

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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 18/01538/PPP

Planning Hierarchy: Local Development

Applicant: Mr Colin Kennedy

Proposal: Site for Erection of Dwellinghouse

Site Address: Site Adjacent to Tigh Na Mara, Arinagour, Isle of Coll, Argyll and Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for erection of dwellinghouse
- Construction of vehicular access

(ii) Other specified operations

- Connection to public water main
 - Connection to public drainage system
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(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission in principle be refused for the reasons appended to this report.

(C) HISTORY:

None

(D) CONSULTATIONS:

Area Roads Authority

No objection subject to conditions. Report dated 18th July 2018.

Scottish Water

No objection. Letter dated 19th July 2018

Scottish Natural Heritage

No objection. Letter dated 31st July 2018

SEPA

No objection subject to condition. Letter dated 25th July 2018

Council Flood Risk Officer

No objection subject to condition. Report dated 31st July 2018

The above represents a summary of the issues raised. Full details of the consultation responses are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 20th August 2018.

(F) REPRESENTATIONS:

No representations have been received regarding the proposed development.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Statement:	No
(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:	No
(iii) A design or design/access statement:	No
(iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:	No

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 obligation required:	No
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(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:	No
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(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

LDP STRAT 1 – Sustainable Development
 LDP DM 1 – Development within the Development Management Zones
 LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
 LDP 8 – Supporting the Strength of our Communities
 LDP 9 – Development Setting, Layout and Design
 LDP 8 - Supporting the Strength of our Communities
 LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 14 – Landscape
 SG LDP ENV 20 - Development Impact on Sites of Archaeological Importance
 SG LDP HOU 1 -General Housing Development Including Affordable Housing Provision
 SG LDP SERV 2 - Incorporation of Natural Features / Sustainable Drainage Systems (SuDS)
 SG LDP SERV 7 - Flooding and Land Erosion – The Risk Framework for Development
 SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
 SG LDP TRAN 6 – Vehicle Parking Provision

Sustainable Siting and Design Principles

- (i) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

Argyll and Bute Sustainable Design Guidance 2006
 Scottish Planning Policy (SPP) 2014
 Planning Advice Note 72 (PAN 72), Housing in the Countryside
 Consultee Responses
 Isle of Coll Landscape Capacity for New Housing Report 2006

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
(M)	Has a sustainability check list been submitted:	No
(N)	Does the Council have an interest in the site:	No
(O)	Requirement for a hearing:	No

(P) Assessment and summary of determining issues and material considerations

This is an application for the erection of a dwellinghouse on a site adjacent to Tigh Na Mara, Arinagour, Isle of Coll.

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 immediately adjacent to 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 this not an appropriate site for the erection of a dwellinghouse as the proposed development will have a materially harmful adverse impact upon the character and setting of the landscape and would be contrary to the established pattern of development.

This application would normally have been determined under the Council's agreed scheme of delegation. In this case, however, the applicant has raised complaints regarding the way in which this and other planning applications have been dealt with and against the conduct of the Planning Authority in general. Therefore, in order to provide enhanced transparency within the decision making process, it is considered that the proposed development should be determined by Members in this case.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why planning permission in principle should be refused

See reasons for refusal below.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:

No

Author of Report: Andrew Barrie

Date: 6th November 2018

Reviewing Officer: Tim Williams

Date: 7th November 2018

Angus Gilmour
Head of Planning, Housing and Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION 18/01538/PPP

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 its 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 and would constitute 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.

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 Design Guide 2006, the Isle of Coll Landscape Capacity for New Housing Report 2006, Scottish Planning Policy and PAN 72.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01538/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Planning permission in principle is sought for the erection of a dwellinghouse on a site adjacent to Tigh Na Mara, Arinagour, Isle of Coll.

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 and subject to compliance with other relevant policies and supplementary guidance.

Policy LDP 3 assesses applications for their impact on the natural, human and built environment with Policy LDP 9 seeking developers to produce and execute a high standard of appropriate design and to ensure that development is sited and positioned so as to pay regard to the context within which it is located. The Sustainable Siting and Design Principles expands on this policy seeking development layouts to be compatible with, and consolidate the existing settlement and take into account the relationship with neighbouring properties to ensure no adverse privacy or amenity issues. The application is seeking planning permission in principle with no detailed layout, design or infrastructure details having been submitted. The purpose of this application is to establish the principle of development with the matters of layout, access, servicing and design to be addressed by way of future application(s) for approval of matters specified in conditions.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities. Supplementary Guidance SG LDP HOU 1 gives general support to new housing provided there is no unacceptable environmental, servicing or access impact and seeking to ensure the appropriate provision of affordable housing units.

In this case, whilst the proposed development site is within the extended settlement boundary it is not considered that it represents an appropriate opportunity for development. The reasons for this are discussed below.

B. Location, Nature and Design of Proposed Development

The site is located to the south of the village of Arinagour which is the main settlement on Coll which contains the majority of the island services. The village is important as it provides the initial impression of the island for visitors accessing Coll via the nearby ferry terminal. The majority of development is aligned along the western edge of a narrow rocky inlet and is not widely visible when approaching Coll from the sea or ferry terminal.

The proposed site is located on the seaward side of the road immediately opposite a neighbouring guesthouse Tigh Na Mara. The proposed development has been assessed in terms of its specific potential impact upon the nearby guesthouse property Tigh Na Mara. A development within the proposed site could be located and oriented such that it would have no materially detrimental impact upon the privacy and/or amenity of the occupants of the guesthouse due to the likely intervisibility between the two properties, the presence of the intervening public road and the likely separation distances between habitable room windows which can easily be achieved at a level above the Council's normally accepted minimum standards.

The proposed development site occupies an area of 'common landscape character', this being a stretch of land between the ferry terminal to the south and the small pier to the

north on the seaward side of the road. This is an area of undeveloped coastal hinterland situated between the public road and the natural foreshore and represents a key landscape component affording unobstructed panoramic views from the public road. The development site and its wider coastal landscape setting is exposed and open in nature and it is completely devoid of built development. The construction of a new dwellinghouse and its associated hardstandings and curtilage would introduce an alien feature into this area of common landscape character which would disrupt the natural interplay between the rocks and the areas of rough grazing.

Supplementary Guidance SG LDP HOU 1 states that there is a general presumption in favour of housing development within settlements, provided it 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.

In this case, however, 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 undeveloped land such that the characteristics and visual amenity of the locality would be materially harmed by the extent of built development. The large property Tigh Na Mara is a visual focal point when one approaches the village from the south whilst the 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 materially harmed by the proposed development which would introduce a substantial built feature into the undeveloped and open natural landscape.

The Isle of Coll Sustainable Design Guide notes that inappropriate development can arise when new dwellinghouses are located to take advantage of views and thus are located more prominently than their older neighbours which would have been sited to make the most of shelter. It also states that new development should sit below the horizon rather than impacting on the skyline and which avoids significant visual intrusion onto the village setting. This development fails to do so. Within Arinagour, areas of localised higher densities - such as the long waterfront terraces – form a successful development pattern because they are perceived as only a single visual component of a larger landscape setting. Less successful development can often be less dense but more harmful in terms of its wider landscape setting – such is the case here. The design guide has a useful aerial photograph which illustrates the importance of this open and undeveloped area and its relationship to the village.

The Isle of Coll has a distinctive and important landscape character. The Isle of Coll Sustainable Design Guidance notes that the island has an intricate relationship between a range of different landscape types, from the rocky coastline experienced when arriving by ferry, through moorland and hills to machair, high dunes and beautiful sandy beaches. The strip of land between the public road and the coast which runs from the ferry terminal to the pier is open and exposed with a distinct rural character and high scenic value which should be protected. The reference to this within the design guide is significant. The value of the island landscape is also an important economic asset, where it plays a central role in sustaining the continuing growth of the tourism industry. The siting, location and design of new development is therefore of utmost importance to ensure this value is not gradually eroded. The proposed development fails to appropriately respect the character of the landscape and the established settlement pattern, being visually intrusive as it interrupts key views from the public road and it encroaches into the undeveloped countryside eroding the rural character of the landscape. There are no discernible backdrops, enclosures or landscape features with which to 'root' the development into the landscape and the

proposed development would therefore appear as inappropriately prominent and isolated within a substantial area of undeveloped and visually uninterrupted coastal hinterland.

The Isle of Coll Landscape Capacity Study for New Housing Report 2006 ('the study') 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).

Similarly, the 'Opportunities and Constraints' section of the study identifies a strip of land along the coastal edge and along the seaward side of the public road as being not generally suited to housing development as it would intrude on views and affect the setting of the distinctive row of 19th century cottages. The proposal is therefore considered to be contrary to the Isle of Coll Landscape Capacity for New Housing Report 2006.

It is understood that the current settlement boundary for this part of Arinagour predates the Isle of Coll Landscape Capacity Study and that a settlement boundary review will be undertaken as part of the proposals for the new Local Development Plan.

Whilst Scottish Planning Policy recognises that the rural landscape of Scotland is changing, it states that it is essential that new development is appropriate in terms of its scale and location in order to ensure that the character and quality of the countryside is not eroded. Planning Advice Note 72 (PAN 72), Housing in the Countryside, reinforces these expectations, specifically in relation to the design and siting of new houses in the countryside whereby good quality rural housing respects the landscape and building traditions. It is considered that the proposed development would be materially harmful to the character and quality of this part of the Coll coastline and is therefore contrary to national policy.

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 Design Guide 2006, the Isle of Coll Landscape Capacity for New Housing Report 2006, Scottish Planning Policy and PAN 72.

C. Archaeology

The site lies within an archaeological trigger zone, however the West of Scotland Archaeology Service have not commented on the application. No archaeological mitigation is required and the proposal complies with Policy LDP 3 and Supplementary Guidance SG LDP ENV 20.

D. Road Network and Parking

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 expands on this policy seeking to ensure that developments are served by a safe means of vehicular access and have an adequate on-site parking and turning area.

The Area Roads Engineer has raised no objections to the proposed development subject to conditions. The development is considered to comply with Policy LDP 11 and Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 of the LDP.

E. Infrastructure

Connection is to be made to the public water and drainage network and Scottish Water have not raised any objections to the proposal. However, they have advised that they cannot guarantee capacity and the applicant should contact them direct in this matter. This can be added as a 'note to applicant'. The proposal is considered to be in accordance with Policy LDP 11 of the LDP.

F. Flooding

The site may be liable to flooding and therefore consultation with SEPA and the Council's flood risk engineer has been carried out. Both have not raised any objections, subject to conditions which demonstrate that the development will be located outwith the functional floodplain. A finished floor level of 5mAOD has been recommended which may be refined through a site specific flood risk assessment. With an appropriate condition, the proposal would accord with Policy LDP 10 and Supplementary Guidance SG LDP SERV 7 of the LDP.