

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: 11/01019/LIB

Applicant: Ee-Usk, North Pier, Oban

Proposal: Removal of Condition 4 relative to Listed Building Consent 10/01817/LIB (Demolition not to commence until contract let for re-development).

Site Address: Argyll Hotel, Corran Esplanade, Oban

SUPPLEMENTARY REPORT No 2

(A) INTRODUCTION

This report updates the current position on the structural condition of the building and presents the conclusions of the review of the applicant's structural report by the Council's Building Standards Manager and consultant engineers employed by the Council. In view of ongoing safety concerns it is now recommended that the listed building consent condition at issue be removed, in order to allow demolition to proceed before further deterioration in the structure presents an uncontrolled safety risk.

(B) ADDITIONAL INFORMATION

Supplementary Report No 1 referred to a recent Structural Report commissioned by the applicants which concluded that the risk posed by the structure was such that it would be prudent to proceed with demolition forthwith. In response, the Council's Building Standards Manager inspected the building along with the Council's consultant structural engineer on the 14th November 2011. The conclusion of this was:

- Timber decay had become markedly worse since their previous internal inspection a year earlier. Due to the roof not being watertight water ingress has caused substantial damage to ceilings and areas of floor have collapsed.
- Acrow props have already been introduced to the previously worst affected areas but these timbers have now deteriorated beyond what may have been considered as saveable. Large areas of flooring are now considered so poor that it would be unlikely that they could be considered as weight bearing and whilst a propping scheme could be introduced, it would have to be so widespread and spanning from roof to ground level that the cost would be quite prohibitive.
- They estimate that a cost of well in excess of £ 60,000 may be expected to install a suitably designed propping system with no real guarantee that subsequent movement with perimeter walling and chimney heads would still not occur
- The front elevation itself incorporates a large peind end gable with crow step stones which due to decay of the top level window lintel must now be suspect for

potential movement and collapse. The adjacent circular tower is in a similar condition and due to local decay of rafters may be prone to similar failure. To try and ensure that all aspects of the building are secured any propping would involve a style of facade retention as well as catering for the vertical gravity loads such as roof and floors. Dependant on the ease of design and installation this facade retention may even involve building out onto the adjacent pavement. Even if the propping was installed there would be the need to monitor the situation on a regular basis to ensure the propping remained tight and no further movement had occurred.

- Due to the onset of winter and the possibility of heavy rain, snow and high winds their recommendation is that action should be taken now. With the type of construction found in Argyll, mid-floors offer an important horizontal restraint to the walls and with the timber decay evident this is now being lost over large sections. Should the roof or part thereof collapse it is likely that a progressive and domino effect would occur with subsequent floors also failing due to the dead weight falling from above. Once this happens the walls are in turn unrestrained and very susceptible to outward collapse.

In view of the above, the recommendation of the Building Standards Manager having taken consultant structural engineer advice, is that demolition should be instructed urgently as the condition of the remaining structural members are now so poor that partial collapse at any time cannot be ruled out.

Historic Scotland have been supplied with the applicant's structural report and have been appraised of the corroboration of the findings of that report by the Council's Building Standards Manager in consultation with our own consultant engineer. Their position is that If the Council is satisfied that there is an overwhelming public safety argument and that temporary propping is not feasible or reasonable in the circumstances, then Historic Scotland would not be in a position to oppose immediate demolition. They have however indicated that their preference would be for this to be dealt with through the listed building consent process (i.e. by removal of the condition) if time and public safety allows it.

In circumstances where a building poses an immediate threat, emergency remedial works, including works of demolition, may be undertaken forthwith without the need to obtain listed building consent, provided that the Planning Authority and Historic Scotland have been notified in advance, or where this is not possible as soon as practicable afterwards. In all other cases listed building consent must be obtained in advance. The position here is that whilst demolition has been recommended in the short-term, this still allows sufficient time for this application to be determined. In the prevailing circumstances, and in the light of the professional opinions available, there is no alternative other than to accede to demolition being carried out in the short-term and to facilitate this by removal of the condition at issue. Amendment of the terms of a listed building consent requires subsequent clearance by Historic Scotland, but in view of their recent comments, there is no reason to suspect that this will not be forthcoming.

The main issue arising from consent being given for demolition of the building in the absence of a guarantee that redevelopment will necessarily follow on thereafter, is that there is the possibility that the site may remain undeveloped for some time. Loss of a street facade in this location will open up views of backland areas, dilapidated buildings to the rear of the hotel on Charles Street, and the rear elevations of buildings on Stafford Street and George Street. These are generally untidy and unsightly aspects which would require to be screened off as far as practicable by means of hoardings, which would need to be erected once the site had been cleared and would require to remain in place until such time that redevelopment of the site has been commenced. Legislation

provides that in deleting a condition, there is opportunity to modify or add conditions arising as a consequence of that deletion, so condition 3 of the original listed building consent has been amended to include the requirement for hoarding installation and retention.

(B) RECOMMENDATION:

It is recommended that Listed Building Consent be granted subject to:

- 1) the attached conditions and reasons;
- 2) clearance being given by Historic Scotland prior to the decision being issued.

Author of Report and contact officer: Richard Kerr Date: 17th November 2011

**Angus Gilmour
Head of Planning and Regulatory Services**

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01019/LIB

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 20 of the Planning etc. (Scotland) Act 1997.

2. Before the demolition hereby permitted is first commenced, the developer in

consultation with the Planning Authority shall draw up a schedule of materials and items which shall be reclaimed from the site during or prior to demolition. This shall include the reclamation of existing slate from the building. These materials and items shall be satisfactorily set aside, stored and/or used in a manner which shall first be agreed with by the Planning Authority, prior to any demolition taking place.

Reason: In order to protect and save materials and items which can reasonably be retrieved, in the interests of the historical and architectural qualities of the building to be demolished.

3. Prior to the commencement of demolition, a scheme shall be submitted to and approved by the Council as Planning Authority for the temporary reinstatement of the cleared site. The scheme shall include *inter alia* details of surface treatment, the treatment of newly exposed building gables, and the screening of the site by means of hoardings, including a timetable for the demolition and reinstatement. The development shall proceed in accordance with the duly agreed scheme and the timetable for its implementation. Hoardings required by virtue of this condition shall be of a material, height, location and colour and with any signage or graphics all being agreed in advance of demolition works being commenced, and these hoardings shall remain in place and shall be maintained free of advertisements, posters or graffiti following the completion of demolition operations, until such time as construction works are commenced on the redevelopment of the site.

Reason: To ensure that the cleared site does not compromise further the settings of the adjacent category B listed buildings and/or downgrade the environmental quality of the Special Built Environment Area of which it is a part.

4. Prior to the commencement of demolition, a Demolition Method Statement shall be submitted to and approved in writing by the Planning Authority in consultation with, Historic Scotland and Transport Scotland. The Demolition Method Statement address intentions in respect of:

- Demolition Methodology - Type and sequence of demolition and site establishment;
- Hazardous Materials - special arrangements required for the potential removal and disposal of any asbestos;
- Notification of demolition to adjacent property owners and local residents;
- Dust & Noise Reduction Strategy - steps to be taken to minimise the risk and nuisance to adjoining land, building or road users
- Proximity to Other Structures - Trunk Road, Public Footpath, Public Right of Way (Pend), Access Rights of Adjacent Properties (Pend), Regent Hotel (Category B listed building), Oban Inn (Category B listed Building) and Charles Street (Category B listed buildings)
- Traffic Management

Reason: To protect the structural integrity of the adjacent listed buildings, the character of the Special Built Environment Area, in the interests of Public Health and Safety and, to maintain the safe and free flow of traffic and pedestrians on the Trunk Road during demolition.

NOTE TO APPLICANT

- 1 Under the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, section 7(2)(b)(c), applicants receiving consent for works of demolition to a listed

building must: notify RCAHMS of their intention to carry out the work; thereafter allow RCAHMS reasonable access to record the building for at least 3 months following the granting of consent and the giving of notice to the Commission, during which time demolition may not be undertaken unless RCAHMS has indicated in writing that its record has been completed or that they do not wish to record it. The RCAHMS contact details are as follows:

The Royal Commission on Ancient Historical Monuments (RCAHMS),
Threatened Buildings Survey,
John Sinclair House,
16 Bernard Terrace,
Edinburgh,
EH8 9NX.

susan.dibdin@rcahms.gov.uk

0131 651 6773

- 2 This consent should not be construed as having any effect in respect of either public or private access rights as may be capable of being demonstrated in respect of the Pend through the existing building, which affords a public means of access to Charles Street and beyond, and where it is understood that private rights exist in respect of the servicing of adjacent premises. Whilst any disputes concerning private access rights would be a civil legal matter between the site owner and the persons seeking to exercise such rights, public access would require to be either maintained, or to be extinguished by way of a Stopping-up or Diversion Order under appropriate legislation. The developer would be expected to meet the legal cost of any such Order and no obstruction of the route afforded by the Pend (notwithstanding the demolition of the building incorporating that Pend and the requirement to erect hoardings), should take place until the required Stopping-up or Diversion Order has been sought and has taken effect.