

Public Document Pack

Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD

8 November 2022

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **JURA VILLAGE HALL, CRAIGHOUSE, ISLE OF JURA** on **TUESDAY, 15 NOVEMBER 2022** at **11:15 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **ARDFIN ESTATE LTD: ERECTION OF BUILDINGS TO FACILITATE RESIDENTIAL STAFF ACCOMMODATION WITH ASSOCIATED ACCESS AND PARKING ARRANGEMENTS: LAND NORTH EAST OF COASTGUARD STATION, CRAIGHOUSE, ISLE OF JURA (REF: 21/02141/PP) (Pages 3 - 42)**

Report by Head of Development and Economic Growth

Planning, Protective Services and Licensing Committee

Councillor John Armour	Councillor Jan Brown
Councillor Audrey Forrest	Councillor Kieron Green (Chair)
Councillor Amanda Hampsey (Vice-Chair)	
Councillor Daniel Hampsey	Councillor Graham Hardie
Councillor Fiona Howard	Councillor Willie Hume
Councillor Mark Irvine	Councillor Andrew Kain
Councillor Paul Donald Kennedy	Councillor Liz McCabe
Councillor Luna Martin	Councillor Peter Wallace

Contact: Fiona McCallum

Tel. No. 01546 604392

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**Argyll and Bute Council
Development and Economic Growth**

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: 21/02141/PP

Planning Hierarchy: Local Application

Applicant: Ardfin Estate Ltd

Proposal: Erection of buildings to facilitate residential staff accommodation with associated access and parking arrangements

Site Address: Land North East Of Coastguard Station Craighouse Isle Of Jura Argyll And Bute.

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

Since the publication of the officer's report additional late representations have been received from the following parties:

Local Members for Ward 2:

Cllr Robin Currie (23.09.2022) – Neutral representation advising that he was supportive of a hearing prior to determination, and stating that any hearing should be held on Jura.

Cllr Dougie McFadzean (27.09.2022) – Representation raising concern on behalf of residents of Jura as follows:

"I respectfully request this written submission be considered by the Planning, Protective Services and Licensing Committee (PPSL) meeting on Wednesday 28th September 2022.

I feel compelled to submit this note after speaking with many Jura residents face to face, conversing with others in writing and receiving copies of emails sent to planning officers and elected members alike. I represent Ward 2, Kintyre and the Islands, and note there are no councillors from this ward on the PPSL Committee and would strongly suspect that few or none of the elected members on the PPSL Committee have set foot on Jura. I therefore have a unique perspective on this application and, in my opinion, the harm that will be caused to this fragile, yet sustainably growing community.

*I have spoken with approximately 45 Jura residents on this issue, this representing about 20% of the population of the island and not one person was in support of the proposed development. If extrapolated to the population of Glasgow City, that would represent **123, 000 people**. All with a negative view of the development. Bringing that to a more local perspective that would equate to **1700** Oban residents objecting to this proposal. Jura only has 230 residents, or thereabouts, so small numbers cannot be taken in isolation.*

*Further, I am very aware of the fragility of the island's infrastructure, as are the residents. The Jura Ferry is owned and operated by Argyll and Bute Council, This service has been under significant strain for several years now, with a very old and small vessel which needs replaced. There have been severe difficulties and service disruption for about 5 months now because of crew shortages, much to the anger of Jura residents. I doubt very much the service could cope with additional construction traffic relating to this proposed development or indeed a sudden population increase of around 40 people, representing a sudden and transient increase of 17%, **which would equate to a sudden increase in Glasgow's population of around 104,000!** What is being asked of Jura, in my opinion, and that of the residents I've spoken with, is simply not realistic and will cause a negative impact on Craighouse village and the wider island.*

*I sit on the national Carbon Neutral Islay steering group, which aims to have the industrialised island of Islay carbon zero by 2040, and is being used as a learning project to guide national policy going forward. Jura is one quarter of a mile from Islay and our communities are intrinsically linked, and have been for thousands of years. While we endeavour to reduce greenhouse gas output, this proposal will result in the exact opposite. A population increase of around 40, all requiring to commute approximately 4 miles to get to their work, each way, will result in approximately **14,000 KG** of extra CO2 being put into our atmosphere, never mind the other greenhouse gases. The calculation behind this takes the best case scenario with car sharing in small economical vehicles, use of bikes and buses and only two shifts per day. If the accommodation was built on Ardfin Estate, near to the work place, there would be no commuting and little, or no, additional greenhouse gases polluting our atmosphere.*

Traditionally staff working for an estate in Scotland have been housed on estate land. Houses have been supplied to estate workers for hundreds of years and this has formed a part of Scottish culture. It make sense to have your workers close to hand so that they are not inconvenienced and that they are to hand should they be needed. The planned development flies in the face of this and the actual buildings are not planned to be self-sustained homes, but communal, hostel type accommodation which does not currently exist on Jura.

I also note that the residents of the newly occupied Otter Brae social housing development have not been consulted. I visited this site two days ago (Sunday 25th) and noted that the layout of the houses will result in considerable additional through traffic, using the beautifully laid mono block surface. Also, two houses in particular will have vehicle headlights shining directly into their homes.

Concerns have been raised with me regarding additional drug use on Jura, in part due to an increase in transient population employed at Ardfin estate, and other employers. The public expectation is that drug use, alcohol consumption and associated anti-social behaviour will increase in the village of Craighouse should these plans be approved. There is no police office on Jura. There is no police vehicle on Jura. There is one Special Constable living on Jura who would not be in a position to deal with increased levels of anti-social behaviour, resulting in officers having to come over from Islay, where there are only five. The fear is a poorer quality of life for Jura residents. I am a retired police officer and would tend to agree with this sentiment.

Health care on Jura is very limited, with no ambulance and only one FTE General Practitioner.

I also note that additional written representation has been submitted in the last day or so, signed by 23 Jura residents, reinforcing their objections and position regarding this development. These residents, some of whom I have spoken with, are not politically motivated, are not used to dealing with planning issues and are not 'trouble makers', but truly want what's

best for Jura. They want sustainable growth and additional opportunities. They want to help. They want to work towards making Jura all that it can be, but what they do not want is for the only village (Craighouse) and for their island to be damaged.

In summary, I ask that;

- *The community of Jura is listened to and involved in any decision making, as per The Islands (Scotland) Act 2018*
- *A public meeting is held on Jura with key decision makers*
- *An island Community Impact Assessment is carried out*
- *The unique needs of the islanders of Jura and sympathetically considered and not ignored*
- *The very fragile infrastructure on Jura is carefully considered*
- *The emails, letters and other representations from Jura are truly considered and committee members gain a true understanding of the potential impact of this development*
- *The committee members visit Jura, visit the proposed development site and get a feel for this unique island*
- *No final planning decision is taken at the meeting on 28th September 2022 to allow all of the above to happen*

I thank you for taking the time to consider this submission.”

Officer Comment:

The points raised regarding ferry capacity; the choice of site with regard to available alternatives; the population increase in the settlement and its effect on existing service provision; and the loss of amenity to the existing residents and the new houses have all been considered in comments in the Report Of Handling and in the relevant sections of the report and its appendices. The increase in CO2 and other greenhouse gasses is accepted and noted.

Third Party Representation:

One additional letter from a third party as follows:

A petition from **Louise Muir (28.09.2022)** which is submitted with 21 signatories, all bar two of whom have already made individual written representations that are recorded in the main report of handling.

“We write to you as a group of Jura community members who object to the erection of buildings to facilitate residential staff accommodation with associated access and parking arrangements at the land North East Of Coastguard Station, Craighouse Isle Of Jura, Argyll And Bute. Application Number: 21/02141/PP.

We believe that the development is contrary to local and national planning policies and will have serious detrimental impacts to the Jura community, its services and infrastructure. There must be a recognition that growth and development must have the support of local people if communities are to be truly sustainable.

In light of our material objections outlined below we respectfully request that you reject this proposal at the Planning, Protective Services and Licensing Committee on the 28th of September and if this is not possible then we would like a discretionary pre-determination

hearing to take place on the Isle of Jura, where members of the Jura community can safely, openly and transparently raise their concerns.

The planning application is contrary to:

- *LDPS STRAT 1 – Proposal does not support local communities and would place already strained services and infrastructure under more pressure.*
- *SG LDP BUS 1 – Proposal does not deliver sustainable economic growth, it is not a medium sized development in context of Jura and will erode the residential character of the area and adversely affect local residents.*
- *SG LDP BAD 1 – The volume of people and traffic, associated noise and light will negatively impact on the amenity of nearby affordable housing.*
- *LPD 9 – The proposal with 40 people in this type accommodation would be considered as high density and would overshadow surrounding affordable housing.*
- *SG LDP ENV 12 – The development site is on a high area of ground visible from coastal areas of Jura, negatively impacting the qualities of the NSA.*
- *LPD 11, SG LDP TRAN 4 and SG LDP TRAN 6 – The proposal does not detail an ambition to create a safe foot path from the site into the centre of the village.*
- *LDP 10 and SG LDP SERV 1 – the proposal is not acceptable under these policies as the development seeks to connect to an already at capacity foul water tail which discharges into a water course within a SSSI.*
- *LPD 10 – The proposal will have a negative impact on emissions and climate change targets in respect of unnecessary construction and creating unnecessary travel patterns through the remote location of this facility from the actual location of staff employment.*
- *SG LDP BUS 5 – The application fails in respect of conditions i),iii), iv), v), vi) and viii) of this planning policy and does not fulfil stipulations related to Economic Fragile Areas.*

Taking all of the above into account, this application is neither appropriate, necessary, nor sustainable. The proposal would be better located adjacent to the principal location of staff employment at Jura House and the land in question, if it is to come forward for development at some point in the future, would be more appropriate for additional affordable housing in line with the Jura Community Action Plan 2018-2023. Many thanks in advance for your consideration of the Jura residents views on this proposal.”

Officer Comment:

The policies listed above have been considered within the Report of Handling and commentary regarding the proposal in relation to the LDP policies has been provided. Policy SG LDP SERV 1 has not been considered as the proposed foul drainage requires the agreement of Scottish Water before any development may be considered.

2.0 Officer Comment

These late objections do not raise any new planning issues which are not already addressed in the Main Officer Report **and the Informatives attached**. The number of objections received stands at 24 and one petition at time of writing, in addition to two representations from Local Members for Ward 2.

3.0 RECOMMENDATION

The objections made in these late submissions have been raised by other objectors and do not alter the recommendation contained in the main Report of Handling.

Author of Report: Derek Wilson

Date: 27.09.2022

Reviewing Officer: Peter Bain

Date: 27.09.2022

Fergus Murray
Head of Development and Economic Growth

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Delegated 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: 21/02141/PP
Planning Hierarchy: Local
Applicant: Ardfin Estate Ltd
Proposal: Erection of buildings to facilitate residential staff accommodation with associated access and parking arrangements
Site Address: Land North East Of Coastguard Station Craighouse Isle Of Jura Argyll And Bute.

DECISION ROUTE

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of staff residential blocks (class 7) and bin store to create seven double and 26 single rooms (33 units in total).
- Associated access and parking arrangements
- Associated landscaping
- Formation of remote footpath
- Erection of air source heat pump and housing

(ii) Other specified operations

- Connection to Public Water Supply
 - Connection to Public Sewer
 - Offsite road Improvements to provide road widening, an adopted footpath, and adopted street lighting on the A846,
-

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to the conditions and reasons attached. However, in light of the significant body of third party representation members are however advised that it would be appropriate to hold a discretionary pre-determination hearing prior to reaching a determination.

(C) CONSULTATIONS:

Jura Community Council replied 08.02.2022. A number of points made which will be addressed in section F and precised below:

- Prefer residential Class 9 in the interests of long term sustainable residents;
- Precedent being set for this scale and density of development and its proximity to new builds;

- The development should have a separate access;
- A lack of footway and lighting will exacerbate the existing issues;
- Issues regarding stretching existing services for example road capacity and safety. Ferry services. Shop storage, water and sewage and other utilities, healthcare and emergency services;
- Any development should be in H3031 as designated in the LDP;
- Request an extension to the deadline to enable further consultation.

Environmental Health replied 25.01.2022. Working hours information will be attached as a condition. Advice provide on licencing of HMOs which would not be applicable to the proposed Class 7 use.

Health And Safety General replied 14.01.2022. The site does not lie within the zone of a major hazard.

Flood Risk Assessor replied 04.02.2022. No objection with condition attached.

Scottish Water replied 17.01.2022. No waste water infrastructure though connection to Craighouse public water supply is possible.

Area Roads replied 03.02.2022, 06.09.22 and 14.09.22.

Area Roads liaised with the applicants agents to reach an agreed solution which require conditional acceptance. No objection with conditions attached.

Nature Scot replied 24.03.2022 that there will be no likely significant effect on the qualifying interests of Craighouse Ravine, Jura SSSI. A woodland condition to be applied.

(D) HISTORY:

None of the applicant's recent proposals are for this site.

21/01565/PREAPP was supplied outlining the main policies and consultations and an appraisal of a proposal within the NSA and close to the nature sites with regard to current and developing policy.

(E) PUBLICITY:

Regulation 20 advert expired 17.02.2022

Neighbour notification expired 08.02.2022

(F) REPRESENTATIONS:

(i) Representations received from:

Objections from 24 individuals and the Isle of Jura Community Council:

Gwen Boardman 4 Burnside Craighouse Isle Of Jura PA60 7XP 07.02.2022

Deborah Bryce Knockrome Isle Of Jura PA60 7XZ 08.02.2022

Pi Davidson Arturas Knockrome Isle Of Jura PA60 7XZ 11.02.2022

Mrs Alison Fleming 1 Burnside Craighouse Isle Of Jura 09.02.2022

K Gow Ard Craig Isle Fo Jura PA60 7XR 09.02.2022

Sheena Gow Ard Craig, Craighouse Isle Of Jura PA60 7XR 07.02.2022

Ms Elizabeth Harrington 5 Croft Park Craighouse Isle Of Jura 11.02.2022

Mrs Harriet Horne Ruantallian Tarbert Isle Of Jura Isle Of Jura 08.02.2022

Natalia Jejer Carraig Craighouse Isle Of Jura PA60 7XG 18.02.2022

Christine McCourt London N4 3AB 08.02.2022

Dr Lesley Morrison Tigh-an-fhigheadair Keils Jura PA60 7XG 08.02.2022

Louise Muir Gealach Lan Ballard Craighouse Isle Of Jura 01.02.2022

John G F Perring Knockrome Old School Isle Of Jura PA60 7XZ 08.02.2022
Mr Jonathan Pye Ardfarnal Craighouse Isle Of Jura 08.02.2022
Mrs Roxanna Robb Bishop's Well Craighouse Isle Of 07.02.2022

Mr Sam Robb Bishops Well Kiels Jura PA60 7XP 07.02.2022
Craig Rozga Goirtean Dubh Croft Knockrome Isle Of Jura PA60 7XZ 08.02.2022
Denise Rozga Goirtean Dubh Croft Knockrome Isle Of Jura PA60 7XZ 08.02.2022
Ms Moira Stirling 10 Burnside Craighouse Isle Of Jura 13.02.2022
Mr Andrew Welch 1 Ardfin Cottages Craighouse Isle Of Jura
Mrs Louise Welch 1 Ardfin Cottages Craighouse Isle Of Jura 07.02.2022

Iain Macdonald No Address Provided 04.02.2022
Yvonne Macdonald No Address Provided 07.02.2022
Gordon Muir No Address Provided 01.02.2022

The summary of objection are detailed below.

Reasons for representations received and the responses where relevant.

Proposal is contrary to LDP STRAT 1 as the 20% increase in population this represents is not sustainable on an island with a low population and limited infrastructure.

Due to the increase in population this should have been a major application.

Comment- This is not a householder application within the terms of the Scottish Planning systems Hierarchy of Development and does not reach the criteria of a major application. LDP STRAT 1 (a and c) are intended to support local communities and maximize the use of local infrastructure and services creating opportunities for further improvement. An increase in population is not deemed to be contrary to policy.

The proposal is contrary to LDP 5, 8, 9, 10 and 11 and their supplementary guidance especially regarding affordable housing and business location and transport provision.

Comment- The policy provisions noted will be addressed in the relevant sections of Appendix A.

The proposal is an overdevelopment of the site.

The density proposed in the cul de sac is inconsistent with that of the population nodes on the island.

Comment- The site represents a habitable ground area of around 1.5 hectares and the proposal is for 33 units holding a maximum population of 40 gives a maximum density of around 27 people per hectare. This is a common level within settlements not just in Argyll and Bute but nation wide.

The proposal made before neighbouring properties are occupied raises the question of the legality of the Neighbour Notification .

A consultation with the communities should have been made.

The timing of the submission may have been to minimise representations over the Xmas period and so avoid reasonable scrutiny.

Comment- It is regrettable that there are no householders to notify on the developing plots. The timing of notification and publicity is relative to the time of

submission/validation, it is noted that the Council currently accepts late representations and as such there has been no prejudice to the ability of interested parties to participate in the planning process arising from the Christmas holiday period. In this case officers intend to recommend to the council's Planning Committee that this application is taken forward to a Hearing. The decision whether to hold a Hearing will be the solely that of the committee.

No other sites are shown as being examined from the accompanying supporting statements.

In a climate emergency, this facility should be located closer to the intended workplace to minimise new journeys.

The estate own unused buildings on the island which should have been addressed in the design/access statement outlining why these have not been considered.

Comment - Under policy LDP DM1 (b) for Key Rural Settlements encouragement is given for sustainable development on appropriate sites. Sites within the settlement boundary are deemed to be appropriate for most forms of accommodations proposals.

Does not support exiting communities and maximise the use of existing infrastructure and services.

Does not look to strengthen communities or link with existing services and organisations but may have an adverse impact on them. Community council, local development trust, school, NHS, etc. do not appear to have been consulted pre app.

An influx of younger residents may require specialist medical provision not currently available on the island.

Are police services adequate to deal with the alteration to the island's demographics.

The sustainable employment case has not been made with no evidence to show any future permanence of the roles or those who will fill them.

The island relies on permanent residents volunteering to provide services. The itinerant nature of the proposals workforce may mean stretching services without a commitment to volunteer their own services.

Comment- These concerns have all been noted and in most cases are not material to the planning process. There increase of the working population may be looked on as a drain or stretching of services, or the benefits of an active workforce with disposable income which may support existing services.

This proposal may hamper the development of social housing within the settlement boundary in future unless the design is adaptable for repurposing.

As per Community Action Plan new housing should be affordable and for permanent residents.

The Class 7 use is not appropriate with the CAP.

There is no downstream housing provision for any workers to settle on the island.

Temporary residents are unlikely to invest in the island and its sustainable future.

Comment- Although a useful guidance document the Community Action Plan (CAP) is not a material consideration with regard to this proposal. The update in 2022 includes proposed actions regarding:

- *Road conditions/passing places*
- *Transport services in general*
- *Health and care services including dentistry*

There is a further site within the settlement being brought forward for consideration for affordable housing. Policy regarding Class 7 use is tested against policy in Appendix A Section A.

The roads infrastructure is currently inadequate as agreed by the councils roads department.

The proposal intrinsically encourages motor vehicle use between Craighouse and the Ardfin estate.

The road is inadequate for current levels of use and requires upgrading as part of this application.

The level of car parking provision is too high and will result in traffic flows at unusual times with their attendant noise and light pollution.

The footways, cycling and wheeling provision at the site and to and from Craighouse and the estate are inadequate for this level of development.

All hours vehicle movements represent a danger to new neighbours their children and pets.

Comment- The council's roads department have conditioned their approval on formation of a footpath from the shared entrance to 1 Woodside and to include streetlighting. The parking, including accessible is in line with government guidelines. The estate has indicated that a mini bus will be provided and the shift pattern is unlikely to create a mini rush hour. It is noted in the report that loss of amenity due to vehicle noise/light has been considered.

The proposal does not maximise sustainable design with regards to waste and minimising the carbon footprint.

The water supply is inadequate to cater for this proposed level of occupation and indeed the island has already experienced recent drought at current population levels.

Comment- Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and the correct procedures must be followed to gain approval for connection.

The potential for noise and loss of amenity to the new housing with what is a university halls like development must be addressed. Similarly the limited public social buildings in Craighouse.

Comment- These aspects are examined in Appendix A.

The proposal should have been made for allocated housing sites or on existing vacant and derelict land.

PDA (H3031) is for local housing not for seasonal business use.

The plan shows a staged development which means that initial accommodation can be directed to existing empty houses.

Comment- The policy constraints are examined in Appendix A Section A and it has been found that although alternative sites may exist, this proposal is supported by policy with regard to development within the settlement.

The adjoining SSSI may be compromised by the consequences of this use of the land.

The landscape character and biodiversity of the area will be irreparably damaged.

The proposal will impact views from and over the NSA and Wild Land.
 There is potential of pollution of the water course.
 The proposed use and the design on the main approach to Craighouse is detrimental to the setting and character of the village and the island in general.

Comment– These aspects will be examined with regard to policy in Appendix A.

The economic benefit to the proposer should not outweigh the detrimental impact to the communities.

Comment- Noted

Does not maximise the opportunity for local community benefit.

Comment– Noted

Current infrastructure challenges on the island are not addressed with regard to exacerbating the situation by this proposal.

Comment- Noted

The ferry capacity may not be sufficient for the increased traffic this will create.

Comment- Noted.

There is an ongoing issue with hidden homelessness on the island which this proposal may exacerbate.

Comment= Noted

A section 75 order for the estate to contribute to the viability of the island bus service should be considered.

Comment- Noted

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|--------------|---|-----|
| (i) | EIAR: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement:
Descriptions of the brief, the design and landscaping, roads, parking and access, refuse and recycling, sustainability and drainage. | Yes |
| (iv) | A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:
Sustainability Statement covering Energy and CO2 Emissions, Water, Pollution, Health and Wellbeing and Drainage. | Yes |

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

(I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No

(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' Adopted March 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 Environments
LDP 5 – Supporting The Sustainable Growth Of Our Economy
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 to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

Natural Environment

SG LDP ENV 1 - Development Impact on Habitats, Species and our Biodiversity
SG LDP ENV 2 - Development Impact on European Sites
SG LDP ENV 4 - Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
SG LDP ENV 6 - Development Impact on Trees / Woodland
SG LDP ENV 7 - Water Quality and the Environment

Landscape and Design

SG LDP ENV 12 - Development Impact on National Scenic Areas (NSAs)
SG LDP ENV 14 – Landscape

Support For Business and Industry General

SG LDP BUS 1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas
SG LDP BUS 5 - Economically Fragile Areas

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Bad Neighbour Development

SG LDP BAD 1 – Bad Neighbour Development

Resources and Consumption

SG LDP SERV 5(b) - Provision of Waste Storage and Collection Facilities within New Development

Planning Gain

SG LDP PG 1 – Planning Gain

Transport Including Core Paths)

SG LDP TRAN 3 - Special Needs Access Provision

SG LDP TRAN 4 - New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 - Vehicle Parking Provision

(ii) 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.

- Scottish Planning Policy
- Argyll and Bute Economic Development Action Plan
- Consultee comments
- Isle of Jura Community Council and Community Action Plan
- Representations
- Landscape Capacity Study For Housing Island of Jura (Nov 2007)

Argyll and Bute proposed Local Development Plan 2 (November 2019) – The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:

- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 36 – New Private Accesses
- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 38 – Construction Standards for Public Roads
- Policy 39 – Construction Standards for Private Access
- Policy 40 – Vehicle Parking Provision
- Policy 63 – Waste Related Development and Waste Management
- Policy 78 – Woodland Removal

(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: Yes

The proposal has been subject to concerns raised by Jura Community Council and objections raised by 24 individuals; it is further noted that the timing of submission

has preclude direct neighbour notification of adjacent properties within a West Highland Housing Association scheme that will be directly impacted by the proposed development as it will share the means of vehicular access. As these properties had not yet been completed and occupied at the time the application was validated it was not possible for the planning authority to directly neighbour notify occupants and invite their direct participation in the planning process although the wider population will have been informed of the proposal through advertisement in the local press.

The letters of objection received from 24 individuals raise issues with the suitability of the site for the scale and nature of development proposed, the potential impact that the development may have upon the residential amenity of the new housing development being constructed, and its implications for road safety. Whilst it is the consideration of officers that the proposal is consistent with the LDP and that the various matters of concerns can be satisfactorily addressed by mitigation measures it is noted that officers recommendation to grant planning permission sits against a not-insubstantial volume of public opposition (when considered within the context of the overall population of Jura), and in the absence of any formally stated public support for the proposal from third parties.

In light of significant local opposition to the development it is considered that a pre-determination hearing would in this instance add value to the decision making process.

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

The application seeks detailed planning permission for the erection of staff accommodation that would be occupied by employees of Ardfin Estate. The proposal would provide accommodation that is suitable for longer term occupation by employees currently living in temporary accommodation on the island and in doing so support employment and growth of tourism related employment on the island.

The proposed staff accommodation will fall under Use Class 7. The proposed development is comprised of four distinct blocks arranged in a loose courtyard and sited to the north-east of a newly built affordable housing development with which it will share access to the A846 public road.

The proposal is considered to be a 'large' scale commercial development and exceeds the scale of development normally supported by policies LDP DM 1, LDP 5SG LDP BUS within the key settlement of Craighouse. It has however been identified that the proposal is intended to support tourism employment which is key to the island and identified as a key employment area for Argyll and Bute in the Council's Economic Development Action Plan. The proposal accordingly may be supported under the provisions of SG LDP BUS 5 which affords flexibility to scales of development within areas identified as being 'economically fragile' in the LDP.

The proposal has been subject to an expression of concern from Jura Community Council and objection from 24 individual third parties.

No objections to the proposal from consultees in relation to its access or infrastructure requirements and it is also observed that the proposals include for provisions that will provide road improvements including streetlighting and a footway that will benefit the wider public.

The site is located within the Jura National Scenic Area and in proximity to the Craighouse Ravines SSSI, however Nature Scotland have not raised objection in either respect.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The proposal is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to s25 of the Act.

(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: Derek Wilson **Date:** 31.08.2022

Reviewing Officer: Peter Bain **Date:** 14.09.2022

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/02141/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 18.10.2021, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	DS148:(LP) 001 Rev D		15.06.2022
Proposed Site Plan	DS148:(SP) 002 Rev D		15.06.2022
Supplementary Location Plan (1:10,000)	DS148:(LP) 002 Rev A		16.12.2021
Site Section as Proposed	DS148:(PA) 004		11.10.2021
Elevations and Sections as Proposed - Block 1	DS148 (PA)005		11.10.2021
Elevations and Sections as Proposed - Block 3	DS148 (PA)007		11.10.2021
Elevations and Sections as Proposed - Block 4	DS148 (PA)008		11.10.2021
Elevations as Proposed - Block 2	DS148 (PA)006		11.10.2021
Proposed Roof Plan	DS148 (PA)003 Rev B		15.06.2022
Proposed Ground Floor Plan	DS148 (PA)001 Rev B		15.06.2022
Room Type Layout Plans as Proposed	DS148 (RL)001		11.10.2021
Proposed Floor and Elevation Plans - Bin Store	DS148 (PA)012		15.11.2021
Proposed First Floor Plan	DS148 (PA)002 Rev B		15.06.2022
Swept path 1	7096 41 Rev B		15.06.2022
A864 upgrading 1 of 2	7096 51C A1		10.08.2022
A864 upgrading 2 of 2	7096 52C A1.		10.08.2022
Adoptable street lighting	22035 LTG 001		23.05.2022

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. The land and premises to which this permission relates shall only be used solely for accommodation of persons employed by Ardfin Estate and their immediate family members and for no other use including any other purpose in Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the General Permitted Development Order 1992 (as amended).

Reason: To enable the Planning Authority to control any subsequent change of use which might otherwise benefit from deemed permission in order to protect the amenity of the locale.

3. Notwithstanding the provisions of Condition 1, the development hereby approved shall not be first occupied prior to completion of works to widen the carriageway of the A846 to accommodate a new 2.00m wide footway and associated drainage between the dwelling known as 1 Woodside and the new development road, as per the applicant's updated plans reference 7096-51 Rev C and 7096-52 Rev C.

Reason: In the interests of road safety

4. Notwithstanding the provisions of Condition 1, no development shall commence until details for the provision of adoptable standard street lighting between the dwelling known as 1 Woodside and the development site have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Thereafter the adoptable standard streetlighting shall be installed in accordance with the duly approved details prior to the first occupation of the

Reason: In the interests of road safety

5. Notwithstanding the provisions of Condition 1, no development shall commence until details for the provision of traffic calming measures at the junction of the private estate road and the prospectively adoptable residential service road connecting the development to the A846 have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Thereafter the traffic calming measures shall be installed in accordance with the duly approved details prior to the development being first occupied, and shall be retained thereafter.

Reason: In the interest of road safety.

6. Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development and its access have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority.

All surface water drainage systems to be designed according to CIRA C753 and Sewers for Scotland 4th Edition and discharge of surface water from the site should be attenuated to the greenfield run-off rate.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

7. The parking and turning area, including a turning head for a commercial vehicle, shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

8. No development shall commence until, a Traffic Management Plan has been submitted for the written approval of the Planning Authority in consultation with the Roads Authority. The Plan shall detail approved access routes, agreed operational practices (including avoidance of convoy movements, specifying conduct in use of passing places, identification of turning areas, reporting of verge damage, safety

measures to protect users of residential service roads) and shall provide for the provision of an appropriate Code of Practice to drivers of construction and delivery vehicles. The development shall be implemented in accordance with the duly approved Traffic Management Plan.

Reason: To address abnormal traffic associated with the development in the interests of road safety.

9. Notwithstanding the provisions of condition 1, no development shall commence until details of the means of construction and route of the proposed remote footpath connecting the development to the A846 have been submitted to and approved by the Planning Authority in consultation with the Roads Authority and the Council's Access Officer. The submitted details shall show provision of a level access footpath and include details of gradient, and groundworks required for implementation. The footpath shall be implemented in accordance with the duly approved details prior to the first occupation of the development, unless an alternative timescale for completion is earlier agreed in writing with the Planning Authority.

Reason: To ensure the provision of an accessible remote footpath and in the absence of full detail being provided in relation to the implementation of this element of the development.

10. No development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:
 - i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
 - ii) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2005 "Trees in Relation to Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.

11. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority, in consultation with Nature Scotland. The scheme shall comprise a planting plan and schedule which shall include details of:
 - i) Existing and proposed ground levels in relation to an identified fixed datum;
 - ii) Existing landscaping features and vegetation to be retained;
 - iii) Location design and materials of proposed walls, fences and gates;
 - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted, new planting should be of appropriate native species.;
 - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity, and to protect the special qualities of the adjacent Craighouse Ravines SSSI from non-native species.

12. Notwithstanding Article 3 Class 14 of the of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, no storage of building materials, vehicles, plant, equipment or site accommodation shall be undertaken outwith the boundary of the application site, unless otherwise agreed in writing by the Planning Authority in consultation with Nature Scotland.

Reason: In order to protect natural heritage assets in the interest of nature conservation.

13. Given the proximity of the neighbouring residential properties to the site address, the hours of these proposed works should be restricted to 0800 – 1800 hours Monday to Friday, 0800 – 1300 hours Saturday and not at all on Sunday, Bank or Scottish Public Holidays.

Reason: To minimise the impact of noise, generated by construction activities, on occupiers of residential properties.

14. The noise level from the operation of the air source heat pump must not exceed 42dB LAeq(5 min) at one metre from the window of a habitable room on the façade of any neighbouring residential property. If, in the opinion of the local planning authority, the proposed air source heat pump results in any noise nuisance to an occupant of any neighbouring residential property, the applicant shall install noise mitigation measures agreed and approved in writing by the planning authority.

Reason: In order to safeguard neighbouring property from any potential noise nuisance in the interests of residential amenity.

15. The development hereby approved shall not be brought into use until a Waste Management Plan for the development has been submitted to and approved in writing by the Planning Authority. This shall provide details of the proposed arrangements for the storage, segregation, collection and recycling of waste arising within the site including the location, access and maintenance for on-site storage facilities. The requirements of the plan shall be implemented during the life of the development other than in the event of any revision thereof being approved in writing by the Planning Authority.

Reason: In order to accord with the principles of sustainable waste management.

16. Notwithstanding the effect of Condition 1, no development shall commence until samples of materials to be used in the construction of external walls and roofs have been submitted to and approved in writing by the Planning Authority. The development

shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

NOTE TO APPLICANT

- **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.
- Unfortunately, according to the records there is no public Scottish Water, waste water infrastructure within the vicinity of this proposed development therefore they would advise the applicant to investigate private treatment options.
- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk
- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
- Given the proximity of the neighbouring residential properties to the site address, construction works shall be restricted to 0800-1800 hours Mondays to Fridays, 0800-1300 hours on Saturdays and not at all on Sundays. Bank or Scottish Public Holidays.
- Regard should be had to Scottish Natural Heritage's consultation comments in relation to the proposed development which provide further detail in respect of species/habitats which may be affected and the developer's responsibilities and obligations under nature conservation legislation.
- Regards should be had to the council's Public Protection response. To have multiple occupants in a house in Scotland, you need a license from the local authority. If you rent a house to multiple occupants in Scotland you will need a license from your local authority if the property has three or more unrelated occupants and it is their main residence. This applies whether or not the landlord lives at the property. There are also circumstances where a license would be required where a property is let to provide

occupants with a place of principle accommodation while they undertake work or studies. More information is available, and the license can be applied for, through the Argyll and Bute Council website. The applicant can also contact Regulatory Services to discuss this matter further.

- An alternative means of foul drainage is likely to constitute a material amendment requiring a further planning application. Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.
- Disruption of neighbouring amenity arising as a result of traffic movements with regards to light or noise should be monitored and advised to the councils public protection service as required.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/02141/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Policy Overview:

The proposal relates to an irregularly shaped 1.87ha site which is located within the defined 'settlement area' of the Key Rural Settlement of Craighouse as defined by the Argyll and Bute Local Development Plan 2015. Policy LDP DM 1 provides general support for up to and including 'medium' scale development subject to compliance with all other relevant policies in the LDP.

The proposal seeks detailed planning permission for the development of staff accommodation for Ardfin Estate. The accommodation will comprise of 26 single bed apartments and 7 double bedroom apartments (33 apartments in total with a maximum occupancy of 40 persons) across four blocks. Each apartment will contain its own sleeping, cooking and bathroom facilities but will share communal recreational facilities and spaces which will include an assembly area and breakout spaces. The proposed development is considered to fall within the provisions of Use Class 7 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 and its use as a staff village for Ardfin Estate would operate in a manner similar to hostel accommodation. The proposal accordingly requires to be assessed against the provisions of policy SG LDP BUS 1 and SG LDP BUS 5 with regards to the scale being large rather than medium.

The provisions of policy LDP 5 sets out that the Council will support the development of new industry and business which helps deliver sustainable economic growth. The supporting detail to policy LDP 5 identifies Jura as being both an 'Economically Fragile Area' and a 'Tourism Development Area'.

SG LDP BUS 1 seeks to support business and industry development (Use Classes 4, 5, 6 and 7) of up to 'medium' scale on appropriate sites within the 'settlement area' of Craighouse. SG LDP BUS 1 sets out the following requirements:

- A) *Development is of a form, location and scale consistent with policy LDP DM 1;*
- B) *Greenfield sites are avoided if brownfield land is available in close proximity;*
- C) *In residential locations the proposed development would not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise fumes or hours of operation;*
- D) *The proposal is consistent with any other relevant Local Development Plan policy and associated SG;*
- E) *Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full;*
- F) *The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area.*

Schedule B1 appended to SG LDP BUS 1 sets out the scales of development. 'Medium' scale development is defined as 'buildings between 200sqm and 600sqm footprint, gross site area between 0.5ha and 2ha'. The provisions of Schedule B1 also note that within 'Economically Fragile Areas' consideration will be given to variation of permitted scales of development in line with policy SG LDP BUS 5.

In operation however, SG LDP BUS 5 effectively overrides the settlement strategy considerations built into SG LDP BUS 1 as it sets out that in the Economically Fragile Areas that consideration will be given to variation of permitted scales of development where:

- i) It has been demonstrated that no suitable preferred location is available;*
- ii) The proposal is directly linked to the main potential growth sectors supported by the LDP and EDAP;*
- iii) A sustainability checklist has been completed and it has been demonstrated that any concerns that have been identified over the sustainability of the proposal can be addressed satisfactorily;*
- iv) Greenfield sites are avoided if brownfield land is available;*
- v) In residential locations the proposed development would not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise fumes or hours of operation;*
- vi) The proposal is consistent with any other relevant Local Development Plan policy and associated SG;*
- vii) Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full;*
- viii) The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area.*

The explanatory text accompanying SG LDP BUS 5 confirms that whilst the LDP sets out a settlement strategy which provides a framework for development which provides a framework to deliver sustainable development the provisions of SG LDP BUS 5 serve to provide additional flexibility for the planning system in support of LDP objectives for sustainable economic growth and to support population retention and growth.

The provisions of LDP 5 also set out support for tourism and tourism related development. Whilst the current proposal does not seek to provide tourism accommodation it has been identified in the supporting information that the proposal is intended to provide essential staff accommodation related to the local employment generating businesses at Ardfin Hotel and Golf Course. The statement further sets out that currently staff are housed in temporary accommodation on the Estate which is not considered to be a sustainable option in either the medium or longer term. The proposal is claimed to be integral to the successful operation of the existing Hotels and Golf Course businesses and the attendant increase in employment and opportunities. With the Jura Hotel in Craighouse recently acquired by the applicant, a permanent staff facility for the two main hotel sites is regarded by the proposer as essential. The option of using the Jura hotel as staff accommodation has not been deemed viable long term to the business or the local community. The existing staff are housed in temporary accommodation or 'pods' located throughout the Estate but this is neither a long - or medium - term sustainable option.

Assessment of the Proposal:

The site is wholly within the Key Rural Settlement of Craighouse/Keils and within the Jura National Scenic Area (NSA). Jura is both an Economically Fragile Area, and a Tourism Development Area which are Key Policy Themes for Growing Our Economy Together in the council's Local Development Plan (LDP). The settlement designation is not forecast to alter with regards to the provisions of the councils emerging LDP 2 (Local Development Plan). The proposed site includes an area of land presently being developed as access arrangements for ten affordable dwellinghouses (under separate approval 17/03311/PP) and affording access to the A843.

The current application relates to the provision of new staff accommodation for Ardfin Estate. The proposed development has a gross building floor area of 1111sqm within a development

site area of 1.8ha. The staff accommodation falls under Use Class 7 and accordingly having regard to Schedule B1 is a 'large' scale business and industry development. The details within the application identify that the development is necessary to replace existing temporary staff accommodation to house up to 40 members of staff during the summer season employed locally at Ardfin and Jura Hotels and Golf Course. A lower number of residents would be expected during the off season.

Whilst the proposal is not intended to directly provided improved visitor facilities it would seek to support the existing tourist related activity at Ardfin and the wider island.

The council's Economic Development Action Plan (EDAP) for this area has an ongoing commitment to investing in accommodation for workers to be trained and skilled in key sectors of the islands' economies which support tourism. Generally this is focussed on food and drink, and the opportunity to house staff to be trained in a dual sports/hospitality sector to learn new skills and to transfer skills they bring to the sector is consistent with the EDAS investment aims. The over-arching aim to invest in transport is generally aimed at high profile projects, but the required roads infrastructure improvement for this project may be seen as a benefit for the settlement overall and all visitors to the island.

The original premise for the estate development was as a private, invitee resource but has since developed into a more commercial entity. Initially it was self-contained and although figures are not readily available is unlikely to have been other than a self-contained venture offering little economic multiplier to the island economy. Currently there are 34 full-time staff, 30 of which reside on Jura and four travel from Islay each day. 9 staff have their own property and 21 are in existing Ardfin staff housing. Staff housing is usually on a shared basis with a room allocated, although there are also some senior staff in dedicated houses. The existing staff housing is spread across the island in different locations, up to nine miles away from Ardfin Hotel. Additionally around 20 seasonal staff are generally required who stay in existing staff housing on a shared basis. A high standard of accommodation is the key to retaining quality staff which the proposal is intended to address and potentially release five or six houses into the Island's general housing stock.

Similarly employment levels for servicing the golf course and accommodation are not readily available. As the business model has developed, the required staff are using temporary accommodation which is unsuitable for long term use, and not an acceptable solution in spatial planning terms. Permanent accommodation of a good standard within the settlement is seen to contribute to the stability of the accommodation provision and an economic multiplier within the community.

The application is accompanied by supporting information that advises that a location within Craighouse is desirable both to provide residents access to established services and facilities in the settlement but also to provide a degree of amenity and a residential environment through physical separation from their place of work. The supporting information and Sustainability Checklist accompanying the application identifies that other locations on the Estate were discounted for the opportunity to develop within an established 'settlement area' as defined by the LDP as opposed to a countryside location. Consideration of PDA 11/3 elsewhere in Craighouse located above the Distillery was discounted as the site lay outwith the applicant's ownership and is not available for purchase. It was identified as croft land, is identified for housing, and had potential safeguarding issues. Officers are unaware of any other suitable areas either within an allocation, the wider 'settlement area' or 'brownfield' locations on Jura which would be suitable for a development of this scale or which should be considered a sequentially preferable location for the development. The development is intended to meet a location requirement for staff accommodation in South Jura and it would not be appropriate to extend consideration of alternative locations.

The development is located within a 'residential location' and the effect of the development upon the amenity of the locale, including existing residential property is subject to detailed assessment in Section B below.

The development is located within the Jura National Scenic Area. The impact of the design, scale and siting of the development upon the receiving landscape is considered in detail in Section F below.

The proposed development is located within the Craighouse 'settlement area'; the proposal would be accessible by public transport links and makes provision for improved pedestrian access into the settlement which will also be of benefit to the residents of adjacent housing development and other road users. The Estate recognises the benefit of providing a shuttle bus from the proposed site to minimise private car journeys. The central location of the new staff facility makes this possible and feasible which has the added benefit of reducing travel by car. A detailed assessment of access and infrastructure requirements is set out in sections G and H below.

In summary, the proposal represents a 'large scale' business and industry development within the 'settlement area' of the Key Rural Settlement of Craighouse where a clear locational/operational need to provide staff accommodation has been demonstrated by the applicant. The provisions of SG LDP BUS 5 recognise the requirement for flexibility within 'Economically Fragile Areas' such as Jura and make provision for the normal scales of supported development in the Council's Settlement Strategy to be varied to accommodate up to 'large scale' development in appropriate circumstances. Accordingly, it is considered that the principle of the development is consistent with policies LDP STRAT 1, LDP DM 1, LDP 5, SG LDP BUS 1, and SG LDP BUS 5.

B. Nature and Design of Proposed Development

The proposal requires to be assessed against the provisions of policy LDP 9 and SG LDP Sustainable in terms of development setting, layout and design.

The provisions of policy LDP 9 set out that new development shall be required to be sited and positioned so as to pay regard to the context within which it is located, that the development layout and density shall effectively integrate with the setting of the development, and that the design of the development shall be compatible with its surroundings.

The provisions of SG LDP Sustainable relating to 'isolated industrial/commercial development' set out that the form and pattern of the landscape will largely determine the acceptability of the proposal. The extent to which the proposals would be clearly visible from public roads, viewpoints and neighbouring local communities is also an important factor. When assessing the appearance of 'isolated commercial development' the planning authority are required to consider the size and extent of the proposals including visual impact, the location and its landscape setting, and the design and colour of the development and ancillary structures.

The application relates to a site area of 1.8 hectares located to the immediate north east of a new affordable housing development located on the south eastern fringe of the settlement of Craighouse. The application site is previously undeveloped land around 200m south of the distillery and hotel; the site is bounded to the east by a strip of woodland that adjoins the A846, to the north and west by open gently sloping land, and to the south by a new housing development which will provide a shared means of access to the public road with the existing access being continued to form the cu-de sac around which the new courtyard is built.

The land to be developed for the four blocks is north of the new housing development and will extend its access into the cul de sac compound. The land to be used is the flatter south west

of the site with the northerly (more steep) area to be retained as woodland or turfed for amenity spaces. A proposed footpath from the rear of the site to a new footpath at the main road may be created in this area. The bin store will be centrally located within the four blocks. The parking will mainly be to the rear of the large westerly block with smaller parking (more accessible) strips between the other blocks.

The proposal consists of four accommodation blocks that will be laid out in a courtyard style. The proposed buildings comprise a mix of single storey and 1½ storey design rooted in a traditional design emphasis with the utilisation of long, narrow building form, narrow gables, windows with a vertical emphasis, symmetrically pitched roofs to further break up the overall massing of the development into a number of smaller elements which are attuned to the scale, massing and appearance of existing buildings in the locality. External finishes also reflect the use of traditional building materials within the wider locality through the use of white render, and natural slate. The use of untreated timber cladding and metal standing seam roof cladding is more contemporary in nature but would not be out of keeping with the rural locality and the element of variation in finishes will help to emphasise the small scale components which contribute to the larger grouping of buildings. The overall form and massing of the collective building components reflects the traditional grouping of a farm/estate grouping of working buildings and whilst substantial remains compatible with a rural setting.

In total the development provides for 26 single apartments and 7 double apartments (inclusive of 2 accessible rooms). The 33 units comprise 40 bed spaces. Whilst the development type is categorised within the LDP under 'business and industry' the Class 7 use is solely intended for occupation by staff employed by Ardfin Estate and as such might however be expected to share characteristics with a flatted residential development as opposed to a commercial workplace or hotel/hostel frequented by tourists.

Block 1 is an 'L' shaped building of 1½ storey design building and single storey wing with a footprint of 485sqm floor space containing 14 ensuite single bedsit apartments and 3 ensuite double bedsit apartments with 3 communal kitchen/dining/seating areas. The building form is broken by a pend to provide vehicular access to the rear parking area and also features porches, dormer windows and inset balcony detailing. The 1½ storey main section will be finished in white render and slate roof with a small amount of timber inset detailing; the single storey return wing will be finished in timber cladding and a metal standing seam roof.

Block 2 is a single storey building of rectangular 125sqm floorspace of hipped roof gable design and set out an angle of 45degrees from the northern end of Block 1 to both address the internal road line which provides access to a rear car park beyond but also provide an element of enclosure to the courtyard layout. This building will contain 6 ensuite single bedsit apartments. The building will be finished in white render and natural slate with timber cladding detail around window and door openings.

Block 3 is a single storey building with an 'H' shaped footprint extending to 378sqm floorspace. Two parallel wings running East to West across the site are connected by a central, perpendicular link. Whilst the building is single storey the building has a stepped ridgeline as the northern wing adapts to a slight change in ground levels. The building contains 6 single bedsit apartments, 2 double bedsit apartments, a large communal kitchen and dining area and laundry facilities, the northern wing also includes a mezzanine floor above the plant room, and a snug space in the attic above the communal kitchen/dining area. The building also contains a plantroom for a district heating system with an external flue. The southern wing shall be finished in white render, natural slate with timber detailing; the central wing shall be finished in a mix of white render and timber cladding with a slate roof; and the northern wing which houses the shared facilities and plantroom will be finished in metal standing seam walls and roof covering, and timber detailing. A timber fenced, communal bin store shall site immediately to the north of this building.

Block 4 is a small 1½ storey building containing 2 double ensuite apartments with 123sqm floorspace. The building design includes dormer windows with inset balconies and a lean-to porch. The building shall be finished in white render and natural slate with timber detailing.

The proposal will introduce a 'large scale' commercial activity into what is a quiet rural, residential area and accordingly requires to be considered against the relevant provisions of policy SG LDP BAD 1 which sets out that 'bad neighbour' developments will only be permitted where there are no unacceptable adverse effects on amenity; where the proposal includes appropriate measures to reduce the impact on amenity or public service provision objections; and where technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full. The nearest Class 9 houses will be those of the housing association currently under construction. The arrangement of the proposal is not deemed to introduce any overlooking or shadowing issues in this regard. The buildings face into each other across a central courtyard which will also act as a containment for the most common issues which may occur and are contrary to this policy. The Council's Environmental Health Officer has not raised any objection on the likely operational impact of the proposed development upon the amenity of neighbouring residential property although a condition to mitigate disturbance during the construction period has been advised. In this respect it is considered that the shared access to the main road is not deemed intensification of vehicle use nor noise or light impacts above expected in a residential area. The likely shift working nature of the residents is not deemed likely to cause a concentration of cooking activity at specific times resulting in intensification of smells. It is unlikely that any agreed proposal will reach full occupancy for some time allowing the council's officers to assess any issues and act accordingly. Building 3 includes a full height space for a plant room and an Air Source Heat Pump within a special housing is also proposed. The noise generated by these operations will be subject to control by condition of any approval.

The proposal is considered to be consistent with policy LDP 9, SG Sustainable, and SG LDP BAD 1.

C. Natural Environment

The site lies outwith but close to Craighouse Ravine, Jura SSSI designated for its bryophyte assemblage and upland oak woodland features. The designated site is outwith the development site although the neighbouring road will be required for construction movements.

Nature Scotland have advised that, subject to appropriate mitigation measure, the proposed development is unlikely to have any significant effect on the qualifying interests of the SSSI designation.

Nature Scotland have however advised that conditions be imposed to preclude machinery or materials entering or being stored within the SSSI in order to avoid ground damage to the site. It is also advised that any tree planting proposed as part of landscaping are of native species in order to prevent the spread of non-native species to the SSSI woodland.

Similarly the water resources in the ravine which form an important part of the habitat must also be protected especially with regard to spillage or subsidence into the water course which may harm riparian habitats and wildlife and the general ecology of the protected area

Conditions will be applied to any approval in these respects and to conform with policies LDP 3, SG LDP ENV 1, SG LDP ENV 2 and SG LDP ENV 4, SG LDP, ENV 6 and SG LDP ENV 7.

D. Historic Environment

The proposed development does not give rise to any direct or indirect effects upon the site or setting of any listed building, scheduled monument, or conservation area.

E. Impact on Woodland

The provisions of policies LDP 3, LDP 10 and SG LDP ENV 6 would all seek to resist development which has an adverse impact upon existing trees/woodland. The proposed path from the site through existing woodland will necessarily require some clearing with compensatory planting required as a condition of any approval. The neighbouring woodland in the ravine opposite will not be subject to any disturbance under the plans.

In the absence of full detail of the route, construction and requirement for tree felling required for installation of the proposed remote footpath it would be appropriate to impose conditions for submission and approval of such details to ensure compliance with LDP 3 and SG LDP ENV 6.

F. Landscape Character

The application site is located within the Jura National Scenic Area and requires its impact upon landscape to be assessed against the provisions of LDP 3 and SG LDP ENV 12.

The provisions of SG LDP ENV 12 set out that the Council will look to resist any development in or affecting National Scenic Areas that would have an adverse impact upon the integrity of the area, or that would undermine the Special Qualities of the area, unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, environmental, or economic benefits of national importance.

Impact on the Jura National Scenic Area

The whole of the site is within the NSA and therefore the design and siting as discussed earlier is critical for any decision. During the site visit by the officer it was established that there are few accessible viewpoints from where the site and the scale of the proposed buildings will be visible. These are from the road and the approached where a low rise cluster of buildings would not be unexpected within this part of the settlement. Views from off the island towards Craighouse are not expected to be interrupted or the landscape altered or ridges breached due to the scale and positioning. The Jura Housing Capacity report of 2007 identified the area around the Coastguard Station as fragmented within the settlement and the Woodside and current developments have partially addressed this. The current proposal fills the gap to the back of the station and is therefore consistent with the identified vision of this document. The proposed materials are also deemed to be consistent with the landscape colourings and those of the prominent buildings within the settlement.

Nature Scotland have noted that the development is located within the settlement zone of Craighouse and is sited close to existing built developments, both residential and commercial in nature including large scale distillery buildings. It is further advised by Nature Scotland that the proposal is not considered likely to have a significant effect on the special qualities of the Jura NSA.

The proposal is consistent with policies LDP 3 SG LDP ENV 12 and SG LDP ENV 14.

G. Road Network, Parking and Associated Transport Matters.

The provisions of policy LDP 11 set out that the Council will seek to ensure that an appropriate standard of access is delivered to serve new developments, including off-site highway improvements where appropriate. The provisions of policies SG LDP TRAN 4 and SG LDP TRAN 6 set out the Council's requirements in respect of site access and parking provision.

In this instance the development will connect onto an existing shared surface, prospectively maintainable adoptable road that currently terminates in a cul de sac within an existing West Highland Housing affordable housing development. A proposed new private road shall be formed from the termination of the social housing road to serve the new development. Provision of 36 parking bays shall be provided on site. It is proposed that all new car parking spaces are formed from porous paving to allow natural discharge back to the existing soil. It is also noted that by locating the new facility within the settlement, staff will be able access facilities and services at Craighouse on foot or by bicycle which will reduce reliance on travel by car. In terms of transport of the staff to Jura House, the Estate will provide a shuttle bus to minimise private car journeys. The central location of the new staff facility makes this possible and feasible which has the added benefit of reducing travel by car.

The application includes for carriageway widening of the A846 and provision of a 2m wide adoptable standard footway from 1 Woodside (to the east) to the social housing development road. Additionally new adoptable streetlighting shall also be provided from 1 Woodside to termination of the public road where it connects to the private access; improved drainage will also be installed on the section of A846.

The proposals to enhance the existing access arrangements have been developed in consultation with the Council's Roads officers who have not raised objection subject to the imposition of conditions relating to the delivery of the necessary road improvements and parking, and for the provision of details of additional traffic calming measures to ensure that drivers entering onto the public road from the development do so at a safe speed bearing in mind that this is a shared surface serving residential development.

The proposal is considered to comply with policies with LDP 11, SG LDP TRAN 3, TRAN 4 and SG LDP TRAN 6 and national standards of parking.

H. Infrastructure / Waste Management

Foul drainage and water supply shall be by connection to Scottish Water infrastructure. Scottish Water have not objected but did comment that the site is not currently served by a foul drainage connection; it is understood that the development will however connect in to recently installed public sewerage connection serving adjacent housing development. Scottish water have advised this proposed development may be fed from Craighouse Water Treatment Works. Unfortunately they are unable to confirm capacity currently so they suggest that the applicant completes a PreDevelopment Enquiry (PDE) Form and submits it directly to Scottish Water via their Customer Portal or contact Development Services.

The proposal has included a centrally placed bin storage area for the proposal. Its design, access and positioning is acceptable in terms of the specific proposal and the wider area within the NSA under policies LDP 10 and SG LDP SERV 5(b).

The main access road joining to that already under construction from the main road will drain via road gullies into the existing surface water sewer tail which extends onto the main sewer.

The buildings surface water drainage will be discharged back to the soil via soakaway trenches whose design will be determined based on the findings of a Phase 2 site investigation which aims to determine the site's soil porosity. The foul drainage from the new buildings is proposed to connect to the existing foul water tail which extends from the neighbouring site development and onto the main road sewer. The contours of the site allow for a design to work gravitationally and will be subject to compliance with SEPA regulations and Scottish Water connection approval.

The proposal is acceptable under policies LDP 10 and SG LDP SERV 1.



Location Plan Relative to Planning Application: 21/02141/PP



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ARGYLL AND BUTE COUNCIL

PROCEDURE NOTE FOR USE AT DISCRETIONARY HEARING

HELD BY THE PLANNING, PROTECTIVE SERVICES & LICENSING COMMITTEE

1. The Executive Director with responsibility for Legal and Regulatory Support will notify the applicant, all representees and objectors of the Council's decision to hold a Hearing and to indicate the date on which the hearing will take place. The hearing will proceed on that day, unless the Council otherwise decides, whether or not some or all of the parties are represented or not. Statutory consultees (including Community Councils) will be invited to attend the meeting to provide an oral presentation on their written submissions to the Committee, if they so wish.
2. The Executive Director with responsibility for Legal and Regulatory Support will give a minimum of 7 days notice of the date, time and venue for the proposed Hearing to all parties.
3. The hearing will proceed in the following order and as follows.
4. The Chair will introduce the Members of the Panel, ascertain the parties present who wish to speak and outline the procedure which will be followed.
5. The Executive Director with responsibility for Development and Economic Growth representative will present their report and recommendations to the Committee.
6. The applicant will be given an opportunity to present their case for approval of the proposal and may include in their submission any relevant points made by representees supporting the application or in relation to points contained in the written representations of objectors.
7. The consultees, supporters and objectors in that order (see notes 1 and 2), will be given the opportunity to state their case to the Council.
8. All parties to the proceedings will be given a period of time to state their case (see note 5). In exceptional circumstances and on good case shown the Committee may extend the time for a presentation by any of the parties at their sole discretion.
9. Members of the Committee only will have the opportunity to put questions to the Executive Director with responsibility for Development and Economic Growth representative, the applicant, the consultees, the supporters and the objectors.

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10. At the conclusion of the question session the Executive Director with responsibility for Development and Economic Growth's representative, the applicant, any consultees present, the supporters and the objectors (in that order) will each be given an opportunity to comment on any particular information given by any other party after they had made their original submission and sum up their case.
11. If at any stage it appears to the Chair that any of the parties is speaking for an excessive length of time he/she will be entitled to invite them to conclude their presentation forthwith (see note 5).
12. The Chair will ascertain from the parties present that they have had a reasonable opportunity to state their case.
13. The Committee will then debate the merits of the application and will reach a decision on it. No new information can be introduced after the Committee begins to debate.
14. The Chair or the Governance Officer on his/her behalf will announce the decision.
15. A summary of the proceedings will be recorded by the Committee Services Officer.

NOTE

- (1) Objectors who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all objectors.
- (2) Supporters who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all supporters.
- (3) Councillors (other than those on the Committee) who have made written representations and who wish to speak at the hearing will do so under note 1 or 2 above according to their representations but will be heard by the Committee individually.
- (4) Where a Councillor who is a member of the PPSL has made or wishes to make a representation (on behalf of any party) during the meeting in relation to the application under consideration, they should make their position clear to the Chair and declare an interest. Having done so, they may, at the appropriate time, make the relevant representation and then must retire fully from the meeting room prior to deliberation of the matter commencing. A Councillor, not a member of the PPSL, may

Ref: ABH1/2009

make a representation (on behalf of any party) during the meeting in relation to the application then must retire fully from the meeting room prior to deliberation of the matter commencing.

- (5) Recognising the level of representation the following time periods have been allocated to the parties involved in the Hearing.

The Executive Director with responsibility for Development and Economic Growth – not more than half an hour

The Applicant - not more than half an hour.

The Consultees - not more than half an hour.

The Supporters - not more than half an hour.

The Objectors - not more than half an hour.

- (6) The purpose of the meeting is to ensure that all relevant information is before the Panel and this is best achieved when people with similar views co-operate in making their submissions.
- (7) Everyone properly qualified as a representee recorded on the application report who wishes to be given an opportunity to speak will be given such opportunity.
- (8) Council has developed guidance for Councillors on the need to compose a competent motion if they consider that they do not support the recommendation from the Director of Development and Infrastructure Services which is attached hereto.

I:data/typing/planning/procedure note

COMPETENT MOTIONS

- Why is there a need for a competent motion?
 - Need to avoid challenge by “third party” to local authority decision which may result in award of expenses and/or decision being overturned.
 - Challenges may arise from: judicial review, planning appeal, ombudsman (maladministration) referral. All appeal/review processes have rights to award expenses against unreasonable/unlawful behaviour.
- Member/Officer protocol for agreeing competent motion:
 - The process that should be followed should Members be minded to go against an officer’s recommendation is set out below.
- The key elements involved in formulating a competent motion:
 - It is preferable to have discussed the component parts of a competent motion with the relevant Member in advance of the Committee (role of professional officers). This does not mean that a Member has prejudged the matter but rather will reflect discussions on whether opinions contrary to that of professional officers have a sound basis as material planning considerations.
 - A motion should relate to material considerations only.
 - A motion must address the issue as to whether proposals are considered consistent with Adopted Policy or justified as a departure to the Development Plan. Departure must be determined as being major or minor.
 - If a motion for approval is on the basis of being consistent with policy reasoned justification for considering why it is consistent with policy contrary to the Head of Development and Economic Growth’s recommendation must be clearly stated and minuted.
 - If a motion for approval is on the basis of a departure reasoned justification for that departure must be clearly stated and minuted. Consideration should be given to holding a PAN 41 Hearing (determined by policy grounds for objection, how up to date development plan policies are, volume and strength of representation/contention)
 - A motion should also address planning conditions and the need for a Section 75 Agreement.
 - Advice from the Scottish Government on what are material planning considerations is attached herewith. However, interested parties should always seek their own advice on matters relating to legal or planning considerations as the Council cannot be held liable for any error or omission in the said guidance.

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy, and UK Government policy on reserved matters
 - The National Planning Framework
 - Scottish planning policy, advice and circulars
 - European policy
 - A proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance

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- Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
 - A National Park Plan
 - The National Waste Management Plan
 - Community plans
 - The Environmental impact of the proposal
 - The design of the proposed development and its relationship to its surroundings
 - Access, provision of infrastructure and planning history of the site
 - Views of statutory and other consultees
 - Legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interest, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.