

**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**

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**Reference No:** 20/01688/PP

**Planning Hierarchy:** Local Development

**Applicant:** Mr C Kennedy

**Proposal:** Erection of dwellinghouse and formation of vehicular access

**Site Address:** Land East of Tigh Na Mara, Arinagour, Isle of Coll, Argyll and Bute

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**DECISION ROUTE**

**Local Government Scotland Act 1973**

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- 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 be refused for the reasons appended to this report.

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**(C) HISTORY:**

19/01124/PP

Erection of dwellinghouse and construction of vehicular access. Withdrawn 20<sup>th</sup> August 2019

18/01538/PPP

Site for the erection of dwellinghouse. Withdrawn 22<sup>nd</sup> November 2018

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**(D) CONSULTATIONS:**

Area Roads Authority

No reply received and no request for an extension of time. (It is noted that no objections were raised (subject to standard construction conditions) to a near identical application subsequently withdrawn in August 2019)

Scottish Water

No objection. Available capacity for connection to the Arinagour waste water treatment works but advises that water supply capacity cannot currently be confirmed. The applicant is requested to complete a 'pre-development enquiry' directly with Scottish Water before any development commences. Letter dated 8<sup>th</sup> October 2020.

SEPA

No objection. Whilst it is noted that part of the site lies within the medium likelihood, 1 in 200 year coastal flood extent for Loch Eatharna, the built development itself is outwith the coastal flood extent margins and at a proposed finished floor level (FFL) above the likely flood extent levels at this location. Letter dated 19<sup>th</sup> October 2020.

Council Flood Risk Officer

No objection subject to condition. The site is bounded by a shingle beach to the east and the B8070 public road to the west and by grassland to the north and the south. The site varies in levels from sea level, 0 metres above Ordnance Datum (mAOD) to 7.3 mAOD at the western margins of the site where it adjoins the public road.

The SEPA 1:200 indicative limits of coastal flooding partially overlay the eastern half of this site. However, with reference to the proposed site plans, the actual structure associated with this development will be located in the western third of the site. This results in the development laying outwith the 1:200 year indicative limits of coastal flooding.

It is recommended that the dwellinghouse have a minimum FFL of 5.0 mAOD and it is noted that the drawings accompanying the application show a built development with a FFL of 6.2 mAOD. Letter dated 9<sup>th</sup> October 2020.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 procedures, closing 5<sup>th</sup> November 2020.

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**(F) REPRESENTATIONS:**

No third party representations have been received regarding the proposed development.

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

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| <b>(i)</b>   | <b>Environmental Statement:</b>  | <b>No</b>  |
| <b>(ii)</b>  | <b>An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b> | <b>No</b>  |
| <b>(iii)</b> | <b>A design or design/access statement:</b>  | <b>Yes</b> |
| <b>(iv)</b>  | <b>A report on the impact of the proposed development</b>                                    | <b>No</b>  |

e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:

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**(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.**

Argyll and Bute Local Development Plan, 2015

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 10 – Maximising Our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 11 - Protection of Soil and Peat Resources

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 Sustainable Design Guidance

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| <b>(K)</b> | <b>Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:</b> | <b>No</b> |
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| <b>(L)</b> | <b>Has the application been the subject of statutory pre-application consultation (PAC):</b> | <b>No</b> |
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| <b>(M)</b> | <b>Has a sustainability check list been submitted:</b> | <b>No</b> |
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| <b>(N)</b> | <b>Does the Council have an interest in the site:</b> | <b>No</b> |
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| <b>(O)</b> | <b>Requirement for a hearing:</b> | <b>No</b> |
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**(P) Assessment and summary of determining issues and material considerations**

This is an application for the erection of a dwellinghouse on a site next to the property forming 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.

A previous detailed application for planning permission in principle was submitted for the same site (our ref: 19/01124/PP) however this was withdrawn by the applicant prior to formal determination. A previous application for planning permission in principle for the erection of a single dwellinghouse on the same site (our ref: 18/01539/PPP) was also withdrawn prior to determination. A supporting statement has been submitted by a planning consultant acting on behalf of the applicant which is considered in more detail in Appendix A.

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 this is 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 as a local application under the Council's agreed scheme of delegation. In this case the applicant has raised concerns regarding the way in which this, and other planning applications submitted by him, have been dealt with by the planning authority, and in respect of 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 planning application for the proposed development should be determined by Members.

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

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**(R) Reasons why planning permission should be refused**

See reasons for refusal below.

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

N/A

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

No

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**Author of Report:** Tim Williams

**Date:** 26<sup>th</sup> November 2020

**Reviewing Officer:** Sandra Davies

**Date:** 26<sup>th</sup> November 2020

**Fergus Murray**  
**Head of Development and Economic Growth**

## REASONS FOR REFUSAL RELATIVE TO APPLICATION 20/01688/PP

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.

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/01688/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

Detailed planning permission is sought for the erection of a dwellinghouse on a site opposite Tigh Na Mara, Arinagour, Isle of Coll.

Whilst the application site is believed to be located on unspecified croft lands of an unknown extent and boundary, the applicant has confirmed through his Agent that he is not advancing any 'crofting need' justification for the proposed development.

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.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities. Supplementary Guidance SG LDP HOU 1 states that there is a general presumption in favour of housing development within settlements unless such development has an unacceptable environmental, servicing or access impact. SG LDP HOU 1 also states that such developments are also subject to consistency with all other policies and associated supplementary guidance of the Local Development Plan. An assessment of 'environmental impact' must include an examination of the scale and form of the development and its compatibility with the surrounding area such that the proposed development 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 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 forming 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.

Therefore, whilst the proposed development site is within the extended settlement boundary, it is not considered that it represents an appropriate opportunity in terms of policy LDP 8 and Supplementary Guidance SG LDP HOU 1 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 with the proposed dwellinghouse being oriented parallel to the public road. The proposed dwellinghouse is small scale and single storey with a rectangular plan, gable ends and a pitched roof. It has a central pitched roof porch on the roadside elevation and a steep mono-pitched roof extension to the south-east elevation which faces over the loch. Materials include a natural slate roof, natural stone, vertical and horizontal Siberian larch cladding and corrugated black steel sheeting.

The proposed development has been assessed in terms of its specific potential impact upon the nearby guesthouse property Tigh Na Mara. Due to the orientation and separation distances between the two properties there is no materially detrimental impact upon the privacy and/or amenity of the occupants of the guesthouse. In this respect the development complies with the Sustainable Siting and Design Principles of the LDP.

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.

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 forming 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 Guidance has been adopted by the Council as supplementary guidance and 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 normally 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 on the landward side of the public road – 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 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. 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. 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 19<sup>th</sup> century cottages. The proposal in relation to the specific development the subject of this application is considered to be contrary to the advice contained within the Isle of Coll Landscape Capacity for New Housing Report 2006.

A settlement boundary review has been undertaken as part of the proposals for the new Local Development Plan (the proposed LDP2). It is proposed to remove this part of the extended Arinagour settlement and that it become 'countryside zone' due to its limited capacity to successfully accommodate new built development in terms of its potentially harmful landscape impact. It is understood that the Council has received 1 objection to this proposal and, therefore, this issue, like the overwhelming majority of the proposals within the proposed LDP 2, will be the subject of examination by Scottish Ministers in due course. Whilst this is a material planning consideration it is acknowledged that it may be afforded little weight at this time.

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 Guidance, 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 previously 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 with regard to water supply 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**

Part of the application site lies within the medium likelihood coastal flood risk zone and therefore consultation with SEPA and the Council's flood risk engineer has been carried out. SEPA has not raised any objections as the proposed dwellinghouse itself is located on higher ground to the western margins of the site and above the 1 in 200 year CFB level. The Council's flood risk engineer has recommended that the finished floor level be set to a minimum of 5 mAOD to take account of climate change, wave action and freeboard. The plans submitted with the application indicate a proposed finished floor level of 6.2 mAOD to be achieved through some relatively minor recontouring of the existing site; the proposed dwellinghouse being located between the 5 metre and 6 metre contours. The proposal will therefore accord with Policy LDP 10 and Supplementary Guidance SG LDP SERV 7 of the LDP.

### **G. Supporting Statement**

A planning law consultant from the Shepherd and Wedderburn law firm and engaged by the applicant has submitted a detailed supporting statement as part of this current planning application.

This statement is summarised below with direct quotes identified as such by inverted commas and with comments/corrections/redactions by the planning authority added in italics. Officers agree with much of the descriptive content of this statement and therefore this summary concerns itself mainly with matters of opinion and interpretation.

A full and unabbreviated copy of the submission in support of the application is available for review on the public planning file.

#### Supporting statement submitted with the application on 18<sup>th</sup> September 2020

- “The Proposed Development can draw support from the LDP vision and key objectives. It would provide support to the rural community of Arinagour, contributing to the growth of the local population through a sympathetically designed and appropriately sited additional family dwelling. The contribution of the Proposed Development towards achieving the key objectives of the LDP should be noted when assessing the compliance of the proposal with the detailed policies of the LDP, all of which have been informed by the overall vision of the LDP and the key challenges (understood to include the associated key objectives).”
- “The Proposed Development has been designed to use materials sourced locally as far as possible, and would involve the use of local labour. Additionally, it would contribute to the long-term regeneration of the community of Arinagour.”
- “The Proposed Development would provide an additional dwellinghouse, which would contribute to the population of Arinagour and Coll more generally. It would also contribute to supporting the services and infrastructure on the island.”
- “The Proposed Development offers efficient use of the otherwise vacant land within the Key Rural Settlement of Arinagour, which would contribute to the community by supporting the existing services and growth of the local population. On that basis, it benefits from the support of Policy LDP 8.”

*Comment: The proposed development is for a single dwellinghouse and whilst it is accepted that this would marginally support the rural community of Arinagour through a potential nominal growth in its local population and therefore support one of the key objectives of the LDP, 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.*

*Similarly, it is considered that any modest support of the island economy to be derived from the construction of a single private dwellinghouse is outweighed by the material harm to the character and quality of the local landscape and an erosion of the very qualities that make the island an attractive and unique place to live, visit and work.*

- “At the time of preparation of the LDP, the Council decided that the Site was an appropriate location for development. This is evidenced by inclusion of the Site within the Key Rural Settlement of Arinagour.”
- “It is not suggested that inclusion of the Site within the boundary of this Key Rural Settlement automatically guarantees that a development proposal in this location

would be granted planning permission. However, Policy DM 1's encouragement for sustainable forms of development within the Key Rural Settlement Boundary represents a policy presumption in favour of development of a scale which includes single dwellings."

*Comment: As clarified by the planning law consultant, the fact that the site currently forms part of the wider settlement boundary of Arinagour does not mean that it is necessarily 'an appropriate location for development'. The defined settlements are not mapped or defined on an individual site-by-site basis. Rather, they form a broad 'area of search' within which appropriate scales and forms of development may be considered acceptable provided they comply with all other relevant policies and associated supplementary guidance. In this specific case, the proposed development on this site is not considered acceptable for the reasons outlined above.*

- "The Proposed Development would positively contribute to the established character and local distinctiveness of the landscape and seascape, and the built environment. Taking account of its scale, location and design, the Proposed Development would not have a significant adverse impact on the character of the landscape."
- "It is submitted that criteria (b)(i) and (c) of Policy LDP 3 are not contravened by the Proposed Development. Criterion (b)(i) relates to protecting, conserving or where possible enhancing the established character and local distinctiveness of the landscape and seascape in terms of the location, scale, form and design of the Proposed Development. Criterion (c) relates to protecting, conserving or where possible enhancing the established character of the built environment in terms of the location, scale, form and design of the Proposed Development."

*Comment: The applicant (in this case, through his planning law advisor) is entitled to arrive at this conclusion. This is largely a subjective matter, but one which is fundamentally disagreed with by officers in their assessment of this specific planning application. Officers advise that, in their professional opinion, the development proposed would have a materially harmful impact on the character and local distinctiveness of the landscape and would be detrimental to the existing pattern of built development. It is submitted that the proposed development would not conserve or enhance the established character and local distinctiveness of the area and is therefore contrary to the provisions of the Local Development Plan as outlined above.*

- "The Proposed Development is sited sympathetically in terms of the surrounding topography, being set back from B8070 on lower ground towards the coast line. ... It would complement the existing larger property known as Tigh Na Mara, and in doing so reinforce the perception that one approaching from the south is entering Arinagour. It would complete the rural settlement edge bounded by the sea on the eastern side of the Site. Additionally, it would complement the distinctive edge of the existing village formed of the existing properties on the western side of B8070."
- "The Proposed Development would positively contribute to the established character and local distinctiveness of the landscape and seascape, and the built environment. Taking account of its scale, location and design, the Proposed Development would not have a significant adverse impact on the character of the landscape."
- "[The assessment and conclusions within the published report of handling for the previous withdrawn planning application do] not appropriately recognise the

positive contribution of a new dwellinghouse on the Site to the sense of arrival at Arinagour. The existing large property forming Tigh Na Mara is broadly aligned with the semi-detached residential properties on the western side of B8070 viewed travelling north from the ferry terminal. The proposed development together with the existing larger structures on the western side of the road and the existing building associated with the Mid Pier would effectively create a visual “gate” of built development viewed by visitors travelling from the ferry terminal and a sense of place.”

*Comment: Again, this is a matter of opinion. Officers contend that 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. Officers assert that, in their considered opinion, 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 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). It is considered that the argument that the proposed development would create a ‘visual gate’ of development and that this would enhance a sense of place is, respectfully, without substantive merit in the context of the site and the characteristics of the wider landscape.*

- “[It is considered that] the Argyll and Bute Landscape Wind Energy Capacity Study adopted by the Council’s Planning Protective Services and Licensing Committee on 20 September 2017 ... which has been considered for in the context of landscape-related issues [should be a material planning consideration of relevance] in the context of the current Application.”
- “While the Energy Capacity Study was undertaken for a different purpose and is not directly related to housing, it provides a recent review of the overall landscape character of Coll. The Energy Capacity Study identifies the area surrounding Arinagour as part of the Small Island Marginal Farmland Mosaic landscape character type (16a). It is recognised that this landscape character type occurs in Coll where it forms settled and farmed valleys and some flatter areas of ground close to the coast. The landscape features a characteristically scattered settlement pattern of small crofts and houses. These are usually located on drier slopes between rocky outcrops above more productive pastures. It is also recognised that the landscape is characterised by generally small cottages, crofts and farms. This description provides a more holistic approach to assessment of landscape, and

highlights that small cottages (such as the Proposed Development) contribute to the landscape of the area.”

*Comment: The Energy Capacity Study is not considered to be a material planning consideration in the assessment of the current planning application. It is used to assess developments of an entirely different character to that currently proposed (i.e. wind turbine development). Whilst it is acknowledged that its landscape assessment was produced more recently than that of the Coll Landscape Capacity Study, officers can find no fundamental contradictions within the conclusions of both. Nowhere in the Energy Capacity Study does it state that a wind turbine development upon the exposed and undeveloped coastal site the subject of the current application would likely be considered appropriate or acceptable in terms of its landscape impact. The Energy Capacity Study actually specifies the more intricate, smaller scale coastal edge within the ‘Small Island Rocky Moorland’ landscape character type as an area of ‘key constraint’. In addition, it is accepted that small cottages may well contribute to the landscape of the area. However, this does not mean that small cottages should dominate the landscape to the material detriment of its landscape qualities, character and local distinctiveness.*

- “[The Coll Landscape Study includes the application site within a specific area of largely undeveloped coastal margins and describes it] as follows: “*Development along this coastal edge would intrude on views and affect the setting of the distinctive row of 19th century cottages.*” It is important to note that the description applying to [the defined area] does not recommend avoidance of development (as is the case with some of the other areas of constraint). Rather, the Coll Landscape Capacity Study (2006) comments on the potential intrusion of the setting of the existing 19th century cottages. To put it another way, it is highlighting that any development within the [specifically defined area] will have to be sympathetic to the setting of the cottages. It is not on any interpretation, advocating a prohibition on any form of development. It is submitted that the potential intrusion could be managed through appropriate design and siting of development in the Purple Area, ensuring that the resulting magnitude of change does not lead to effects that are unacceptable.”

*Comment: The Coll Landscape Study is not prescriptive; it is a guide to new housing development and suggests both opportunities and constraints for such development based on landscape impact. It was independently produced by a qualified landscape architect and, whilst it is a material consideration in the assessment of this planning application, it has not prescribed the recommendation that this development be refused to any overwhelming extent. The findings of the Landscape Study happen to align with officers own assessment of the development and not the other way round. Even without the Landscape Study, the recommendation would be fundamentally the same and for the substantive reasons expressed above.*

*Notwithstanding that, however, the area of land including the current application site and its description as highlighted above falls beneath the sub-heading ‘Constraints’. It is noted that this important heading has, for whatever reason, been cropped from the extract of the document reproduced by the applicant’s consultant.*

The above represents a summary of the issues raised. Full details of the submission are available on the Council’s Public Access System by clicking on the following link <https://portal360.argyll-bute.gov.uk/civica/Resource/Civica/Handler.ashx/Doc/pagestream?cd=inline&pdf=true&docno=22318069>