

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT TEAMS on WEDNESDAY, 15 NOVEMBER 2023

Present: Councillor Amanda Hampsey (Chair)

Councillor Gordon Blair

Councillor Liz McCabe

Attending: Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Fiona McCallum, Committee Services Officer (Minutes)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CONSIDER NOTICE OF REVIEW REQUEST: EILEAN LOCH OSCAIR, OFF ISLE OF LISMORE (REF: 23/0006/LRB)

The Chair, Councillor Amanda Hampsey, welcomed everyone to the meeting. She explained that no person present would be entitled to speak other than the Members of the Local Review Body (LRB) and Mr Jackson, who would provide procedural advice if required.

The Chair referred to the previous meeting held on 5 October 2023 when it was agreed to take new information in the form of a letter of support into the process. A copy of this was contained within the Agenda pack for today's meeting along with comment from the Planning Officer.

Further information requested at the previous meeting from Planning, the Applicant and Lismore Community Council was also contained within this Agenda pack.

Before proceeding further, the Chair invited Mr Jackson to advise of the late submission of the drone footage from the Applicant. Mr Jackson explained that the Applicant's Agent had submitted the drone footage in the form of photographs late and did not circulate these to the Interested Parties, as required, so they could comment if they wished. However, he pointed out that some of these photographs had been included with the original submission from the Agent and were contained within the Agenda pack for the previous meeting.

Mr Jackson advised that if the Members of the LRB wished to seek comments from the Interested Parties on the drone footage, the meeting would need to be adjourned to allow this to happen. He confirmed that no comments were received on the other further information submitted, which had been circulated to each Interested Party within the set timescales.

Taking on board the comments made by Mr Jackson and taking account of all the information before the LRB today and previously presented at the meeting on 5 October

2023, the Chair advised that her first task would be to establish if the Members of the LRB felt that they had sufficient information before them to come to a decision on the Review.

Councillor Blair commented that he was quite happy with the photographs provided, which he said, were clear and precise. He also confirmed he was also happy with the further information provided which, he said, he found most helpful.

Councillor McCabe said she was happy with the drone pictures but was not sure whether the other Interested Parties should be given time to comment on these.

Councillor Hampsey confirmed that she was content with all the information provided and that she would not require any further information.

Councillor Blair confirmed that he would be quite happy to proceed to making a decision today.

Councillor McCabe confirmed that she would also be happy to proceed to making a decision today.

Councillor Blair advised that having read the papers he was very grateful to everyone that had taken the time to provide the further information requested. He said that he had read through all the information and commented that he was well aware of the issues there were in Argyll and Bute for farmers and other businesses looking to diversify. He referred to the time taken to agree the National Planning Framework and the Local Development Plan. He advised that these were taken account of along with other factors that have to be contended with in a large, rural authority area. He referred to the following paragraph detailed at page 7 of the Agenda Pack for today's meeting which, he said summed it up for him:

“Permitted development of this type within this safeguarded location would compromise the purpose of the ‘Very Sensitive Countryside’ and ‘Remote Countryside Area’ designations, which are there to protect areas that are wild, remote and undeveloped from inappropriate types and scales of development, such as that proposed within this application”.

Consequently, he advised that he was minded to support the Officer's recommendation to reject this application.

Councillor Hampsey confirmed that she was likewise minded with Councillor Blair as that was exactly what had struck her as she went through the paperwork. She commented that she was very keen to support any planning development if possible and said that she was well aware of the rural economy and the need for housing in Argyll and Bute. She said it was always preferable to be able to approve planning developments but in this instance she felt she had to support the recommendation to refuse the application.

Councillor McCabe confirmed that she was of the same opinion as Councillor Blair in respect of the end of the paragraph detailed in page 7 of the Agenda pack. She also referred to page 6 where it stated in the second last paragraph that “the proposed development would be in direct conflict with the relevant policies of the National Planning Framework 4, the adopted Argyll and Bute Local Development Plan 2015, and the proposed Local Development Plan 2”, which she said, as Councillor Blair had stated, took time to progress. She advised that as much as she liked to be able to accept planning

proposals, she did not think she could do so in this case and she agreed that the application should be refused.

Councillor Hampsey commented that it was always disappointing in these cases for Applicants when applications were refused and she apologised that this has had to happen in this case. She said it had been made very clear by Officers that the proposal would go against so many policies and that she agreed that it should be refused.

The Members of the LRB confirmed to Mr Jackson that they unanimously agreed that the application should be refused for the reasons given in the Decision Notice dated 18 July 2023, which had been included at pages 87 – 89 of the Agenda pack issued for the meeting held on 5 October 2023.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, unanimously agreed to refuse the application and uphold the decision of the Planning Officer to refuse planning permission for the following reasons:

1. It is considered that the proposed development upon this small and uninhabited island would be materially harmful to the landscape character and qualities of the area, the importance of which is acknowledged by the designation of the site as part of a wider National Scenic Area. The proposed development would be in direct conflict with National Planning Policy NPF4 Policy 4.

NPF4 Policy 4 c) states that development proposals that will affect a National Scenic Area will only be supported where:

- (i) The objectives of designation and the overall integrity of the area will not be compromised; or
- (ii) Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

In this case, it is the considered opinion of the planning authority that the proposed development will be materially harmful to the designated qualities of the area and its overall integrity and that this harm is not clearly outweighed by any social, environmental or economic benefit, and certainly not of 'national importance'.

The proposed development is therefore considered to be in conflict with NPF4 Policy 4 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 14, and Policies 04 and 70 of the proposed Local Development Plan 2.

2. Notwithstanding Reason 1 above, the proposed development on this greenfield site conflicts with National Planning Policy NPF4 Policy 9.

NPF4 Policy 9 b) states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported in the LDP.

In this case, the proposed development would constitute the introduction of a significant built form onto an uninhabited and undeveloped small island, designated as

a 'Very Sensitive Countryside Zone' within the adopted Argyll and Bute Local Development Plan 2015, and as a 'Remote Countryside Area' within the proposed Argyll and Bute Local Development Plan 2.

The proposed development site has no development allocation in either the current or the proposed LDP.

Adopted LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement within the Very Sensitive Countryside Zone only to specific categories of development on appropriate sites. These comprise renewable energy related development; telecommunication related development; and development which would directly support agricultural, aquaculture, nature conservation or other established activity. The proposed short-term holiday letting dwellinghouse would not relate to any of the above categories of development.

With regard to the proposed Local Development Plan 2, the application site is located within the Remote Countryside Area. This development management zone comprises countryside and isolated coast which has extremely limited capacity to successfully absorb development. Only limited categories of natural resource based development is supported in these areas, limited to renewable energy related development, telecommunications or other associated digital infrastructure, or development directly supporting existing agricultural units, aquaculture, or other recognised countryside activity. The proposed development would not relate to any of these categories of development and in this regard would be contrary to Policy 02 of the proposed Local Development Plan 2.

There is therefore no support for this type of development in this location within either the adopted or proposed LDP and the development is therefore contrary to NPF4 Policy 9 as underpinned by LDP Policies LDP STRAT 1 and LDP DM 1 and LDP2 policy 02.

(Reference: Notice of Review and Support Documents; comments from Interested Parties; New Information received and comment on this; and Further Information requested and received, submitted)