, Newton, near Sleaford, Lincolnshire
Richard Wesley, 1 Kilbrandon Cottages, Balvicar, Isle of Seil
Mr George Pearson, 17 Cullipool Village, Isle of Luing
Gordon Peters, 2 Hart Street, Edinburgh, EH1 3RN
Donna McEwan, 2 Homefarm Place, Portree, Isle of Skye, IV51 9LF
Dr William M Eddie, 20 Gosford Place, Edinburgh, EH6 4BH
James McCarthy, 6a Ettrick Road, Edinburgh, EH10 5BJ
Ken Cockburn, 75 West Savile Terrace, Edinburgh, EH9 3DP
Patricia Scanlon, Apartment 9 Masons Mill, Salts Mill Road, Shipley, BD17 7EA
Alison Robertson, Convenor, Luing Community Council, 20 Cullipool, Isle of Luing
Andrew Whitmore, Elm Cottage, Worcester Road, Grafton, Flyford
Derek Bannister, e-mail representation, address requested but not given
Patricia Scanlon, e-mail representation, address requested but not given
Somerset & Melanie Willis, e-mail representation, address requested but not given
Mr Ron Smith, e-mail representation, address requested but not given

SUPPORT

The Owner, 1 Cullipool, Isle of Luing, PA34 4UB
Lauren Leggett, 1 Fladda, Cullipool, Isle of Luing, PA34 4UA
Martin Leggett, 1 Fladda, Cullipool, Isle of Luing, PA34 4UA
John Laird, 10 Cullipool, Isle of Luing PA34 4UB
M. Laird, 10 Cullipool, Isle of Luing, PA34 4UB
Richard Neil Horie, 12 Marlborough Road, Sale, Greater Manchester, M33 3AF
Mr R A Fleming, 151 Chemin de l'introge, 74400 Chamonix, France
Graham Urquhart, 16 Main Street, Likekilns, KY11 3HL
John & Mary R Reynolds, 18 Gardiner Drive, Longton, Stoke on Trent, ST3 2RQ
Elizabeth Rimmer, 18 North Street, Camuskenneth, Stirling, FK9 5NB
Nicholas Bone, 18/7 Brandon Terrace, Edinburgh, EH3 5DZ
Steve Pardue, 19 Algernon Terrace, Wylam, Northumberland, NE41 8AX (2 letters)
Stephen Dobson, 19 Arnish, Erskine, Renfrewshire, PA8 7EL
Christine Roberts, 19 The Glebe, Kilmelford, by Oban
Mridu Thanki, 2 Hart Street, Edinburgh, EH1 3RN
Gordon Peters, 2 Hart Street, Edinburgh, EH1 3RN
Jim Ferguson, 2/1 420 Cumbernauld Road, Glasgow, G31 3NT
Iain Robertson, 20 Cullipool, Isle of Luing, PA34 4UB
Alison Robertson, 20 Cullipool, Isle of Luing, PA34 4UB
Zora King, 20/3 Annfield Street, Edinburgh, EH6 4JJ (2 letters)

Gary & Joan Wallis, 2180 Promontory Road, Fish Creek 3959, Australia
Brigit Whitmore, 22 Cullipool, Isle of Luing, PA34 4UB
Zoe D Fleming, 23 Cullipool, Isle of Luing, PA34 4UB
M J Baker, 24 Borrodale Avenue, Seaburn Dene, Sunderland SR6 8LJ
Mrs Sheena Baker, 24 Borrodale Avenue, Seaburn Dene, Sunderland, SR6 8LJ
Sara Baker, 34 Borrodale Avenue, Seaburn Dene, Sunderland, SR6 8LJ
David Sibbald, 24 Toberonochy, Isle of Luing
Jimmy Keenan, 34 Greenrig Street, Uddingston, Glasgow, G71 7JA
Mrs Mandy L Plimley, 27 George Street, Audley, Stoke on Trent, ST7 8ET
Susan Bissell, 30 Juniper Avenue, East Kilbride, Glasgow, G75 9JS
Robyn & Bill Hawkshaw, 30 McGraths Road, Thoa, NSW 2454, Australia
Mrs Anne Robertson, 32 Toberonochy, Isle of Luing
Mrs Virginia Spence, 36 Sandford Road, Chelmsford, Essex, CM2 6DQ
Colin Brown, 38 Cullipool, Isle of Luing
Dr Andrew Lyon, 38 Earlbank Avenue, Glasgow, G14 9HL
Charles Cowley, 39 Toberonochy, Isle of Luing, PA34 4UE (3 letters)
Denise Cowley, 39 Toberonochy, Isle of Luing, PA34 4UE (2 letters)
Dawn MacKenzie, 4 Kilchattan Cottages, Toberonochy, Isle of Luing
Dave Davies, 41 Cullipool, Isle of Luing
Stan Bell, 419 North Woodside Road, Kelvinbridge, Glasgow
Andrew Neill, 48 Urquart Drive, East Kilbride, G74 4DE
Rebecca Hargreaves, 5 Warwick Road, St Annes, Lancashire, FY18 1TX
Karolina Jaworska, 59 Whitelake Avenue, Manchester, M41 5GN
Kirsten McHugh, 62 Dunedin Drive, East Kilbride, G75 8QH
Mrs L B Lacey, 69 Carisbrooke Crescent, Poole, Dorset, BH15 4LA
Andy Crabb, 7 Dalnabeich, North Connel, Oban
Morag, Iain, Eilidh & Calum McRitchie, 7 Merlin Crescent, Inverness, IV2 3TE
Tony Perkins, 7 Port Ramsay, Isle of Lismore, PA34 5UN
Paul Grattan, 7 Rosetta Road, Belfast, Northern Ireland, BT6 OLQ
Bill Taylor, 7 Wellpark Terrace West, Newport on Tay, Fife, DD6 8HU (2 letters)
Ken Cockburn, 75 West Savile Terrace, Edinburgh, EH9 3DP
Jenny Thorne, 96A Tufnell Park Road, London, N7 ODT
Hugh MacLachlan, Acha Feur, Cullipool, Isle of Luing, PA34 4UB
Amanda MacLachlan, Acha Feur, Cullipool, Isle of Luing, PA34 4UB
Suzanne Croucher, Achnaclach, Clachan Seil, Isle of Seil
Thomas & Carol Ann Tracey, Beinn Ime, 40 Merino Road, Greenock, PA15 4BY
Dr Thomas Schmitz, Benzenbergweg 4, D-42781 Haan, Germany
Mr Iain Fleming, Bg Mollar Brunatto 16/c Rubiana 10040, Torino, Italy
Mhairi Ritchie, Blaven, Cullipool, Isle of Luing, Oban, PA34 4TX (2 letters)
Mhairi & David Ritchie, Blaven, Cullipool, Isle of Luing, Oban, PA34 4TX
John Robertson, Chairman, Luing Community Trust, 20 Cullipool, Isle of Luing
Elaine Campbell, Development Officer, Jura Development Trust, Isle of Jura
Alexander MacLachlan, Dunchannel, Cullipool, Isle of Luing
Kirsty MacLachlan, Dunchannel, Cullipool, Isle of Luing
Andrew Whitemore, Elm Cottage, Grafton Mill, Worcester Road, Grafton Flyford
Claire McInnes, Flat G/2, 691 Cathcart Road, Glasgow, G42 8UA (4 letters)
Gordon Bissell, Flat G/2, 691 Cathcart Road, Glasgow, G42 8UA
Margaret King, Fuaim an t sruth, South Cuan, Oban, PA34 4TU
Mr Anthony O'Reilly, George Street, Audley, ST7 8ET
Mark Sheridan, Greenpoint, 125 East Princess Street, Helensburgh
Martin Whitmore, Grianan, South Cuan, Isle of Luing, PA34 4TU (2 letters)
Mary Whitmore, Grianan, South Cuan, Isle of Luing, PA34 4TU
Lukas Lenham, Isle of Gigha Heritage Trust, 1 Craft Workshop, Isle of Luing
Peter Hooper, Isle of Luing Community Trust, c/o Luing Stores, Cullipool, Isle of Luing
Jane R C MacLachlan, Jubilee Cottage, Cullipool, Isle of Luing (2 letters)
Jamie Whittle, Keam Schoolhouse, Hopeman, Moray, IV30 5YB
Fiona Cruickshanks, Kiloran Cottage, Cullipool, Isle of Luing

Rachel Cruickshanks, Kiloran Cottage, Cullipool, Isle of Luing
Mr Iain Cruickshanks, Kiloran Cottage, Cullipool, Isle of Luing
Lloyd Gudgeon, Manager, Tiree Community Development Trust, Isle of Tiree
Norman Bissell, Mo Dhachaidh, 51 Cullipool, Isle of Luing, PA34 4UE
Mrs Elizabeth C. Lyon, Morven Cullipool, Isle of Luing
Bridie Ahsrowan, Phenzhopehaugh, Robertson, Hawick
Brandon Gabriel, PO Box 587, Fort Langley BC Canada V1M 2R9
Richard Wagers, Site 16 Box 4RR, 3 Innisfail, Alberta, Canada, T4G 1T8
Rosemary Barlow, Sunnybrae, South Cuan, Isle of Luing
Vida Chapman, The Old Smiddy Kincalven, by Stanley, Perth, PH1 4QJ
Jimmy Keenan, Ulundi 24, Greenrig Street, Uddingston, Glasgow, G71 7JA
James McCarthy, 10a Etrick Road, Edinburgh, EH10 5BJ
Marion Sheridan, e-mail representation, address requested but not given
Chris & Barbara Cooper, e-mail representation, address requested but not given
Jan Fraser, e-mail representation, address requested but not given

(i) Summary of objections raised

- The proposed building is too large and would represent overdevelopment of a very limited site.

Comment: This issue is addressed in the assessment section contained within Appendix A of this report.

- The conversion of the engine shed is considered an appropriate proposal but the 'new' building is a pointless extra.

Comment: The applicant is not required to demonstrate 'need' for any element of the proposal, which has to be considered as a whole on its own merits.

- The design and materials used in the proposed building bear no relationship to the architectural vernacular of Luing.

Comment: This issue is addressed in the assessment section contained within Appendix A of this report.

- The Luing Community Trust, despite its name, does not represent the community as a whole.

Comment: This is not a material planning consideration.

- The proposal will result in the engine shed being demolished which is forbidden in a Conservation Area.

Comment: The proposed demolition of the engine shed is subject to a separate application for Conservation Area Consent reference 10/01348/CONAC which appears elsewhere on the agenda.

- The proposed development will result in a strain on the existing roads infrastructure and has inadequate parking provision.

Comment: The Area Roads Manager was consulted on the proposed development and raised no objection subject to conditions regarding the upgrading of the vehicular access, the provision of a passing place between

the public road and proposed development and the provision of six car parking spaces.

- The closure of the engine shed track will seriously impair access to and from the village during and after winter storms when the waves and rocks cover the coastal road.

Comment: In an amended response from the Area Roads Manager the previously suggested requirement to block off the access track has been deleted.

- The proposal will result in an increase in visitors to the area which in turn will result in an increase in road safety and pedestrian safety issues.

Comment: The Area Roads Manager was consulted on the proposed development and raised no objection on these grounds.

- The area of land for the improvements to the existing access and provision of a passing place is on land outwith the applicant's ownership.

Comment: The applicants have certified that they own the land required for access improvements. Any dispute as to that being the case would be a private legal matter.

- The existing ferry service, already stretched to breaking point, would be unable to cope with the anticipated increase in visitors to the island.

Comment: This is not a material planning consideration in the determination of this application but a matter for the Council to address as ferry operator in terms of provision of ferry services to the island.

- The proposal will result in more tourists which will disrupt the peace and harmony of an established residential and working community.

Comment: It is considered that the proposed development respects the scale, footprint and massing of the existing quarry village and the increase in visitors to the area is likely to have a positive impact on its economy.

- Health and safety issues due to the proximity of the site to the flooded quarry.

Comment: The Council's Health and Safety Officer was consulted on the proposed development and raised no objection commenting that the track leading to the site is not a new formation and there is already access to the quarry pool which is currently unprotected. Furthermore, the installation of the barrier and the presence of staff during the opening times of the centre has to be viewed as a means of control that did not previously exist.

- The proposal will result in a loss of amenity to neighbouring properties as the development is located in close proximity to neighbouring properties, particularly Cullipool House.

Comment: This issue is addressed in the assessment section contained within Appendix A of this report.

- The proposed site is within a recognised flood plain and projected rising sea levels in this area could put this development at future risk from flooding.

Comment: The Scottish Environment Protection Agency was consulted on the proposal and raised no objection to the proposal on flood risk grounds.

- The addition of extra street lighting will result in 'light pollution' destroying the natural darkness of the area.

Comment: The application does not propose any street lighting in association with the proposed development.

- There are currently two underutilised village halls on the island and this current proposal would affect their future.

Comment: The affect on the viability of other halls is not a material consideration in the determination of this application.

- The emission of fumes from the cafe and associated cooking smells will have an adverse impact on neighbouring properties.

Comment: The Council's Public Protection Unit has been consulted on the proposal and raised no objection on this issue. However, details of the proposed extraction ventilation system to serve the cafe area can be dealt with via a condition attached to any permission.

- Other more suitable sites with ample space for parking have been offered for consideration but due to pressures of meeting deadlines set by funding bodies, no time was available to give them serious consideration.

Comment: The existence of other potential locations is not a material consideration in the determination of this planning application.

- The proposal would be used by visitors in the summer but for the remainder of the year would remain quiet and therefore would be an unviable business venture.

Comment: The viability of the project in winter is a matter for applicants to consider and is not a material consideration in the determination of this planning application.

(ii) Summary of support

- Facilities such as these are vital to small insular communities for several reasons;

they help to define the community in terms of its past, both to the community and others,

they are an attraction for visitors which is valuable to the local economy,

they create jobs which make small communities viable.

- An increase in the use of the vehicle ferry may well have a positive impact on this vital transport link.

- The proposal will provide somewhere to learn about the island through the history museum and proposed exhibitions.
- The cafe/restaurant would be a welcome as there is currently no such facility on the island and would allow visitors to socialise.
- The proposal would attract academic researchers and those interested in learning more about Luing and the Atlantic islands generally and the educational benefits would be important for local children and visitors.
- The proposal will improve public safety for viewing the quarry pool.
- Without this type of initiative, small islands have no hope of maintaining a balanced and secure future.
- Should the proposal not be supported, the £455,330 of European Regional Development Funding allocated to the Trust as the result of an Argyll and Bute Council Community Planning Partnership bid to HIPP would be lost.
- The proposed plans represent a professional approach to making good use of the ruins from the era of slate production.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | |
|---|------------|
| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | Yes |

The following is an extract from the design statement

The site is a level narrow area of land bought by the Trust for its historical background located between a track to the west and the quarry pond to the east. The remains of an engine shed are located at the south end of the site and the slate will be used in the construction of the new centre, providing a direct link with the industrial history of the island.

The engine shed was a large hipped roof building housing steam engines used in the working slate quarry, now defunct and filled with water. Large gantries, decks and cranes were built round the building that had a massive chimney towering well above the roof.

The old slate cottages within the Conservation Area to the north of the quarry pond are generally tightly-packed single storey detached or terraced, with various extensions, on the road edge with small gardens. Some more recent dwellings of various styles and sizes are located on infill sites. Most houses are painted

white. The village hall stands alone a small island site and will be complementary to the new centre.

The centre has a variety of functions to meet the needs of both local and visitors. Accommodation includes an exhibition area/cafe that will also function as a performance area, shop, history group suite and a multi-use gallery above the cafe/exhibition space.

The design links the building with the landscape, the historic land use, the engine shed itself and the islands history both in its overall form and the various views from within.

The cafe/exhibition reflects the form of the old engine shed with a hipped slate roof and thick stone walls. The history group suite, shop and offices have a simple linear form with white rendered walls ... To preserve the integrity of the engine shed and separate the 'new' from 'old', a small glazed pod will link the two buildings.

The original shed had a large dormer to the south through which pulleys and platforms were driven by the engines; this feature has been included to give a viewing area and additional cafe gallery space...

(iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:	No
<hr/> (H) PLANNING OBLIGATIONS	
(i) Is a Section 75 agreement required:	No
<hr/> (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:	
<hr/> (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.	
<u>Argyll and Bute Structure Plan 2002</u>	
STRAT DC 1 – Development within the Settlements	
STRAT DC 9 – Historic Environment and Development Control	
<u>Argyll and Bute Local Plan 2009</u>	
LP ENV 1 – Impact on the General Environment	
LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)	
LP ENV 13a – Development Impact on Listed Buildings	

- LP ENV 14 – Conservation Areas and Special Built Environment Areas
- LP ENV 19 – Development Setting, Layout and Design
- LP BAD 1 – Bad Neighbour Development
- LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems
- LP TOUR 1 – Tourist Facilities and Accommodation, including Caravans
- LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
- LP TRAN 6 – Vehicle Parking Provision
- LP COM 1 – Community Facility Development
- Appendix A – Sustainable Siting and Design Principles
- Appendix C – Access and Parking Standards

(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.

- Argyll & Bute Sustainable Design Guidance (2006)
- The Town & Country Planning Act (Scotland) 1997
- The Planning etc. (Scotland) Act, 2006
- SPP, Scottish Planning Policy, 2010
- Scottish Historic Environment Policy, 2009
- Draft Conservation Area Appraisal, 2007*

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
(M)	Has a sustainability check list been submitted:	No
(N)	Does the Council have an interest in the site:	No
(O)	Requirement for a hearing (PAN41 or other):	Yes

In deciding whether to exercise the Council's discretion to allow respondents to appear at a discretionary hearing, the following are of significance:

- How up to date the Development Plan is, the relevance of the policies to the proposed development and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations together with the relative size of community affected set against the relative number of representations, and their provenance.

In this case, many of the respondents have properties within the vicinity of the application site and, given the number of representations submitted, it is considered that Members should exercise their discretion and agree to undertake a hearing prior to the application being determined.

(P) Assessment and summary of determining issues and material considerations

Planning permission is sought for erection of a building incorporating museum, licensed cafe, exhibition/function room and office on an area of land on the edge of the village of Cullipool on the Island of Luing.

In terms of the adopted Argyll and Bute Local Plan, the site is identified as being within the minor Settlement Zone of Cullipool. This designation stems from Policy STRAT DC 1 of the approved 'Argyll and Bute Structure Plan' (2002) which states that within the 'minor settlements' encouragement is given to development which is compatible with an essentially rural settlement location on appropriate infill, rounding off, and redevelopment sites.

In terms of the 'Argyll and Bute Local Plan' (2009):

Policy LP COM 1 gives a presumption in favour of new community facility developments subject to certain criteria.

Policy LP ENV 13(a), Development Impact on Listed Buildings, states that development affecting a listed building or its setting shall preserve the building or its setting, and any features of special architectural or historic interest that it possesses.

Policy LP ENV 14, Development in Conservation Areas and Special Built Environment Areas, states that there is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting.

The main issues in respect of the proposal are the scale, massing and design of the building and its impact on the Conservation Area and adjacent Listed Buildings.

In addition to the above, the proposal also has to be assessed for compliance with other relevant local plan policies which are detailed in Appendix A of this report.

The proposal has elicited a large number of both objections and expressions of support from residents of the Island.

The proposed building is considered to respect the scale, footprint and massing of the existing quarry village and its design and finish respects the site and will not be visually intrusive within the wider landscape and will not detract from the character of the Conservation Area or the setting of the adjacent Listed Building.

The application indicates the existing vehicular access to be upgraded to serve the proposed development with drainage via installation of a new private system and water supply via connection to the existing public water main.

On the basis of the foregoing, the proposal is considered to be acceptable and to accord with the relevant Development Plan policies.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why planning permission should be granted

It is considered that the site represents a suitable opportunity for development with the multi-use building proposed, which is of a suitable scale, form and design which will not detract from the established character of the Conservation Area.

The proposal accords with Policies STRAT DC 1 of the approved Argyll and Bute Structure Plan and Policies LP BAD 1, LP COM 1, LP ENV 1, LP ENV 10, LP ENV 13a, LP ENV 14, LP ENV 19, LP TOUR 1, LP SERV 4, LP TRAN 4 and LP TRAN 6 of the adopted Argyll and Bute Local Plan.

Furthermore there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A

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

Author of Report: Fiona Scott Date: 08/11/10

Reviewing Officer: Richard Kerr Date: 24./11/10

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 10/01059/PP

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

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence on site until the vehicular access at the junction with the public road has been upgraded in accordance with the Council's Road Engineers Drawing Number SD 08/004a, re-aligned to 90⁰ with visibility splays of 53.0m x 2.4m having been formed in each direction formed from the centre line of the access. Prior to work starting on site these visibility splays shall have been cleared of all obstructions above the level of the adjoining carriageway and shall be maintained free of obstruction thereafter to the satisfaction of the Planning Authority.

The first 5 metres of the vehicular access serving the development from the junction with the public road shall be constructed with a bitmac surface and shall be formed to at least base course level prior to any work starting on the erection of the building which it is intended to serve with the final wearing surface of the access being applied prior to the first occupation of the building.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access.

3. The proposed on-site vehicular parking and turning areas shall be formed in accordance with the approved plans and brought into use prior to the first occupation of the building and thereafter maintained in perpetuity.

Reason: To enable vehicles to park clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road.

4. No development shall commence on site until a plan has been drawn up in consultation with the Council's Roads Engineer showing the provision of 1 passing place on the access to the development site and has been submitted to and has been approved in writing by the Planning Authority. Thereafter, the passing place shall be formed in accordance with the duly approved plan and shall be brought into use prior to the first occupation of the building and thereafter maintained in perpetuity.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access.

5. No development shall commence on site until details of the type and position of any extraction ventilation system to be installed, including details of the internal and external flues have been submitted to and agreed in writing by the Planning Authority. No fans, vents or flues shall be installed other than in accordance with duly approved details.

Reason: To ensure a satisfactory appearance and to protect the amenity of nearby occupiers.

6. No development shall commence on site until full details, in plan form, of the proposed protective barrier have been submitted and agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity to ensure the proposal integrates well within its landscape setting.

7. No development shall commence on site until full details of a scheme for protecting the neighbouring residential properties from noise from the proposed development has been submitted for written approval by the Planning Authority in consultation with the Council's Public Protection Unit. Thereafter the duly approved scheme shall be implemented in full to the satisfaction of the Planning Authority.

Reason: In order to protect the amenities of the area from noise disturbance.

8. No development shall commence on site until details of a scheme of boundary landscaping treatment has been submitted to and approved in writing by the Planning Authority. The duly approved scheme shall be implemented concurrently with the construction of the building, with landscaping works being completed during the first planting season following the first occupation of the building. Any planting which fails to become established, which is removed, dies or becomes seriously diseased within ten year of planting shall be replaced in the subsequent planting season with numbers sizes and species equivalent to those originally required to be planted.

Reason: To ensure suitable integration of the development into the landscape.

9. No development shall commence until a sample of the proposed roofing slate to be used, which shall be of West Highland origin, has been submitted to and has been approved in writing by the Planning Authority. The development shall be implemented in accordance with the duly approved sample.

Reason: To ensure the use of a roofing material of local provenance to reinforce local distinctiveness in the interests of visual amenity.

10. The development shall be implemented in accordance with the details specified on the application form dated 21/06/10 and the approved drawing reference numbers:

Plan 1 of 6 (Drawing Number 06.39.01 A)
Plan 2 of 6 (Drawing Number 06.39.02 A)
Plan 3 of 6 (Drawing Number 06.39.03 A)
Plan 4 of 6 (Drawing Number 06.39.04 A)
Plan 5 of 6 (Drawing Number 06.39.05 A)
Plan 6 of 6 (Drawing Number 06.39.03)

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: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/01059/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In terms of the adopted Argyll and Bute Local Plan, the site is identified as being within the minor Settlement Zone of Cullipool on the Island of Luing.

This designation stems from Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan which states that within the ‘minor settlements’ encouragement is given to development which is compatible with an essentially rural settlement location on appropriate infill, rounding off, and redevelopment sites.

Policy LP COM 1 presumes in favour of new community facilities provided that they are of a form location and scale consistent with Policy STRAT DC 1 and subject to a series of other criteria. The proposal is consistent with the settlement strategy established by the local plan.

B. Location, Nature and Design of Proposed Development

Planning permission is sought for erection of a building incorporating museum, licensed cafe, exhibition/function room and office.

The site for the proposed building is a flat narrow area of land situated at the southern end of the main settlement of the village of Cullipool. The site is bounded to the east by the original quarry pond and to the west by the un-adopted track which runs alongside the adjacent public road.

The site itself contains the remnants of the former engine shed which are located at the southern end of the site, the slate from which will be used in the construction of the new building.

A separate application 10/01348/CONAC for Conservation Area consent for the demolition of this ruined structure appears elsewhere on the agenda..

Conservation advice has been sought from Gleeson HB Consultants (during the vacancy of the Council’s Conservation Officer post)

In their report, they state that *“in the proposal the combination of the new with the old does not in our view jell satisfactorily. The new building although appearing to try to present compatibility with the area and its local traditions, does in fact fail to achieve this by the introduction of the shallow pitched zinc roof, with its clerestory windows, both unsatisfactory introductions to the localities architectural harmony”*.

They further state that *‘the works proposed to the existing ruins of the engine shed are not considered appropriate to the reuse of this historic building and other sympathetic schemes are easily achievable from what remains’*.

The report concludes by stating that *“in their professional opinion the proposal does not truly meet the design and planning criteria and standards appropriate when proposing new development and the extension and alteration of existing buildings within the setting of a Conservation Area”*.

The full report is available on the Council’s Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

As a result of the comments received, the design of the northern projection of the proposed building has been amended from a contemporary zinc roofed building to a more traditionally designed building incorporating a pitched slate roof which is more characteristic of properties in the surrounding area and throughout the wider island. Full details of the design are detailed below.

The amended scheme represents a proposal of similar scale, massing and proportions to the original scheme submitted and therefore can be considered as a 'non-material' amendment to the current proposal without the need for the submission of a new planning application.

As regards to the design of the proposed building, the application shows the cafe/exhibition area reflecting the form of the old engine shed with a large hipped slate roof and thick stone walls. The original engine shed building incorporated a large boxed dormer on the south elevation through which pulleys and platforms were driven by the engines. This feature has been incorporated into the proposal by the introduction of a low lying flat roofed dormer to provide a viewing area and gallery space in the upper level of the building.

Whilst the glazing on the front elevation is relatively extensive, there remains a significant amount of stone and slatework visible. In this regard, the use of a natural stone and slate on the front elevation is to be welcomed together with the proposed natural slate roof covering.

The history group's suite, shop and offices take a more simple linear form with a traditional pitched slate roof and white rendered walls reflective of the of the traditional slate workers cottage which are characteristic of the slate islands. A small glazed pod is proposed to link the two separate components of the building.

External pathways and the cafe terrace are to be finished in local slate with the walkway to the quarry pond finished in timber decking with the balustrades being a mixture of timber and glazed panels.

It is considered that the design and finishes of the building, as amended, are sympathetic to their surroundings, would not detract from the character of the Conservation Area or the setting of the adjacent Category B Listed Building and would not appear incongruous in this island setting with its distinct influences from its industrial past.

Accordingly the proposal is considered to comply with the terms of Policy LP ENV 19 and Appendix A.

Policy LP COM 1 establishes a presumption in favour of new or improved community facilities, provided that they respect the landscape character and amenity of the surrounding area; that they are readily accessible by public transport where available; cycling and on foot and are located close to where people live.

The proposed development site is located immediately adjacent to the main village of Cullipool and is considered to relate well to the existing development pattern within this area. The proposal also represents a development which will result in local community benefit.

The Council's Draft Conservation Area Appraisal of the Island states that *"these are areas where people live, but are, at the same time increasingly popular with visitors. New and extended facilities that help the local community to share the local heritage with*

visitors and also benefit the local community will be the most successful and also attract funding from outside”.

Accordingly the proposal is considered consistent with the terms of Policy LP COM 1 and the Council’s Draft Conservation Area Appraisal.

The proposal requires to be assessed against Policy LP BAD 1 as a *potential* ‘bad neighbour’ development. This policy states a number of criteria which must be met before permission can be granted.

Whilst there is one residential property in fairly close proximity and whilst the proposed development is one which could have the potential to prejudice established levels of amenity, in this case, due to the sympathetic design of the building, and the use of appropriate conditions which will ensure that suitable sound attenuation measures are employed, the proposal is considered to be one which is compatible with surrounding residential use and will not constitute an inappropriate ‘bad neighbour’.

The Council’s Public Protection Unit has been consulted and advised that whilst it is likely that some of the functions of the proposed building may have the potential to create local problems due to noise, the location and orientation of the building is such that there is significant separation and shielding of the function suite from the main centre of the village. The nearest property to the development is Cullipool House which will be faced by the function suite of the proposed development. The Public Protection Unit notes that the design of the development indicates that the facade facing Cullipool House is predominantly glazing panels with a single entrance door, and accordingly, in order to minimise the potential breakout of noise from the building, the glazing panels to this facade should be fixed, or if openable, should be able to be controlled and the entrance should be provided with a door suitably constructed with, or supplied with, suitable noise attenuation measures.

They concluded that the above mentioned control measures, together with the management of internal noise levels, will be adequate to prevent noise problems affecting the local area and these are items which can be satisfactorily dealt with by conditions.

The development does not raise issues associated with any of the other criteria set out in Policy BAD 1.

Finally, it should be noted that the existing village hall, which caters for both daytime and evening functions, is situated within the heart of the village, in closer proximity to more residential properties than the building subject of this application, in a location which has the potential to cause more conflict with regards to noise and amenity issues.

In this regard it is considered that the proposal satisfies the requirements of Policy LP BAD 1.

Policy TOUR 1 gives a presumption in favour of new or improved tourist facilities provided they are consistent with Policy STRAT DC 1, respect the landscape character of the surrounding area; are reasonably accessible by public transport; are well related to the existing built form; and subject to compliance with other associated policies.

The development may be regarded as a positive asset as far as tourism on the island is concerned, and its location adjacent to the main village of Cullipool fits well with the existing development pattern and landscape characteristics and will complement the landscape character in this location.

In this regard it is considered that the proposal satisfies the requirements of Policy LP TOUR 1.

C. Natural Environment

There are no features of nature conservation interest on the site and there are no designations or issues to be taken into account of in the determination of this application.

D. Built Environment

The site is situated within the Cullipool Conservation Area and adjacent to a Category B Listed Building.

Policy DC 9, Historic Environment and Development Control, states that protection, conservation, enhancement and positive management of the historic environment is promoted. Development that damages or undermines the historic architectural or cultural qualities of the historic environment will be resisted, particularly if it would affect a Scheduled Ancient Monument or its setting; other recognised architectural site of national or regional importance; listed building or its setting; conservation area; or historic garden and designed landscape.

Policy LP ENV 13(a), Development Impact on Listed Buildings, states that development affecting a listed building or its setting shall preserve the building or its setting and any features of special architectural or historic interest that it possesses.

Policy LP ENV 14, Development in Conservation Areas and Special Built Environment Areas, states that there is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting.

The main issues in respect of the proposal are the scale, massing and design of the building and its impact on the Conservation Area and the setting of adjacent Listed Buildings. The proposed building is situated to the east of Cullipool House which is a Category B Listed Building and which will be screened in part by existing mature vegetation on site.

Having regard to its relationship with the adjacent Category B Listed Building, the building is on a similar footprint to the original engine shed and proposes to replicate its design and finish albeit with modern features such as large areas of glazing. The main view of the proposed building in relation to Cullipool House will be on the approach to Cullipool Village from the south where the replicated engine shed building will be the most visible component with the northern projection barely visible. The existing mature vegetation within the garden ground of Cullipool House will help create a visual barrier between the dwellinghouse and the proposed building.

To minimise any adverse impact of the overall building in the landscape, the northern projection of the proposed building takes a more simple linear form with a pitched slate roof and white rendered walls reflective of the traditional slate workers cottages which are found throughout the slate islands. A small glazed pod is proposed to link the two separate components of the building.

The view of the proposed building when leaving the village will give the impression of the gable end of a typical slate workers cottage which is characteristic of the island with glimpses of the hipped roof of the main building in the distance beyond.

From the west, the proposed building will be viewed against the backdrop of the existing hillside which will help integrate it with the existing landscape.

Historic Scotland has been consulted on the proposal and stated that the proposed development would have no detrimental impact on any of the Grade B Listed Buildings in Cullipool.

It is considered that the proposed development respects the scale, footprint and massing of the existing quarry village and that the design and finish of the proposed building respects the site and will not be visually intrusive within the wider landscape and would neither detract from the character of the Conservation Area nor the setting of the adjacent Listed Building.

It should also be noted that, although demolished, historically there were other buildings on this site adjacent to the engine shed, which are recorded in photographs of the village.

On the basis of all of the foregoing, it is considered that the proposal would preserve the character of the Cullipool Conservation Area and would not impinge inappropriately upon the settings of any Listed Buildings.

The proposal will not have an adverse impact on the wider landscape and therefore is consistent with the criteria set out in Policies STRAT DC 8 and STRAT DC 9 which seek to ensure that developments do not have an adverse impact on the character of the built environment.

E. Landscape Character

The site is situated within the Knapdale and Melfort Area of Panoramic Quality.

Structure Plan Policy STRAT DC 8 states that development which by reason of location, siting, scale, form design or cumulative impact, damages or undermines the key environmental features of a visually contained or wider landscape or coastscape shall be treated as 'non-sustainable' and is contrary to this policy.

Furthermore Policy LP ENV 10 states that development in, or adjacent to, an Area of Panoramic Quality will be resisted where its scale, location or design will have a significant adverse impact on the character of the landscape.

It is considered that it has been successfully demonstrated that the development secures an appropriate fit with the development pattern of the village and the landscape characteristics of its surroundings, and will not adversely impinge upon landscape character.

It is not considered that the proposal will have an adverse impact on the wider landscape and therefore is consistent with the criteria set out in Policies STRAT DC 8 and LP ENV 10 which seek to ensure that developments do not have an adverse impact on the character of the landscape.

F. Road Network, Parking and Associated Transport Matters.

The application shows the existing vehicular access from the Cullipool Road to be utilised to serve the proposed development. The Area Roads Manager has been consulted on the proposal and raised no objection subject to conditions regarding the upgrading of the vehicular access, the provision of a passing place between the public road and proposed development and the provision of six car parking places.

As a result of representations received regarding the limited number of parking spaces being required, the proposal has been revisited by the Area Roads Manager. In his

amended response he has confirmed that in his view the parking provision proposed is sufficient to serve the proposed development.

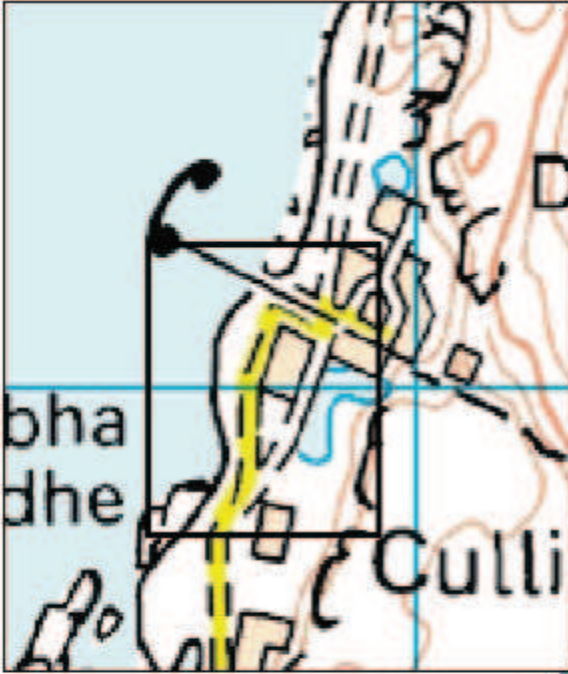
On this basis, the proposal is considered to be acceptable from a road safety perspective and complies with the terms of Policies LP TRAN 4 and LP TRAN 6 which seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area provided within the site.

G. Infrastructure

The application indicates installation of a new sewage treatment plant with an outfall to the sea to serve the proposed development.

The proposal is considered acceptable in terms of Policy LP SERV 1 in that there is no public sewer within the vicinity of the proposed development to allow connection.

The application indicates connection to the public water main. Scottish Water has been consulted on the proposal and whilst raising no objection, advises that augmentation of the system at the developer's expense may be required.



**Committee Plan for Planning Application 10/01059/PP
Isle of Luing Community Trust**



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ARGYLL AND BUTE COUNCIL

PROCEDURE NOTE FOR USE AT

- | | |
|--|--------------------------|
| (1) Statutory Pre Determination Hearing | <input type="checkbox"/> |
| (2) Pan 41 Hearing | <input type="checkbox"/> |
| (3) Council Interest Application | <input type="checkbox"/> |
| (4) Discretionary Hearing | X |

HELD BY THE PLANNING, PROTECTIVE SERVICES & LICENSING COMMITTEE

1. The Director of Customer Services will notify the applicant, all representees and objectors of the Council's decision to hold a Hearing and to indicate the date on which the hearing will take place. The hearing will proceed on that day, unless the Council otherwise decides, whether or not some or all of the parties are represented or not. Statutory consultees (including Community Councils) will be invited to attend the meeting to provide an oral presentation on their written submissions to the Committee, if they so wish.
2. The Director of Customer Services will give a minimum of 7 days notice of the date, time and venue for the proposed Hearing to all parties.
3. The hearing will proceed in the following order and as follows.
4. The Chair will introduce the Members of the Panel, ascertain the parties present who wish to speak and outline the procedure which will be followed.
5. The Director of Development and Infrastructure's representative will present their report and recommendations to the Committee on how the matter should be disposed of.
6. The applicant will be given an opportunity to present their case for approval of the proposal and may include in their submission any relevant points made by representees supporting the application or in relation to points contained in the written representations of objectors.
7. The consultees, supporters and objectors in that order (see notes 1 and 2), will be given the opportunity to state their case to the Council.
8. All parties to the proceedings will be given a period of time to state their case (see note 3). In exceptional circumstances and on good case shown the Panel may extend the time for a presentation by any of the parties at their sole discretion.

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9. Members of the Panel only will have the opportunity to put questions to the Director of Development and Infrastructure's representative, the applicant, the consultees, the supporters and the objectors in that order.
10. At the conclusion of the question session the Director of Development and Infrastructure's representative, the applicant, any consultees present, the supporters and the objectors (in that order) will each be given an opportunity to comment on any particular information given by any other party after they had made their original submission and sum up their case.
11. The Chair will ascertain from the parties present that they have had a reasonable opportunity to state their case.
12. The Panel will then debate the merits of the application and will reach a decision on it. No new information can be introduced at this stage.
13. The Chair or the Committee Services Officer on his/her behalf will announce the decision.
14. A summary of the proceedings will be recorded by the Committee Services Officer.
15. If at any stage it appears to the Chair that any of the parties is speaking for an excessive length of time he will be entitled to invite them to conclude their presentation forthwith.

NOTE

- (1) Objectors who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all objectors.
- (2) Supporters who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all supporters.
- (3) Councillors (other than those on the Panel) who have made written representations and who wish to speak at the hearing will do so under category (1) or (2) above according to their representations but will be heard by the Panel individually.
- (4) Recognising the level of representation the following time periods have been allocated to the parties involved in the Hearing.

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The Director of Development Services' representative – not more than half an hour

The Applicant - not more than half an hour.

The Consultees - not more than half an hour.

The Supporters - not more than half an hour.

The Objectors - not more than half an hour.

- (4) The purpose of the meeting is to ensure that all relevant information is before the Panel and this is best achieved when people with similar views co-operate in making their submissions.
- (5) Everyone properly qualified as a representee recorded on the application report who wishes to be given an opportunity to speak will be given such opportunity.
- (6) The Council has developed guidance for Councillors on the need to compose a competent motion if they consider that they do not support the recommendation from the Director of Development and Infrastructure which is attached hereto.

I:data/typing/planning/procedure note

COMPETENT MOTIONS

- Why is there a need for a competent motion?
 - Need to avoid challenge by “third party” to local authority decision which may result in award of expenses and/or decision being overturned.
 - Challenges may arise from: judicial review, planning appeal, ombudsman (maladministration) referral. All appeal/review processes have rights to award expenses against unreasonable/unlawful behaviour.
- Member/Officer protocol for agreeing competent motion:
 - The process that should be followed should Members be minded to go against an officer’s recommendation is set out below.
- The key elements involved in formulating a competent motion:
 - It is preferable to have discussed the component parts of a competent motion with the relevant Member in advance of the Committee (role of professional officers). This does not mean that a Member has prejudged the matter but rather will reflect discussions on whether opinions contrary to that of professional officers have a sound basis as material planning considerations.
 - A motion should relate to material considerations only.
 - A motion must address the issue as to whether proposals are considered consistent with Adopted Policy or justified as a departure to the Development Plan. Departure must be determined as being major or minor.
 - If a motion for approval is on the basis of being consistent with policy reasoned justification for considering why it is consistent with policy contrary to the Head of Planning’s recommendation must be clearly stated and minuted.
 - If a motion for approval is on the basis of a departure reasoned justification for that departure must be clearly stated and minuted. Consideration should be given to holding a PAN 41 Hearing (determined by policy grounds for objection, how up to date development plan policies are, volume and strength of representation/contention)
 - A motion should also address planning conditions and the need for a Section 75 Agreement.
 - Advice from the Scottish Government on what are material planning considerations is attached herewith. However, interested parties should always seek their own advice on matters relating to legal or planning considerations as the Council cannot be held liable for any error or omission in the said guidance.

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy, and UK Government policy on reserved matters
 - The National Planning Framework
 - Scottish planning policy, advice and circulars
 - European policy
 - A proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance

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- Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
 - A National Park Plan
 - The National Waste Management Plan
 - Community plans
 - The Environmental impact of the proposal
 - The design of the proposed development and its relationship to its surroundings
 - Access, provision of infrastructure and planning history of the site
 - Views of statutory and other consultees
 - Legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interest, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.