

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

Reference No: 10/01059/PP

Planning Hierarchy: Local Development

Applicant: Isle of Luing Community Trust

Proposal: Erection of building incorporating museum, licensed cafe, exhibition/function room and office

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

SUPPLEMENTARY REPORT NO. 2

(A) BACKGROUND

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

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

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

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

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

Representations

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

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

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

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

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

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

The following Supporters were inadvertently omitted from the original report.

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

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

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

Further Representation

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

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

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

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

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

(B) ASSESSMENT

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

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

(C) RECOMMENDATION

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

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

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

Angus Gilmour **Head of Planning**

REASON FOR REFUSAL RELATIVE TO APPLICATION 10/01059/PP

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

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

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

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