

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the TOWARD MEMORIAL HALL, TOWARD, ARGYLL
on TUESDAY, 13 DECEMBER 2016**

Present: Councillor David Kinniburgh (Chair)

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| Councillor Gordon Blair | Councillor Alex McNaughton |
| Councillor Rory Colville | Councillor James McQueen |
| Councillor George Freeman | Councillor Richard Trail |
| Councillor Robert G MacIntyre | |

Attending: Charles Reppke, Head of Governance and Law
David Love, Area Applications Team Leader
Jolyon Gritten, Access Manager and Consultee
Matt Mulderrig, Development Policy Manager
Denise Punler, Applicant
Keith Punler, Applicant
Keith Vernon, Applicants' representative
Nigel Bird, Applicants' representative
Eleanor Stevenson, South Cowal Community Council – Consultee
Marilyn Norton, Supporter
Amanda Hampsey, Supporter
Alan Chapman, on behalf of Robert Trybis, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Robin Currie, Roderick McCuish, Neil MacIntyre, Donald MacMillan and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

**3. MRS DENICE PUNLER: MASTERPLAN IN RESPECT OF STRATEGIC
MASTERPLAN AREA 1/2 AND POTENTIAL DEVELOPMENT AREA 2/42
RELATING TO MIXED USE DEVELOPMENT (INCLUDING
TOURISM/LEISURE/HOUSING/BUSINESS): CASTLE TOWARD RESIDENTIAL
SCHOOL, TOWARD (REF: 16/02356/MPLAN)**

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and the Head of Governance and Law identified those present who wished to speak at the hearing.

PLANNING

David Love presented the application on behalf of the Head of Planning and Regulatory Services. He advised that there were two items before the Planning Committee today and that these both related to Castle Toward and the associated estate. He explained that the first item that would be heard would be the proposed Masterplan reference 16/02356/MPLAN. The second item would be the associated planning application for change of use from class 8 (residential institution) to class 9

(dwellinghouse), including ancillary housekeepers accommodation and Sui Generis use as a commercial/leisure events venue reference 16/00996/PP. He stated that procedure required the Committee to determine the Masterplan application prior to the planning application. Before proceeding he advised of a late representation received from the Isle of Bute Ramblers regarding the claimed right of way which has previously been addressed within the planning report.

Mr Love confirmed that this application sought the approval of a Masterplan which is required under the terms of the LDP schedule reference Strategic Masterplan 1/2 which seeks to achieve a mixed use development across the designation including tourism, business, leisure, housing and education. He confirmed that the site was also designated as a Potential Development Area (PDA) reference 2/42 which also seeks to achieve a mixed use development covering tourism, education, leisure, housing and business. He confirmed that Masterplans were a requirement of policies LDP STRAT 1 and LDP 8 and sites identified on the associated maps. He referred to a slide showing an extract from the LDP maps which showed the extent of the PDA boundary, the Masterplan boundary and the designated landscape designation. He advised that the majority of the PDA and SMA site (excluding the eastern part surrounding Castle Toward) lay within a designated Area of Panoramic Quality. He then ran through some slides showing photographs of the mansion house and the estate.

He advised that the first phase of the development related to works on the house and recent grant of Listed Building Consent by the Committee. The works that were continuing related to this consent and general repair and maintenance works. He explained that the tree works that have been undertaken were done so without a felling licence from Forestry Commission Scotland, however, he advised that it was understood that this has now been submitted and was under consideration. He confirmed that all the tree works have since ceased. He said that it was understood that all works have been carried out by professionals under the strict supervision of an Arboriculturist.

He advised that the existing Core Path began at Toward Memorial hall and entered Castle Toward estate from the existing western vehicular entrance. The Core Path C208 (c) then followed the entrance to Castle Toward just beyond the Nissan Huts at the rear, where the path turned left and northwards towards the junction to Ardyne Farm. The Core Path followed the track up to and past Strathclyde Cottage where it then split north-west to the Ardyne Car Park and west around the Chinese lakes where it split again with a western and eastern route around the Corlarach Forest.

He said that a Supplementary Access Plan (in conjunction with plan 1544_L (MP) 005 dated September 2016) has been submitted in support of the masterplan proposals. He advised that the Applicants comment that the proposals will protect the existing Core Path that runs through the western boundary of the estate, and will embrace the requirements of the Land Reform (Scotland) Act by enhancing public access to the majority of the estate. He said that the Applicants wish to create a private area within the immediate grounds of the mansion house that covers the lawn areas to the front. He explained that these would be turned into a formal garden area with paid entrance for the public on days when there were no events on at the house. He said that this would protect and enhance the setting of the historic mansion house whilst defining a private area, within which the important gardens and buildings can be restored and operated on a successful and sustainable basis. He confirmed that there were provisions within the Land Reform (Scotland) Act that

allow an area to be out with the right of access so that the public can be admitted only on payment.

He stated that the public have submitted evidence in support of a claimed Public Right of Way through the estate leading from the former eastern driveway to the Chinese Lakes, passing close to the mansion house entrance (approximately 30 metres away) and cutting between the mansion house and the listed walled flower garden and loggia etc. He advised that Scotways have recorded the route as a "claimed" Public right of way, but their record was not definitive. He advised that the Council's Legal Services did not believe that the evidence of use supported the claim for a Public right of Way.

He confirmed that the Council were satisfied that there were no public rights of way passing through the estate (following external legal advice) other than the Core Path on the western part of the estate. He advised that the Land Reform (Scotland) Act gave the public a legal right of responsible, non-motorised access to most land and inland water for recreation and passage. He said that the Applicants have commented that they were keen to support this. He advised that the Land Reform (Scotland) Act excluded the public from the immediate area around any house in order to provide reasonable privacy for the occupants. He stated that a land manager may temporarily close off areas of land in order to allow them to manage the land ie tree felling. He explained that this right was also used elsewhere to hold outdoor weddings. He advised that it was also possible to apply to the Council for an order to exclude the public to allow larger outdoor events to be held.

He advised that consistent with the aims of the Masterplan to encourage public access, the Applicants have specified that they intend to construct a new path on the eastern side of the Himalayan Glen which would effectively replace the path that some claim is a right of way as well as the existing path immediately to the west of the burn. He advised that providing such a route would supplement the existing Core Path to the west.

Mr Love advised that the Applicants have provided an indicative 5 year plan for the development of the estate and that delivery of the Masterplan would be controlled through the submission of various applications for planning permission.

He stated that should the current applications be permitted, the Applicants intend to undertake works to the house and grounds immediately. This work is anticipated to allow for the mansion house to be available for events during 2017. Further works on the house would continue through to 2018 including the installation of the basement spa facilities. He advised that these works were all covered by the current applications for planning permission and listed building consent.

He said that the Applicants intend to create a formal designed garden area to the front of Castle Toward. He pointed out that this would generally be a private garden but there would be days when it would be open to members of the public for a small fee. He advised that this was common to large estate houses across Scotland including Inveraray. He advised that this would involve the reinstatement of the ha-ha and the planting of formal areas and that an application for this was expected early in 2017. The initial phase will include the path to the east of the Himalayan Glen so that public access would be improved at an early stage and most of these areas would be complete by summer 2017. He said that the Applicants have advised that they have issued tender requirements to contractors for this work. The

woodland improvements will be an ongoing element throughout the lifespan of the estate and although these elements do not require the benefit of planning permission he advised that the Applicant has demonstrated a willingness to provide access for the public. He stated that should the access works not be undertaken then the planning authority can seek to attach planning conditions to subsequent applications to ensure its construction, specifically when the Applicant submits an application for the re-opening of the eastern driveway which is expected early 2017. He added that there would need to be an application for fencing around the formal gardens and this would also be expected early 2017.

He advised that whilst Castle Toward and the driveway were being restored, much needed maintenance and land management of the grounds would be carried out including clearing gullies and dead trees as well as re-establishing the old Ha-ha, Chinese Fountain Garden, northern garden as well as the path garden on the eastern side. There were also the areas most needed for events which it was hoped would take place in and around Castle Toward.

He advised that the proposed fishing lake was scheduled for completion for late 2017/early 2018 and with this in mind a planning application would need to be submitted in the first half of 2017 to allow sufficient time for the determination of a submission prior to the commencement of works.

He stated that Clan Lamont have been offered the lease of Castle Toward to allow them to have substantially larger and more frequent events at their family seat which in turn should encourage more tourism within the area. New directional signage as well as educational and interpretation boards will also be installed making the ancient castle more accessible and visible to visitors. He advised that it was understood that this element of the proposals would be up to Clan Lamont to progress so the Applicant has no control over the likely submission of any necessary planning applications.

He explained that detailed applications were intended to be submitted in early 2017 for the reinstatement of the east drive lodges and the first of the dwelling houses, together with further information for the redevelopment of the west gatehouse complex commercial elements.

Beyond 2017, he advised that the Applicants will be submitting further applications for the deer farm and the holiday lodges but these would be market driven. Indicatively, he said that it was anticipated that these applications could be submitted in 2018 but their development could be further into the future.

He advised that the vast majority of planning applications that will control the delivery of the Masterplan will be submitted in the early part of 2017 and that works will continue on into 2018 with further applications for the deer farm and the holiday lodged in 2018 or beyond.

He stated that whilst it should be noted that the timetable was indicative and market dependent, it was encouraging to see initial investment being directed to the mansion house and other existing assets on the site, with new development being scheduled later in the programme. He advised that this was the converse of the more usual scenario where historic environment assets were involved, where there is often pressure for enabling development to precede investment in historic buildings, so as to provide an initial capital injection and to help redress any

conservation deficit in funding restoration works. He advised that to that extent a programme focussed initially on the existing historic environment assets was to be welcomed.

Mr Love referred to a slide showing in more detail the overall final product and pointed out that it was worth nothing the Applicants intention to assist Clan Lamont to promote the castle with respect to information boards and signs.

He advised that whilst the details of residential and commercial proposals within the PDA and SMA boundaries are intended to provide an indicative vision only of future development at this stage of the process, it was nevertheless considered that sufficient information has been submitted to demonstrate an overall strategy for future development which will ensure that a phased development can be achieved without compromising the long term aims of the PDA and SMA. He advised that it was therefore recommended that the Committee: endorses the masterplan as submitted; adopts it as a material consideration in the determination of applications currently under consideration and future development proposals; and agrees that the masterplan should be updated as necessary in the event that developments are approved at the site in conformity with the masterplan which prove to have implications for the delivery of development within the remainder of the site.

APPLICANT

Denise Punler advised that a lot of the key points she wished to make had already been covered by Planning. She said that she was a long standing business women of Argyll and Bute and that she was proud of all her achievements which she had put her heart and soul into. She indicated that she started her first business at the age of 17 years and has been involved in a significant number of business in Argyll and Bute since then. She spoke of shops she had in Oban, Inveraray, Luss and Dunoon. She advised that there has been a massive decline for Dunoon businesses which led to her having to close her shop down there which, she stated, was heart breaking. She pointed out that recently there has been a notable change in the area and referred to Inveraray Castle, Portavadie Marina and Mountstuart House on Bute. She advised that money was being put back into these businesses and that people were coming to see Cowal as the place to be and to invest in. She said that they wished to be a part of this. She referred to the history of Castle Toward and stated that they were committed to investing GDV circa £30 million in this project. She advised that this decision was not taken lightly and involved over a year of investigations in respect of costings etc. She advised that this Masterplan would take guts and passion to deliver. She said that she was passionate about the history of Castle Toward and that she wished to enhance this. She referred to Castle Toward being linked to two successful families – Kirkman Finlay and the Coats of Paisley. She also referred to Castle Toward's involvement in preparations for the DD landings during the Second World War. She referred to the part it played as a retreat for Glasgow's poorest children and stated that her own father visited as a child and recalled his experience of never seeing so much green fields before. She said that she felt that due to Castle Toward's history and location, the upgrading of this would encourage people to come to this area. She referred to there being an imaginary cut off at Dunoon with everyone who came off the ferry heading towards Inveraray. She stated that she wanted to encourage visitors to come further into South Cowal. She advised that she believed this would result in a knock on effect for other businesses and employment in the area. She referred to working with LDN Architects and the Wood Carvers Guild. She advised that they were working with

local craftsmen who were direct descendants of the original craftsmen who worked on Castle Toward which meant they had access to the original architectural drawings for the building. She pointed out that the building currently had no access to water, sewage or electricity. She stated that if it were to go on fire they would have no means of putting the fire out.

Denise then introduced Keith Vernon, of TLC Environmental. Keith advised that he was a Chartered Landscape Architect, Chartered Horticulturist and Chartered Environmentalist with over 40 years' experience in the industry, 20 of which have been in landscape design and construction. He said that he has been commissioned by the Applicants to provide landscape design and arboricultural services, to meet the needs of the development and the requirements of the planning process, and to assist in returning the gardens and landscapes to their former glory. He stated that the history of the gardens at Castle Toward were well documented and that there were still a great many secrets to be revealed. He spoke about the previous owners and about the variety of specimens of trees. He advised that although the garden has languished for 71 years, what still remained was remarkable. He advised that time was short for the remaining trees, either ailing under the effects of fungal attack and old age or what climate change has brought in terms of the many notifiable pests diseases that are currently affecting forests and woodlands. He said that the trees they knew of were special, The Tree Register for the UK has confirmed the *Griselinia litoralis* or Geraldine was a UK champion tree and has the largest stem diameter of 2.14m and the Large Scots pine on the main lawn is now a Country Champion and has taken over from its rival at Inveraray Castle. He said he believed there were more hidden veteran and champion gems to be discovered at Castle Toward and that these trees would require special attention through a veteran tree care management regime to ensure they remain in the landscape for as long as possible. He referred to the landscape proposals and advised that they were currently being developed within a Landscape Management Planning Strategy. He said that the Landscape Management Plan followed the same structure as required by Historic Environment Scotland following the criteria set out in Annex 5 of the Historic Environment Policy Statement 2016. He added that within the Landscape Management Plan would sit the woodland management plan and veteran tree care plan. He advised that the Applicants were passionate about Castle Toward and its garden, its trees and, most of all, its potential to deliver something wonderful for the Cowal Peninsula, Argyll and Bute, and Scotland. He advised that there were 51 action points to be considered as part of the development of the gardens which required nurturing back to health. He concluded by saying that every aspect of the landscape design and management would be carefully considered, no interventions would be taken on a whim and would always be derived based on historic precedents or justified as being a worthy and essential element to make Castle Toward a going concern that can pay its way and maintain the gardens in the fashion that the Applicants desire.

Denise then introduced Nigel Bird a hospitality expert and key figure in this project. Nigel advised that he was a Planning Management Consultant based in Scotland and has worked in the hotel business for over 25 years. He said that he has lived in Scotland for the last 9 years, which he now considers as home. He advised that he met Denise 9 years ago. He referred to her being a great business woman and entrepreneur and that she was exactly what Castle Toward needed. He referred to Scotland having very few exclusive use events venues and gave the example of Ackergill Tower in Wick. He advised that developing Castle Toward as an exclusive use venue would be business enhancing and that it was his understanding that there

would be nothing else like it around Cowal. He advised that Castle Toward could be used as a wedding venue, a celebratory retreat, for film shoots, and for product launches. He said that local historians, local gift shops, and pipers, for example, would benefit from these types of special events. He pointed out that these types of events would not suffer from seasonality and would generate a high level of permanent employment for the area. He commended this project to the Committee and Keith and Denise's commitment to the community which he fully supported.

Keith Punler thanked Keith Vernon for coming out of his sick bed to attend the meeting today and he also thanked so many members of the Committee for coming today. He referred to everyone hearing about the history and heritage of this truly astonishing place. He pointed out that the plans they had for the gardens would rival those at Mount Stuart and Crarae. He advised of Castle Toward being built during the 19th century by Kirkman Finlay and designed by David Hamilton and he also referred to the garden design work by Bateman. He referred to the Castle then being owned and extended by the family Coats of Paisley. He stated that they felt totally honoured that they were now the owners of this estate. He advised that they were passionate about the building. He referred to the Masterplan having 6 facets and advised that much was required to make it work financially so that they could reinvest. He referred to the plans to turn the Mansion House into an exclusive use venue and indicated that they already had reservations for 2017 and 2018 if this was allowed to go ahead. He read out the consultation response received by the Council from Historic Environment Scotland. He advised that they wanted to deliver this project as a community asset and that they wished to work with the community. He referred to there being a lot of anxiety when this application was first lodged and pointed out that over the last 6 to 8 months this had changed. He acknowledged that South Cowal Community Council may still have some concerns. He said it was not possible to keep this facility as a residential school. He advised that he believed that they and the community could work together to make this project happen.

CONSULTEES

South Cowal Community Council

Eleanor Stevenson advised that over the last 6 months relationships between the Community Council and the new owners of Castle Toward have improved. She said that they previously had a problem and there perhaps was also resentment from some due to the community buyout not being successful which they had been passionate about. She advised that they had moved on since then and acknowledged that the new owners were able to invest in Castle Toward and were delighted with the proposed plans for the house and the gardens. She stated that South Cowal Community Council now wished to work alongside the new occupants to continue the history of Castle Toward. She said that the Community Council's main objection was the right of way access which had not been proven. She said that they still wished people to be able to walk in the grounds and in the gardens. She asked if a legal agreement could be drawn up to let people know of any changes to the boundaries and where they would be permitted to walk. She advised that she hoped the planning permission would go through and also hoped that this development would bring employment and benefits to the area.

SUPPORTERS

Marilyn Norton

Marilyn Norton advised of growing up in Dunoon and seeing the area through the good times and that 4 years ago she decided to return to the area to retire. She said that she was happy to see something was going to be done to Castle Toward and did not understand how it would have worked out with the community buyout. She stated that the new owners' plans for Castle Toward were fabulous and she could see that everyone in the community would benefit and that she was glad to live here to be able to see it. She said that she was disappointed when she first returned to Dunoon as it was not what it used to be, however, she believed that this proposed plan would really help the local community as well as everyone else.

Amanda Hampsey

Amanda Hampsey advised that she has been involved with Castle Toward for some years and advised that her son used to visit there when it belonged to Actual Reality. She referred to the claimed right of way and expressed concern if people were able to walk freely close to the house, especially when children were visiting when it was owned by Actual Reality. She advised that as she has always loved Castle Toward and its history she became involved with the community buyout and attended several meetings including the final one held at Kilmory. She said that she did not want to see the castle fall into disrepair and wished to see it brought back to its former glory and opened up to the community. She said that she thought the proposed Masterplan was quite spectacular and would be a bonus to the area and that it was something that the area needed. She offered her whole hearted support and said that she would personally use the Castle as she often held large parties and family events. She referred to the other facilities that would be available in the future and said that at the moment she had to travel far in order to take her children to visit these types of facilities. She said that she could not think of anywhere else locally at the moment that would be able to offer as much as what Castle Toward will be able to offer.

OBJECTORS

Robert Trybis

Alan Chapman advised that although he was a member of South Cowal Community Council he was not here to speak on behalf of the Community Council. He explained that Robert Trybis had asked him to read out the following prepared statement as he was unable to attend the hearing today. Mr Chapman advised that it was important for democracy that everyone had the opportunity of making their views known so that these could be debated on and the Committee could give their reasons for their decision. He then read out the following statement:-

“Argyll and Bute Council heralded the sale of Castle Toward as delivering a Hotel, a restaurant open to non-residents, a Garden Centre, and an information area for the Estate with a guide to the walks available. All of this implied ongoing public access to the whole estate with little or no conflict with Rights of Way or right to roam.

The planning applications though are for a private house with a very significant impact on access. At least 11 respondents supporting the application made

comments about the importance of access and in particular being able to walk between the ruin and the Chinese Lakes eg;

'I am most heartened that a new pathway allowing for access to the Chinese Lakes is proposed'. 'I also like the idea of the path being upgraded as I live locally and have a small family who will continue to enjoy the estate'.

The Council's Access report states;

'The Applicant is proposing to provide a new path linking the East Drive with the Chinese Lakes to the east of the stream that forms the boundary of the Himalayan Gardens. This proposal is welcomed and should be constructed and open for the public to use prior to the erection of a fence around the private gardens. I advise that a Planning Condition is used to achieve this'.

However on the day of the sale access between the ruin and the Chinese Lakes along Right of Way SA181, as recorded in CROW, was immediately blocked and remains blocked with no alternative route in place.

The Council is agreeing to a private area which includes the Himalayan Glen which is an area that is not between buildings, is out of sight of the mansion, and in which the public would expect to have a right to roam . This right was being exercised until blocked in October.

Under these plans the public will have restricted paid access to land over which there are Rights of Way and in which they should have a right to roam.

The plans also include deer farming which, with even a small herd, would require a large area of land to be enclosed in deer fencing. This could considerably affect access but it is not shown in the plans.

I request that;

1. A planning condition restores public access along Right of Way SA181 until such time as a suitable alternative is actually put in place.
2. The Himalayan Glen should be excluded from the private area as it is not within the curtilage of buildings and right to roam without charge should apply.
3. It should be explicitly stated that any acceptance of the Masterplan does not imply acceptance of deer farming and that any future applications relating to deer farming should be judged on their own merits.

I also wish to complain that Argyll and Bute Council is not following proper process when dealing with this planning application.

PPSL Committee meeting of 16 November 2016 Agenda item 7 (page 144) part (n) asks 'Does the Council have an interest in this site'. The Council avoided giving a direct answer and failed to declare that it has an interest in that the Council will only receive a payment of £310,000 if it grants the planning consents requested by the applicants.

Also, the Council has advised that there are 174 Claimed rights of way within its area recorded in CROW. Local authorities have duties towards all Rights of Way even claimed ones.

However, the only Right of Way in CROW not recognised by the Council is SA181 at Castle Toward. It is not clear who at the Council decided SA181 would not be recognised, or when. The fact that SA181 is recorded in CROW means that there is a significant body of evidence for its existence. If the decision to not recognise SA181 was not taken at a meeting of the PPSL Committee then that is further evidence that proper process is not being followed.

The Council does not appear to be handling Rights of Way and access to Castle Toward in an impartial manner.

In view of the lack of transparency in the Council's actions and since many objectors explicitly requested it, the Council should refer any planning decisions at Castle Toward to Scottish Ministers."

MEMBERS' QUESTIONS

Councillor Colville sought and received confirmation from Mr Love that if it became apparent in the future that there was a flood risk to the area then a flood risk assessment would be required to be prepared as part of any future planning application.

Councillor Colville referred to the comment within the report of handling that the Applicants intended to provide an additional footpath and asked Planning if this would require planning permission. Mr Love explained that it would depend on what the Applicants proposed to do. He said that if they were just clearing overgrowth from an existing path then no but if they intended putting down hard walk surfaces or board walks then this may require planning permission.

Councillor Colville asked the Applicants what their plans were for a footpath. Mr Punler pointed out on the location plan where the existing path was. He pointed out where the path was located within their boundary and explained that some of the path leading up to the Chinese lakes was out with their ownership. He advised of their plans to improve this path. He advised that they would take guidance from the Planning Officers as to what they could do and what permissions would be required. Mrs Punler advised that they were currently discussing with the Forestry Commission the possibility of purchasing the path out with their boundary.

Councillor Freeman sought and received confirmation from Mr Love that if the plans for the footpath were De Minimis then a separate planning application would not be required.

Councillor Freeman sought and received confirmation from Mr Gritten that there were no plans to make changes to the core path network. Mr Gritten also confirmed that the Council did not have evidence to support the claimed right of way. He then explained the different mechanisms open to landowners to restrict access eg to hold one off events such as weddings, or to close off a path while felling trees. He added that in the event of the need to close a right of way for 2 days or more then a Section 11 Order would be required. He confirmed that consideration and determination of these types of applications would be delegated to Officers.

Councillor Freeman referred to seeing evidence of tree felling at the earlier site visit and asked if any of the trees were protected. Mr Love advised that none of the trees

had any formal protection. He advised that a Tree Protection Order was only served to protect trees if it was thought there was any imminent threat to them. He referred to the Applicants currently going through a tree felling licensing process with the Forestry Commission. He also referred to the Applicants preparing a Land Management Plan which would ensure protection and maintenance of the grounds.

Councillor Freeman referred to plans for residential dwellings in the Masterplan and asked the Applicants to confirm if this was to supplement finances. Mr Punler confirmed that it would. He explained that the dwellings would be small scale traditional estate type housing and would be located in an area that would not impact on the Mansion House but would enhance the overall setting. He added that they had plans to open up the eastern entrance to the estate.

Councillor Trail referred to the area of ground between the front of the lawn and the public road and asked the Applicants if they had any plans to restrict the public from this area. Mr Punler advised that they had no plans to restrict access at this location. He referred to the Masterplan which identified that 80% of the estate would become accessible with the granting of a change of use consent under the Land Reform (Scotland) Act. Mrs Punler advised that they planned to divert existing culverts which would dry out the area of land Councillor Trail spoke about and make it easier for locals to use.

Councillor Freeman asked the Community Council if they had any outstanding issues or concerns that had not been addressed by Officers. Mrs Stevenson replied that access had been their main problem and that the Community Council were happy with what was now planned. She advised that they did not consider there to be any other problems.

Councillor Blair referred to the comments made in Mr Trybis' statement about the Council not following proper process when dealing with this application and asked for comment on this. Mr Reppke confirmed that it was the Council's view that the correct formal process was followed.

SUMMING UP

Planning

David Love explained that the Masterplan was an indicative framework for future development and would be delivered through submission of planning applications.

He confirmed that planning conditions or a legal agreement could not be attached to the Masterplan and that future applications will be judged on their own merits.

He advised that planning decisions would not be referred to the Scottish Government unless there was a significant departure from the Local Development Plan and in this case there was no departure from the plan. He confirmed that if the path needed a bridge then planning permission would be required. He added that the public would still have access to 80% of the estate.

Applicant

Keith Punler referred to the issues raised by Mr Trybis. He advised that he was delighted to detect a warming in respect of their plans for Castle Toward. He

referred to Mr Trybis' comment about a garden centre and advised that the detail of this was not in the Masterplan at the moment. He explained that this was a working document going forward and that they had plans to include a garden centre in the future. He also referred to comments made by Mr Trybis about the Himalayan Glen. He said that this Glen was located within the most sensitive part of the gardens and was an intricate part of the policies of the garden. He said that a small charge made to the public to visit the gardens would be used to supplement additional staff wages to enable the gardens to be opened up for special days. Mr Punler advised that he was delighted that there appeared to be a general sentiment of support for their proposals and that this was thanks to Denise approaching the community. He thanked the Council for keeping the heating on in the Castle over the last 4 years. In the absence of any real objection he hoped the Committee would support this proposal.

Consultees

South Cowal Community Council

Eleanor Stevenson confirmed that they were quite happy with what was being proposed and hoped that planning permission would be granted as this was nothing but good for the area.

Supporters

Marilyn Norton

Marilyn Norton advised that she thought this was a good project which would be good for community.

Amanda Hampsey

Amanda Hampsey advised that she was also a member of the Cowal Walking Group and that she was delighted to hear of the proposals being put forward.

Objectors

Alan Chapman

Alan Chapman advised that the request for a legal agreement to protect the local community was a valid point. He referred to the minutes that were being taken at the meeting and said he hoped that they would be an open and transparent account of what has been said at the hearing today. He sought assurance that the minutes would be made available to the public. Mr Reppke explained that minute would not be a verbatim account of what had been said but would summarise the evidence presented to the Committee. He confirmed the minutes would be brought to the PPSL Committee in January for approval and that they would be available to view on the Council's website.

When asked, all parties confirmed that they had received a fair hearing.

DEBATE

Councillor Freeman advised that the one issue that clearly came across was about access. He advised that he believed the enormous potential for the site was obvious and he considered the current legislation in place in respect of access was a reasonable compromise given the potential benefit to the wider community that will come about. He noted that the Community Council now supported the development and that he had no problem in supporting this Masterplan.

Councillor Trail referred to the transfer of the estate to new owners being difficult. He said he was quite impressed by the story by the Applicants and their plans for the site and not only for the building but also for the grounds. He referred to the opposition to these proposals being turned around and stated that he was impressed by the Applicants' wish to work with the community for the benefit of the community. He confirmed that he was minded to support the Planning Officer's recommendation to approve the Masterplan.

Councillor McNaughton advised that he was totally impressed with the plans and added that he had no concerns at all about the proposals. He confirmed that he had no trouble with supporting the Planning recommendation.

Councillor Colville advised that he has been left in no doubt about the Applicants' total commitment to this project and that he was impressed by the presentations given.

Councillor Blair said he was happy that Castle Toward would now be in a better place than before and he believed that this would be an asset to the community. He advised that there was the opportunity here for economic development and an increase in tourism to the area. He referred to Castle Toward being a jewel in the crown.

Councillor Robert G MacIntyre agreed that the presentations made today were very good. He wished the Applicants well and advised that he supported the Planning Officer's recommendation.

Councillor McQueen confirmed that he also supported the Planning Officer's recommendation.

Councillor Kinniburgh stated that he was very impressed with the presentations made today. He said that often at hearings there were divisions within a community. He said that he believed that in this instance people had been turned around. He referred to the willingness of the Applicants to work with and listen to the community and stated that this could only be a good thing going forward. He said that he took on board the request for a legal agreement to be drawn up in respect of access and advised that this was not the correct application to deal with such matters. He advised that this was not an application that could have conditions attached to it. He advised that future planning applications could have conditions added to them where necessary. He advised that he was also satisfied that there would be continued dialogue between the Applicants and Planning and that the Applicants would continue to work with Planning Officers to deliver something special.

DECISION

The Committee unanimously agreed:-

1. to endorse the masterplan as submitted;
2. to adopt it as a material consideration in the determination of applications currently under consideration and future development proposals; and
3. that the masterplan should be updated as necessary in the event that developments are approved at the site in conformity with the masterplan which prove to have implications for the delivery of development within the remainder of the site.

(Reference: Report by Head of Planning and Regulatory Services dated 28 October 2016 and supplementary report number 1 dated 14 November 2016, submitted)

4. KEITH AND DENICE PUNLER: CHANGE OF USE FROM CLASS 8 (RESIDENTIAL INSTITUTION) TO CLASS 9 (DWELLINGHOUSE), INCLUDING ANCILLARY/HOUSEKEEPERS ACCOMMODATION AND SUI GENERIS USE AS A COMMERCIAL/LEISURE EVENTS VENUE: CASTLE TOWARD MANSION HOUSE (INCLUDING WALLED GARDENS AND GREENHOUSE), TOWARD (REF: 16/00996/PP)

The Chair advised that the Committee would now consider a proposal for a change of use from Class 8 to Sui Generis including use as a commercial / leisure events venue and Class 9 (dwellinghouse), including ancillary housekeeper's accommodation.

The Chair asked if anyone present required him to outline the procedure that would be followed again and he was advised that all those present were satisfied that they had heard the procedure outlined earlier in the morning. The Chair then asked Mr Reppke to identify the parties present who wished to address the Committee.

The Chair ruled and the Committee agreed to adjourn the meeting for 5 minutes for a comfort break. The Committee reconvened again and the Chair invited David Love from the planning department to make his presentation to the Committee.

Planning

Mr David Love

Mr Love advised that the application was for the change of use from class 8 (residential institution) to class 9 (dwellinghouse) including ancillary housekeeper's accommodation and Sui Generis use as a commercial/leisure events venue. He clarified the meaning of Sui Generis as a Latin phrase used in planning to describe a use of land or buildings that did not fit within any existing description of the Use Classes Order. He advised the Sui Generis could not move into other categories of the Use Classes Order and therefore any future proposed change of use would require planning permission.

Mr Love referred to slides on his PowerPoint presentation. He showed the extent of the Potential Development Area boundary, the Masterplan boundary and the extent of the landscape designation. He also showed the edge of the Area of Panoramic

Quality. Mr Love showed the Committee the site boundary taking into account the house, lawns, both walled gardens and greenhouses advising that the application established the curtilage of the house and was by and large the private area established in the Masterplan. Mr Love then showed the Committee a range of photographs showing the front of the house from the lawns, the walled gardens, the greenhouses, the west of the house from the west driveway, the rear of the house, the front lawns and the Japanese fountain. His final slide showed a birds eye view showing the extent of the application boundary. Mr Love advised that it was recommended that the Committee approve the application as per the reasons and conditions as outlined in the report of handling.

Applicant

Mr Keith Punler

Mr Punler advised that this was the first of a number of applications that would be coming forward over the coming months. He advised that this had been the application that had triggered the Masterplan. He advised that approval of the application was the trigger to financial investment in the house and that he had already touched on the problems in terms of services conditions and the reinstatement of furniture and fittings earlier that morning. He advised that approval would allow them to proceed with the final building warrant for the suites and the reinstatement of the building. Mr Punler told the Committee that he had looked at private policies for the gardens, historically at the estate and at more recent precedents of the Land Reform Act and advised that they were open to responsible right to roam. He advised that the boundaries determined by historical records had been investigated on site and had been found to be where they were expected to be. Mr Punler advised that the application had been changed to Class 9 with Sui Generis following advice from the planning department on their intentions for use and that this would allow more scope for events held on the grounds.

Mr Nigel Bird

Mr Bird referred to Ackergill Tower in Wick as having wow factor on both the national and international stage. He advised that there were no other 5 star exclusive use venues in Argyll and Bute and that any other 5 star venues in the area were very different in nature to what they would be offering. He advised that Visit Scotland had intimated that a 5 star Visit Scotland Award would be very achievable and had been very excited about what Castle Toward could bring to the area. He told the Committee that Argyll already sat very well on the international stage due to it being an area of natural beauty and this would be used to attract people to this venue. Mr Bird referred to comments made about the venue being out of reach for locals and advised that this was not true, that it would deliver another venue for people to hold weddings and events and that it was not just for the rich and famous. Mr Bird spoke about the benefits the venue would bring to the area such as business enhancement and employment. He advised that they would not be in competition with any other business in the area as there was nothing like it already in the area. He referred to exclusive use venues having no seasonality and that this would allow for a greater level of employment in the area. He added that other attractions in the area would benefit from additional income and gave examples such as ferries and fuel garages, shops. He concluded by saying that Denise and Keith were putting a huge investment into the area, that they had a long road ahead of them and that the application should be supported and embraced.

Mr Keith Punler

Mr Punler told the Committee that Highlands and Islands Enterprise had visited the site and had the view that the venue would be used both regionally and nationally due to the open air aspect. He highlighted that their intention was to employ a policy of local produce, suppliers and contractors being utilised and that currently the estate employed 12 full time Cowal residents. He advised that approval of the application would result in more opportunity for local support.

Consultees

South Cowal Community Council – Eleanor Stevenson

Mrs Stevenson advised that the Community Council were very happy for the application to go ahead and that they liked the idea of local employment. She advised that they loved the idea of it being an international venue and that it would do a lot for South Cowal and the surrounding area.

Questions

Councillor McNaughton asked the applicant about the employment prospects for the area and their anticipated level of employment over the coming 3 or 4 years. Mr Punler advised that in his estimations he had hoped to employ in the region of 77 full time equivalent posts within 18 to 24 months. He added that as more applications came forward there would be the potential for more construction jobs.

Councillor Colville asked if the applicant had any intention of linking with other coastal communities such as Campbeltown, Islay and Jura because of the distilleries. He referred to the Kintyre Express and asked if the applicant had plans to make use of these services and open up the venue to the rest of Argyll and Bute. Mrs Punler advised that they had recently purchased Scotland's first super yacht. She advised that they would be using this for trips around the islands and the West Coast of Scotland. She added that the interest in the yacht had been astronomical and that Visit Scotland would be using the yacht as their flagship accommodation the following year. She advised that they would be keen to look into all these opportunities.

Sum Up

Planning

Mr David Love

Mr Love advised that the application sought change of use from a residential institution to Sui generis use. He referred to the established curtilage of the house which was private with 80% of the estate still allowing public access. He advised that the application would create employment for the local area and encourage tourism opportunities and therefore they were recommending approval of the application.

Applicant

Mr Punler

Mr Punler advised that he had nothing further to add.

Mrs Punler

Mrs Punler told the Committee that they had been approached by an individual who was looking to secure Castle Toward for the month of August in 2018 for a £2m party and that they were thrilled that they were considering the area. She added that it would be an amazing catalyst for the area.

Consultees

Mrs Eleanor Stevenson

Mrs Stevenson summed up by saying that she hoped planning permission would be granted as it would be fantastic for the area.

The Chair asked all those present to confirm that they had received a fair hearing to which everyone confirmed that they had.

Debate

Councillor Freeman advised that all his queries had been clarified under the Masterplan item on the agenda and that the conditions detailed in the report of handling were straight forward. He advised that following the discussions that had taken place that morning he had no objection to the application and was happy to support the recommendation by the planning department.

Councillor McNaughton advised that he supported the application and he wished the applicant well.

Councillor Robert MacIntyre commented on the good presentations that had been made during the hearing. He advised that it was a great vision and that he hoped it would work as it would be a great benefit to the area. He wished the applicant luck.

Councillor McQueen advised that he supported the application and wished the applicants luck.

Councillor Blair advised that this catalyst for change was important for Cowal and he hoped that the other businesses in the area would support this as it was a real opportunity for Dunoon. He wished the applicant success.

Councillor Colville advised he had nothing further to add.

Councillor Kinniburgh wished the applicant well and advised that he liked the way the applicant was engaging with the community and how the community was now engaging with the applicants. He wished success for the applicants and moved that the Committee support the recommendation by the planning department to approve the application.

Decision

The Committee unanimously agreed to grant planning permission subject to the conditions, reasons and advisory notes as detailed within the report of handling by the Head of Planning and Regulatory Services.

(Reference: Supplementary Report 1 by Head of Planning and Regulatory Services dated 14 November 2016 and Report by head of Planning and regulatory Services dated 28 October 2016, submitted)