

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the ISLE OF LISMORE PUBLIC HALL, LISMORE
on FRIDAY, 12 NOVEMBER 2010

Present: Councillor Daniel Kelly (Chair)

Councillor Robin Currie	Councillor Donald MacMillan
Councillor David Kinniburgh	Councillor Roderick McCuish
Councillor Alister MacAlister	Councillor James McQueen
Councillor Neil Mackay	Councillor Al Reay

Attending: Charles Reppke, Head of Governance and Law
Stephen Fair, Area Team Leader Development Management
(Planning Authority)
Walter Wylie, Planning Officer (Planning Authority)
Paul Nicholl (Applicant's agent)
Murray Fleming (Applicant's Agent)
John Heron, Technical Officer (Roads Authority)
Mr Wormleighton (Objector)
David Gloag (on behalf of Mr Mackinnon, Lismore Historical
Society, Objector)

Apologies:	Councillor Rory Colville	Councillor Bruce Marshall
	Councillor Vivien Dance	Councillor Alex McNaughton
	Councillor Mary-Jean Devon	

1. TRUSTEES OF REVEREND FELL: APPLICATION FOR DEMOLITION OF TWO BUILDINGS AND ERECTION OF TWO DWELLINGS: PORT MOLUAG, LISMORE (REF: 09/01676/PP)

The Chair welcomed everyone to the hearing and asked his colleagues to introduce themselves to those present.

The Head of Governance and Law spoke to the procedure that would be followed at the meeting and asked the parties who wished to speak at the meeting to identify themselves.

Planning Authority

Mr Fair advised that the application site was within the Lynn of Lorne National Scenic Area and also within sensitive countryside. He advised that within sensitive countryside policy supports small scale infill, rounding off, re-development and change of use. The application before Members was for small scale re-development.

Mr Fair advised there had been 27 representations received in respect of the application, 15 of these had been timeously received. The representations related to loss of trees, historical significance of the site, impact on the freshwater spring, loss of arable land, access to the beach, intended occupation of the properties, flood risk and visual impact. Each of these issues had been

addressed within the report by the Head of Planning and Regulatory Services.

Mr Fair reported that none of the statutory consultees approached had objected to the application although the Council's Roads Authority and Environmental Health Officer, West of Scotland Archaeology Service (WOSAS) and Scottish Natural Heritage (SNH) had requested that any consent be subject to conditions which addressed issues raised by the representees.

Mr Fair drew the attention of the Committee to an error within the report (page 13 of the agenda pack) which contained incorrect dimensions. The dimensions contained within the report were approximately half of what were actually proposed, the actual ridge height should be 5.9m, width of 5.8m and length 22m. He apologised for this error.

In conclusion Mr Fair advised that the proposal accorded with policy regarding small scale re-development and that the concerns raised were addressed by conditions. He invited Members to approve the recommendation.

Applicant

Mr Nicholl gave a brief overview of Lismore Estate advising that they had 4 long let farms, 2 long let properties and one self catering unit. The idea behind this particular development was to raise funds to invest in 2 of the derelict properties which in turn would be let out.

Mr Nicholl advised that while they couldn't control use of the 2 proposed dwellings, he could give an undertaking that locals would be given preference to purchase the homes. If there were no offers, the preference would be for young families with children which could support the local school.

Mr Fleming advised that there had been a lot of discussion/consultation with Planners over the past year since the application had been submitted to allow them to come up with a recommendation for approval. He noted all of the consultees had recommended approval, the most significant being West of Scotland Archaeology Service. In terms of the development he advised it had been designed to be sensitive to the site and had taken cognisance of what was already there. He considered that bringing these ruins back into habitation was a good thing.

Mr Fleming then spoke regarding the objections advising that the proposals would not diminish access to the beach, that the works proposed would not affect the spring (he offered to discuss this with the objectors to make sure this did not happen), he noted that there were conditions in place to protect loss of trees and the historical nature of the site.

Consultees

Mr Heron confirmed that the access proposed was within guidelines and their recommendation was for approval. He advised he would be happy to address any questions from the Committee later in the process.

Objectors

Mr Wormleighton spoke regarding the impact on the landscape. He advised that this development would affect an area of sensitive countryside. He stated that the design guide suggests particular care should be taken when any development is proposed which can be justified by use of the “re-development” term. In addition he commented that there were many “piles of stones” over Lismore which could be re-developed in this manner but as this proposal was 3 times the volume of the existing ruins there was little opportunity to protect Lismore’s landscape.

Mr Gloag spoke on behalf of Mr MacKinnon, Lismore Historical Society, who had submitted an observation sheet for consideration. He stated that the main cause for objection was in relation to the first 2 items on this sheet (St Moulag’s landing on Lismore and the ancient chapel). He advised there history tells us that this was a landing point for St Moluag although the Historical Society had been unable to fund an archaeological search. He did not want to lose any of the heritage or artefacts which could potential be lost due to this development.

Questions by Committee

Councillor McCuish asked for confirmation that the finance from the developments would be invested in Lismore. Mr Nicholl advised that the money raised would be invested in 2 properties that could be let out long term. Councillor McCuish followed this up by asking what the benefit was. Mr Nicholl advised that the Estate were approached all the time about letting properties along only had 2 properties to make available.

Councillor McCuish asked Mr Fair how WOSAS had submitted their comments asking if it they had used a map or visited the area. Mr Fair advised it was a written response but was unable to confirm how they investigated the matter before responding.

Councillor McCuish asked Mr Gloag how the Lismore Historical Society had become aware of the application. Mr Gloag advised there had been no formal contact made to advise of the application or for advice from the organisation. Councillor McCuish asked if the Historical Society had contacted the applicants once they became aware of the application. Mr Gloag advised they had not.

Councillor Reay asked about the undertaking to give preference to locals to purchase. He wondered whether the houses would be within the affordable bracket. Mr Nicholl advised he could not answer this as they did not know what the costs would be (Mr Gloag’s opinion was that these would be well above the affordable bracket given the costs of building on Lismore were 15% higher than on the main land).

Councillor Currie asked whether a burden could be placed on the titles (in relation to comments about preference being given to locals). Mr Nicholl did not know whether this was possible but that he was aware other Estates had sold properties on the basis that they selected who they wished to sell to.

Councillor Currie asked what the status of the land was. Mr Nicholl advised it was an agricultural holding which the farmer was happy to develop.

Councillor Currie questioned condition 7 on page 11 of the agenda pack. Mr Fair

advised that SNH had requested this rather than fencing (noting that this formed part of the holding at present but that the status would change if permission were granted).

Councillor Mackay asked whether Lismore Historical Society had discussed the application with the Community Council. Mr Gloag advised he was involved with both organisations but that there had been no formal discussion (although could recall a minute from a meeting of the Historical Society appointing Mr MacKinnon to be the representative for this application).

Councillor Mackay queried whether there could be any control over the use of the dwellings. Mr Nicholl advised it would not be possible to impose a condition as to what use the houses would have once sold.

Councillor Mackay asked about the preference to have children with families purchase the properties. He wondered how the Estate would do this. Mr Nicholl advised that this would be done on the basis of their knowledge.

Councillor Mackay asked Mr Fair whether Policy DC9 of the Structure Plan was appropriate in this case given the historical environment. Mr Fair advised that advice had been sought and a condition regarding an archaeological watching brief should cover Mr Gloag's concerns.

Councillor Mackay was surprised about the close proximity to the shore but did not feel that the photographs showed this. Mr Fair advised that the west cottage was approximately 50m from the high water mark and the south cottage was approximately 25m.

Councillor Mackay expressed concern about the design of the property given it was very contemporary when compared to others on the island. Mr Fair stated that he felt this was a contemporary take on a traditional building which had many commendable features that were consistent with the sustainable design guidance.

Councillor Mackay asked about coastal policies, in particular in relation to design. Mr Fair advised that the policy was CST 2 and that STRAT DC5 must also be complied with. He commented that there were two factors for re-developments, the first was development of new building with significant demolition and the second related to cubic capacity which allowed for the footprint to be more than twice the size of the original building but not greater than three times in volume. In this case the development could be justified in that it includes significant demolition and replacement covering the same footprint.

Councillor Mackay asked about policies CST 1 and ENV 1 and the weight that should be afforded to the design being contemporary. Mr Fair responded by advising that nothing within these policies prohibited a contemporary design.

Councillor Reay questioned where the chapel was in relation to the site. Mr Fair advised the specific site had not been identified but its general location is mapped. He pointed out the location, to the north-east of the west cottage, on the slide which contained the location plan.

Councillor Reay asked whether there had been a geological survey on the cliff. Mr Fair advised that excavations to the cliff did not form part of the proposal so no stability assessment was submitted or requested.

Councillor Reay asked how often the beach was visited and whether there were ideas to conserve it. Mr Gloag advised there were no records and that they could not afford an onsite archaeologist. They did have people who had experience but they had not devoted time to this area in priority over other areas.

Councillor McCuish asked whether the access to the site would destroy the freshwater spring Tobar na Slainte. Mr Heron advised that as the access was from the east this wouldn't be affected.

Councillor McCuish asked if contact had been made by the applicant to consult the Historical Society. Mr Fleming advised that they did not on the basis that planning have the consultation powers.

Councillor McCuish asked if there had been dialogue with the applicant. Mr Gloag responded advising that there had been no knowledge of the application until the later stages.

Councillor McCuish asked why this site had been identified. Mr Nicholl advised that it had been selected as it had previous habitation which no other site controlled by the Estate had.

Councillor Kinniburgh expressed concern that the plan shown on screen did not appear to be to scale. Mr Fair advised that this may be the case on the screen but that the plans submitted were to scale.

Councillor Mackay asked where the Broch was. This was pointed out by Mr Fair, to the south-west of the development site.

Councillor Mackay asked about affordability and whether the properties would be in a bracket affordable to Islanders. Mr Nicholl advised it was not always the case that they were on minimum wages and there were residents on higher income although was not sure of the anticipated retail price of the houses. He commented that as these were not large properties the cost was not likely to be extortionate. Councillor Mackay followed this up by asking if a family could occupy the property. Mr Nicholl confirmed this to be correct.

Councillor Currie commented that there were conditions protecting birds, otters etc but there did not appear to be a condition to protect Tobar na Slainte. Mr Nicholl responded by advising it was not the intention to destroy the spring and that they hoped the development would improve the site which was currently overgrown and make the beach more easily accessible.

Councillor Currie asked why they did not intend using the spring for their water supply. Mr Fleming advised that the intention was to get the supply from the burn although this had not been investigated in detail, but would be covered by planning condition. Mr Fair commented that condition 3 would deal with this issue but that Tobar na Slainte may fit into the findings for archaeological survey work as well and there could be mitigation if featured. If this were to be the case the mitigation measures would be included in any discharge of conditions.

Councillor Reay asked what the proposals were for sewerage treatment. Mr Fair advised there would be 2 treatment plants and soakaways.

Councillor Reay questioned the elevation of the properties. Mr Fair advised the west property would have a floor level of 13.5m and the south property would be 11.5m, as noted on the drawings.

Councillor Currie then questioned whether there was confusion between the spring/well and the burn. Mr Fair advised that if this was onsite it would be covered by the archaeological survey and mitigation. He commented that he had not observed the spring/well on the site. Mr Fleming concurred with this statement. The Chairman asked Mr Gloag to comment on the spring/well. Mr Gloag advised this was raised by Mr MacKinnon who was visiting relatives and unable to attend. He suggested Mr MacKinnon would be able to immediately pinpoint this but unfortunately Mr Gloag could not.

Councillor MacAlister suggested that as there was no trace of a burn on the high side of the site (from the road) that perhaps the spring lay underneath and thereafter formed the burn. This being the case he had already observed a 2 inch water supply pipe connected.

Summing up

Mr Fair advised this was a proposal for re-development which was consistent with policy. There were no objections from consultees, conditions covered any concerns and therefore recommended approval.

Mr Fleming picked up the issues about design, footprint and archaeology. He accepted that the proposal was contemporary but there had been a sincere attempt to recognise the original features of the building in a fashion to suit the way we live today.

He confirmed that the footprint was double the size of the previous ruin but that the Policy allows for re-development up to three times the size.

Mr Fleming then commented that in terms of history of the site, the condition regarding a watching brief would provide opportunity to record any findings that may be uncovered.

Mr Heron advised he had nothing further to add.

Mr Wormleighton commented that the 2 buildings exceeded the footprint of the ruin and that the road works (including turning circles) would have a substantial visual impact. In relation to queries about consultation between the Community Council and Historical Society he recalled being in attendance at a meeting where Mr MacKinnon had sought support of the Community Council and that this had led to the Community Council intimating an objection.

Mr Gloag did not wish to add to his earlier submission.

The Chairman asked the parties to the hearing to confirm that they had received a fair hearing. This was confirmed to be the case.

Debate

Councillor Currie stated that the design was commendable although he was concerned about the proximity of the dwelling at 25m from the high water mark.

Councillor McCuish spoke regarding amenity and use of land. He was confident that that proposed conditions would protect the amenity and the requirement for a watching brief gave him confidence of protection of the historic environment. He felt that this hearing could have been avoided if there had been discussions between the applicant and the Historical Society and Community Council. He did not think there was any moral or policy reason to refuse the application.

Councillor Reay agreed with Councillor McCuish and that the safeguards would help. He was however disappointed the development was not affordable although the design would make the building energy efficient and commented that the houses would only be seen from the seaward side.

Councillor McQueen agreed with Councillor Reay about the design, commenting that this could become a small tourist attraction.

Councillor MacAlister also confirmed he was happy with the design and that he was happy with the whole concept.

Councillor MacMillan stated the applicant had gone a long way to help the locals and he was also supportive of the application.

Councillor Kelly advised he was happy with all that had been said and that the archeological brief would take care of the issues raised by the Historical Society. He considered that the beach would be more accessible for locals and tourists and that he had no objection to the proposal.

Councillor Mackay stated that the Committee had received a lot of information; he considered the conditions to be appropriate, the design contemporary and similar to that of the museum. He suggested there was opportunity here in the process of development to work together (the applicant and the Historical Society) and that he intended to go with the recommendation for approval.

Decision

1. Noted the revised dimensions of the development.
2. Unanimously agreed to grant planning permission subject to the conditions and reasons below:-
 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.

2. The development shall be implemented in accordance with the details specified on the application form dated 28th October 2009 and the approved drawing reference numbers:
- Plan 1 of 11 (L (Ex) 001 Rev A) (Location Plan at a scale of 1:2500)
 - Plan 2 of 11 (L (Ex) 102 Rev A) (Location Plan at a scale of 1:1250)
 - Plan 3 of 11 (L (Ex) 103 Rev A) (Site Plan as Existing at a scale of 1:500)
 - Plan 4 of 11 (L (PL) 102 Rev A) (Site Plan as Proposed at a scale of 1:500)
 - Plan 5 of 11 (L (Ex) 113) (Existing Elevations of West Cottage at a scale of 1:50)
 - Plan 6 of 11 (L (Ex) 112) (Existing Elevations of South Cottage at a scale of 1:50)
 - Plan 7 of 11 (L (PL) 104 Rev A) (Proposed Elevations and Roof Plan of West Cottage all at a scale of 1:50)
 - Plan 8 of 11 (L (PL) 106 Rev A) (Proposed Elevations and Roof Plan of South Cottage all at a scale of 1:50)
 - Plan 9 of 11 (L (PL) 103) (Proposed Ground and Loft Floor Plan and Cross – Sectional Drawing of West Cottage all at a scale of 1:50)
 - Plan 10 of 11 (L (PL) 105) (Proposed Ground and Loft Floor Plan and Cross – Sectional Drawing of South Cottage all at a scale of 1:50)
 - Plan 11 of 11 (L (PL) 107) (Flood Prevention Details for Proposed West and South Cottages at a scale of 1:500 and 1:200)

unless the prior written approval of the Local 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.

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

3. Prior to the development commencing, a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be submitted to and approved in writing by the Local Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be

compromised by the proposed development. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

4. No development shall be commenced on site until the junction serving the private vehicular access has been formed in accordance with the Council's Road Engineers Drawing No. SD 08/004a, with visibility splays measuring 60 metres x 2.4 metres in each direction having been formed from the centre line of the proposed private vehicular access. Prior to work starting on site these visibility splays shall be cleared of all obstructions over 1 metre in height above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Local Planning Authority.

The proposed private vehicular access shall be constructed to at least base course level prior to any works starting on site and the final wearing surface of the road shall be applied prior to the first occupation of either of the two dwellinghouses hereby approved.

Reason: In the interests of road safety and to ensure the proposed development is served by a safe means of vehicular access and to accord with Policy 'LP TRAN 4' of the Argyll and Bute Local Plan 2009.

5. Prior to any works commencing on site, an otter survey which shall seek to establish their presence and usage within the proposed development site, shall be submitted to and approved in writing by the Local Planning Authority. This assessment shall be carried out by appropriately qualified and competent person(s). Any recommended mitigation measures contained in the duly approved survey identified as being required in advance of, or during the course of, construction shall be implemented in full concurrently with the implementation of the development.

Reason: In accordance with Policy 'LP ENV 6' of the Argyll and Bute Local Plan 2009 and the legislation, policies and conservation objectives, that apply to the Habitats and Species listed under Annex IV of the Habitats Directive.

6. Prior to any works commencing on site, the applicant shall submit a detailed survey of all trees and hedging on or

overhanging the site. This survey shall be displayed on a site layout plan and include their location, species, an estimation of their height and canopy spread and shall include any trees around the perimeter which over-hang onto the site boundary. Those trees which it is proposed to fell or remove shall be identified separately from those who which are to be retained. Measures to protect those trees to be retained which could be subject to disturbance from access works, excavations, storage of materials or building works or other construction activities, shall be identified and submitted along with the tree survey. No trees on site, other than those identified for removal in the scheme duly approved in writing by the Planning Authority, shall be lopped, topped, felled or removed, either during the construction period, or thereafter . Those trees identified as requiring to be safeguarded shall be protected in accordance with the duly approved measures before development is commenced and shall be retained in place for the full duration of construction activities on site.

Reason: In the interests of visual amenity and to safeguard as many trees on the site as possible.

7. All existing dry-stone walls/dykes as shown on Plan No. (L (PL) 102 Rev A) shall be retained and repaired as part of the development and no sections shall be reduced in height or be removed without the prior written approval of the Local Planning Authority. No timber post and wire fencing techniques or other means of enclosure shall be permitted to be used to enclose boundaries or private areas without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity and in order to reinforce the landscape characteristics of the area.

8. Prior to the commencement of any works on site, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Local Planning Authority during all ground disturbances. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeological Service, and approved by the Local Planning Authority prior to the commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Local Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: To enable the opportunity to identify and examine any items of archaeological interest which may be found on this site, and to allow

any action required for the protection, preservation or recording of such remains to occur.

(Ref: Report by Head of Planning and Regulatory Services dated 1 October 2010, submitted and letter from Lismore Historical Society, tabled)