

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01348/CONAC

Planning Hierarchy: Local Development

Applicant: Isle of Luing Community Trust

Proposal: Demolition of Unlisted Building in Conservation Area

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

SUPPLEMENTARY REPORT NO. 2

(A) BACKGROUND

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

Due to conflicting advice contained within the structural reports submitted by the applicant and the objectors, it was recommended that an independent structural engineer be appointed by the Council to assess both reports and the building and provide a definitive response on the structural integrity of the ruin.

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

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

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

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

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

Representations

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

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

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

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

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

(B) ASSESSMENT

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

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

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

(C) RECOMMENDATION:

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

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

Angus Gilmour
Head of Planning

REASON FOR REFUSAL RELATIVE TO APPLICATION 10/01348/CONAC

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

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

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