

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held BY SKYPE  
on WEDNESDAY, 16 DECEMBER 2020**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Donald MacMillan BEM
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor George Freeman	Councillor Alastair Redman
Councillor Kieron Green	Councillor Richard Trail
Councillor Graham Hardie	

**Attending:** Fergus Murray, Head of Development and Economic Growth  
Stuart McLean, Committee Manager  
Peter Bain, Development Manager  
Tim Williams, Area Team Leader – Oban, Lorn and the Isles  
Marina Curran-Colthart, Local Biodiversity Officer

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Lorna Douglas, Audrey Forrest, Jean Moffat and Sandy Taylor.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. MINUTES**

- a) The Minutes of the Planning, Protective Services Licensing Committee held on 18 November 2020 at 11.00 am were approved as a correct record.
- b) The Minutes of the Planning, Protective Services Licensing Committee held on 18 November 2020 at 2.00 pm were approved as a correct record.
- c) The Minutes of the Planning, Protective Services Licensing Committee held on 18 November 2020 at 2.30 pm were approved as a correct record.
- d) The Minutes of the Planning, Protective Services Licensing Committee held on 18 November 2020 at 3.00 pm were approved as a correct record.
- e) The Minutes of the Planning, Protective Services Licensing Committee held on 23 November 2020 were approved as a correct record.
- f) The Minutes of the Planning, Protective Services Licensing Committee held on 30 November 2020 were approved as a correct record.

**4. MR C KENNEDY: ERECTION OF DWELLINGHOUSE AND FORMATION OF VEHICULAR ACCESS: LAND EAST OF TIGH NA MARA, ARINAGOUR, ISLE OF COLL, ARGYLL AND BUTE (REF: 20/01688/PP)**

The Area Team Leader spoke to the terms of the report. Before presenting the application he referred to 2 late submissions: an email the Applicant sent direct to all Members of the Committee on 14 December 2020; and a letter dated 9 December 2020 from the Applicant's Planning Consultant which had also been distributed to Members of the Committee.

In terms of the adopted Argyll and Bute Local Development Plan (LDP) the application site is located within the southern fringe of the Key Rural Settlement of Arinagour where Policy LDP DM 1 gives encouragement to sustainable forms of development on appropriate sites subject to compliance with other relevant policies and supplementary guidance. The proposed site is located on the seaward side of the road opposite, and to the east of, the neighbouring guesthouse Tigh Na Mara which occupies a site on the opposite side of the public road. The stretch of land between the ferry terminal to the south and the small pier to the north on the seaward side of the road is rocky in nature and it is completely devoid of development.

The determining factors in the assessment of this application are whether or not this location is acceptable for the erection of a dwellinghouse having regard to its visual impact upon the landscape and its visual relationship with neighbouring properties and its integration with the existing settlement pattern.

In this case it is considered that development of this site would harmfully erode its open and rural character, contrary to the established pattern of development. The undeveloped nature of the site makes a positive contribution to the village and its development with a dwellinghouse would result in the loss of that characteristic and harm the visual amenity of the locality.

Having due regard to the Development Plan and all other material considerations, it was recommended that planning permission be refused for the reasons detailed in the report of handling.

**Motion**

To agree to refuse planning permission for the reasons detailed in the report of handling.

Moved by Councillor George Freeman, seconded by Councillor Richard Trail.

**Amendment**

Chair I move an Amendment to grant the application and in doing so I am taking a different view to that expressed by the Council's Planning Officers.

While I fully respect the professional judgements advanced by them I believe, on this occasion, that I should follow my own opinion in regard to the weight of consideration to be given in balancing the various material planning considerations.

There are no objections from statutory consultees and no representations have been received from any party against the application.

In terms of the adopted Argyll and Bute Local Development Plan (LDP) the application site is located within the southern fringe of the Key Rural Settlement of Arinagour where Policy LDP DM 1 gives encouragement to sustainable forms of development on appropriate sites subject to compliance with other relevant policies and supplementary guidance.

I do not consider that the erection of this dwellinghouse will have a detrimental effect on the visual impact upon the landscape or its visual relationship to neighbouring properties.

Taking account of the appropriate scale and design of the proposal, I consider that the Proposed Development:

Complies with and is supported by Policy LDP DM 1, Policy LDP 8 and Supplementary Guidance SG LDP HOU 1; and complies with Policy LDP 9 and Supplementary Guidance SG LDP Sustainable - Sustainable Siting and Design Principles as well as other policies and guidance, including the Argyll and Bute Sustainable Design Guidance 1 - small scale housing development (2006), the Isle of Coll Sustainable Design Guidance and Planning Advice Note 72: Housing in the Countryside (PAN 72).

I move that the Committee approve the application and agree to remit determination of conditions and reasons to the Head of Development and Economic Growth in consultation with the Chair and Vice Chair of the Planning, Protective Services and Licensing Committee.

Moved by Councillor Roderick McCuish, seconded by Councillor Graeme Archibald Hardie.

A vote was taken by calling the roll.

#### **Motion**

Councillor Colville  
Councillor Devon  
Councillor Freeman  
Councillor Green  
Councillor Kinniburgh  
Councillor MacMillan  
Councillor Trail

#### **Amendment**

Councillor Hardie  
Councillor McCuish  
Councillor Redman

The Motion was carried by 7 votes to 3 and the Committee resolved accordingly.

#### **Decision**

The Committee agreed to refuse planning permission for the following reason:

1. In terms of the adopted Argyll and Bute Local Development (LDP) the application site is located within the Key Rural Settlement of Arinagour which is subject to the effect of Policy LDP DM 1 and Supplementary Guidance SG LDP

HOU 1 which establish a general presumption in favour of housing development within settlements, provided such development is of a scale and form compatible with the surrounding area and does not result in inappropriate densities or the loss of valuable open areas, and is acceptable in terms of siting and compatibility with the established settlement pattern and landscape character.

Development of this site would erode the open and rural character of the rocky coastline, a key environmental feature, contrary to the established pattern of development which is characterised by an absence of built development on the seaward side of the public road south of the existing pier. The undeveloped nature of the site makes a positive contribution to the village and its development with a dwellinghouse would result in the loss of undeveloped land such that the characteristics and visual amenity of the locality would be materially harmed by the extent of built development. The natural interplay between the rocks and rough grazing would be disrupted by an alien feature adversely affecting this area of common landscape character. The large property at Tigh Na Mara is a visual focal point when one approaches the village from the south whilst the largely undeveloped seaward side of the road provides clear open views across the coastal edge and across the bay to the north-east and east and this would be unacceptably compromised by the proposed development which would result in an inappropriately prominent and isolated development within a fragile and vulnerable area of undeveloped and visually uninterrupted coastal hinterland which occupies the seaward side of the public road – a key arrival point on the island from the sea.

This assessment is underpinned by the key findings of the Isle of Coll Landscape Capacity for New Housing Report 2006 which is a detailed assessment of the landscape character of the island and it identifies the appropriate opportunities and necessary constraints for new housing development. The study highlights that there is a visual pinch point to the south of the proposed development site along the public approach to Arinagour from the ferry terminal and that any new development beyond this point would intrude negatively upon the 'surprise' reveal of Arinagour (whilst acknowledging that this effect is somewhat diminished by the existing property Tigh Na Mara). Although not statutory guidance in and of itself it is considered that the 2006 report is a material consideration in the determination of the application because it was an important and professionally competent technical working document commissioned by the Council in order to inform the subsequently adopted Isle of Coll Sustainable Design Guidance and is concerned solely with the landscape impact of development proposals for new housing.

In this case it is considered that the erection of a dwellinghouse in this location would result in an unacceptable environmental impact resulting in a development which does not have regard to the surrounding settlement pattern and would be materially harmful to the wider landscape character of the area. The proposal is therefore considered to be contrary to the provisions of Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, Supplementary Guidance SG LDP HOU 1, and the Sustainable Siting and Design Principles of the LDP as well as the Isle of Coll Sustainable Design Guidance, the Isle of Coll Landscape Capacity for New Housing Report 2006, Scottish Planning Policy and Planning Advice Note 72.

(Reference: Report by Head of Development and Economic Growth dated 26 November 2020, submitted)

**5. SCOTTISH GOVERNMENT - BIODIVERSITY DUTY COMPLIANCE REPORT 2021 (ARGYLL & BUTE COUNCIL)**

The Nature Conservation (Scotland) Act 2004 places a duty on all public bodies to further the conservation of biodiversity. The Wildlife and Natural Environment (Scotland) Act 2011 requires the publication of a report, every three years, on how public bodies are meeting this duty.

Consideration was given to a report seeking Committee approval of the Scottish Government Biodiversity Duty Compliance Report (Argyll and Bute Council), for the period January 2018 – January 2021. The report details the activities across the Council that support and conserve biodiversity and demonstrates the great variety and range of work being carried out.

**Decision**

The Committee agreed to:

1. note achievements made across the Council to meet Argyll and Bute Council's Biodiversity Duty under the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011; and
2. approve the Scottish Government Biodiversity Duty Compliance Report 20018-21 (Argyll and Bute Council) for submission to Scottish Government and publication on the council's website.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 6 November 2020 and Scottish Government: Biodiversity Duty Compliance Report (Argyll and Bute Council) 2018-2021, submitted)

**6. DRAFT SERVICE PLAN 2021-22: DEVELOPMENT AND ECONOMIC GROWTH SERVICE**

A report presenting to the Planning, Protective Services and Licensing Committee the Draft Service Plan 2021-22 for Development and Economic Growth was considered.

**Decision**

The Committee reviewed the Draft Service Plan 2021-22 (no finance) as presented prior to onward travel to the Policy and Resources Committee on 18 February 2021 and Full Council on 25 February 2021 for budget allocation.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 10 November 2020, submitted)

## **7. FQ2 2020/21 PERFORMANCE REPORT**

A paper presenting the Planning, Protective Services and Licensing Committee with the Development and Economic Growth Service (PPSL only) FQ2 2020/21 (July – September) Performance Report and accompanying Scorecard was considered.

### **Decision**

The Committee:

1. reviewed the FQ2 2020/21 Performance Report as presented; and
2. recorded their thanks and appreciation to all staff within the Development and Economic Growth Service for their hard work, particularly during these challenging times.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated November 2020, submitted)