

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
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(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.
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(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:

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| (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.

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

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| (i) | Is a Section 75 agreement required: | No |
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| (I) | Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
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(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