

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the JURA VILLAGE HALL, CRAIGHOUSE, ISLE OF JURA  
on TUESDAY, 15 NOVEMBER 2022**

**Present:** Councillor Kieron Green (Chair)

Councillor John Armour  
Councillor Jan Brown  
Councillor Amanda Hampsey

Councillor Mark Irvine  
Councillor Luna Martin

**Attending:** Iain Jackson, Governance, Risk and Safety Manager  
Peter Bain, Development Manager – Planning  
Derek Wilson, Planning Officer – Mid Argyll, Kintyre and the Islands  
Graeme Cook, GCA Design – Applicant’s Agent  
William MacDonald, General Manager, Ardfin Estate – Applicant  
Deborah Bryce, Jura Community Council – Consultee  
Yvonne MacDonald – Objector  
Louise Muir – Objector  
Sheena Gow – Objector  
Councillor Dougie McFadzean, Local Member

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Audrey Forrest, Daniel Hampsey, Graham Hardie, Fiona Howard, Willie Hume, Andrew Kain, Paul Kennedy, Liz McCabe and Peter Wallace.

**2. DECLARATIONS OF INTEREST**

There were no 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)**

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Governance, Risk and Safety Manager to identify all those present who wished to speak.

**PLANNING**

Derek Wilson gave the following presentation on behalf of the Head of Development and Economic Growth:

A supplementary report has been produced due to late submissions before the original committee presentation and before this Hearing. The points made in the submissions and copied to the supplementary report are generally already covered under previous comments or within the Report of Handling and its appendices. The officer is not minded to alter the recommendation on this basis.

The application is being presented to PPSL as a result of the initial 24 negative representations which is above the threshold for a delegated decision. The degree of local interest and sufficient points arising from the responses deemed it necessary to present the application to PPSL for determination. The names and addresses of the respondents and a summary of the reasons for objecting are contained within the report of handling.

The application has now attracted 32 representations which raise objections to the proposal and a generally negative representation from the community council which is regarded as a consultation. The additional representations included a petition, two councillor representations and another representations received before both the committee meeting and this hearing.

### **Slide 1: Location and site**

The main **purpose** of this report is to provide an overview of the detailed Report of Handling and to offer background commentary and visuals to aid members in their considerations and recommendations.

The RoH examines the spatial strategy of four staff accommodation blocks proposed for hotel and leisure sports workers with additional roads and services infrastructure. The principle concerns are an examination of non-domestic housing to large scale (as defined by policy) within the settlement of Craighouse and as a tourism related use which by its scale is a departure from the terms of standard Class 7 business use within a settlement.

Many consultees highlighted the lack of public pre engagement especially the yet to be completed neighbouring development where potential occupiers were not in their homes and therefore not notified or otherwise engaged by the applicant. Officers have identified that it would be appropriate for Members to consider whether or not to hold a discretionary hearing prior to determining the application. Councillor Currie made a representation that he supports a hearing and if that is agreed he would prefer it not to be held virtually. I would ask the Chair whether the Committee wish to reach a view on that issue before proceeding with the presentation.

### **Introduction**

#### **Slide 2 existing topology**

Application 21/02141/PP is an express permission submission by Ardfin Estate Ltd and GCA and D Ltd to build four accommodation blocks to house workers at the applicants' leisure and hospitality businesses. The approx. 1.87 hectare south and easterly sloping site is bounded by the main road, countryside woodland, a new housing development and an existing row of houses. The site is wholly within the defined settlement area of Craighouse and will utilise some of the infrastructure being developed for the new housing development. Ground levelling will be required for the site but only around half of the site area will be required for the proposal with the more difficult ground to the north and east (roadside) remaining generally undeveloped.

This is a change of use of the ground to class 7 of the 1997 use classes order as housing to be used for the business needs in other sites in south Jura. A design statement outlining roads and infrastructure, design and landscape, recycling and sustainability was supplied, and the applicant provided additional business information required to assess the proposal as part of the businesses and their consolidation and growth in an area

designated as economically fragile in the LDP. This designation allowed the larger scale of the site to be examined under policy and not as a departure.

The visualisation shows the undeveloped nature of the present site. There was a pre application consultation which informed the applicant of the constraints of the site and its limitations regarding potential uses.

We will now move onto the context and detail of the proposal.

### **Slide 3: LDP**

This is an extract from the local development plan. The whole of the site is within the key rural settlement of Craighouse/Keills and the National Scenic Area (NSA). Development is encouraged in the settlement area although the scale of this proposal is larger than expected. The design is also required to be sympathetic to the NSA and to views across and within it. That the site is in the void between existing and developing housing and is set back from the road within a rising landscape towards surrounding woodland is deemed acceptable in this regard. There are no plans to extend the settlement boundary in the emerging LDP 2 and therefore due to spatial and topographical boundaries it is expected that this will be the final development in this area.

### **Slide 4 and 5: Proposal**

The proposal is for four housing block of varying sizes to accommodate up to forty staff in varied accommodation types although 26 will be single units with private facilities and access to communal and assembly areas. The blocks are to be arranged around a central area with the main access leading to cul de sac and generally rear parking. A biomass plant and air source heat pump will also be on site in the block containing the main amenity areas. The orientation and arrangement of the blocks will reduce the visual impact within the site from the few available vantage points in the surrounding area.

### **Recommendation based on policy**

Policy LDP DM 1 sets out the requirement for development up to medium scale on appropriate sites. On the site visit the officer assessed the suitability of the overall site in its context and setting while also appraising opportunity sites within the neighbouring settlement. Other suitably sized sited areas have not been deemed appropriate due to ownership and availability.

Jura is designated tourism development and economically fragile areas in the LDP and therefore policy allows a large scale development in this settlement which does not overwhelm the site or its surroundings. The use as a staff village for Ardfin Estate would operate in a manner similar to hostel accommodation and is deemed use class 7. The proposal accordingly requires to be assessed against the provisions of policies LDP 5, SG LDP BUS 1 and SG LDP BUS 5. It was agreed by officers that the provisions of policies TOUR 1 and HOU 1 were not appropriate in this case.

It was found that the proposed large development in a settlement although contrary in fact to BUS 1 was consistent with the economic and social aims of BUS 5 and is considered to **be consistent to the relevant provisions of policies** LDP DM 1, LDP 5, and SG LDP BUS 5 and the uncontested Policy of the proposed Local Development Plan 2.

Regarding residential amenity in planning terms, 'amenity' is often used to refer to the quality or character of an area and elements that contribute to the overall enjoyment of an area. Residential amenity considers elements that are particularly relevant to the living conditions of a dwelling. The provision of communal spaces within the main blocks and an assembly area in block 1. The arrangement of the buildings adds screening to movements within the site and will screen neighbouring houses from the main light and noise sources. The scale of the buildings are not deemed to introduce shadowing or overlooking resulting in amenity loss to the neighbours.

### **Slides 6, 7, 8, 9 Blocks details**

#### General description

Block 1 17 bedrooms on 2 floors 3 double

Block 2 6 bedrooms on 1 floor all single

Block 3 8 bedrooms on 1 floor 2 double

Block 4 2 bedrooms on 2 floors 2 double

The aspects regarding archaeology, natural environment, landscape/setting, roads, waste management and water and drainage will now be examined individually.

### **Historical sites**

No archaeological sites have been identified on or near the proposal and it is not deemed to affect the listed buildings within Craighouse.

### **Slides 10, 11, 12, 13**

### **Natural Environment**

The importance of this site to its immediate surroundings and the wider landscape and landscape cover which maintain the natural habitat for populations of species of wildlife has been outlined and detailed by Nature Scot in their report and in Appendix A section C of the RoH.

The site itself is of no designated importance but it has been recognised as close to the Craighouse Ravine Site of Special Scientific Interest (SSSI) across the main road. The area on the other side of the road to the ravine is to remain generally undeveloped and therefore there is deemed to be no detriment to the integrity of the SSSI.

### **Landscaping**

The development site is located within a landscape that is designated for its scenic quality NSA. The site is naturally landscaped and much of that will be retained and will aid screening. Further planting will be made around the housing blocks though this will mainly be turf. Tree planting is designed to break up the hardstanding areas for parking and general movement within the site as well as having a limited screening effect (once trees are mature). A path through the existing landscape to the north is planned to connect the development to the new footway as an addition to the main access.

### **Waste Management**

IF AGREED a plan requires to be approved by the council that provides details of the arrangements for the storage, segregation, collection and recycling of waste arising within

the site, including the location, access and maintenance for on-site storage and roadside collection facilities. Additionally, during the construction phase materials must be stored within the construction site to minimise disruption to the neighbouring sites and the main road and the protected land nearby.

### **Drainage and Water Supply**

Mains water may be available on site with further consultation with Scottish Water and the proposal intends to utilise the foul water system being constructed as part of the new housing to the south. Scottish Water require requests for connections to assess service availability with regard to usage volumes. The drainage from the site slopes within the site and towards the road will require mitigation to ensure the main road remains free of run off.

### **Slides 14, 15, 16, 17**

#### **Roads**

The proposal is to extend the access being constructed for the houses northwards into the site and create the circulatory system and parking for 40 vehicles, four of which are to be accessible. The access currently being built is deemed adequate to share with this proposal without compromising safety and/or amenity by an intensification of its use.

The cul de sac roads include pend access through the main building to the largest car park. The internal roads serving the staff accommodation shall remain private. It is proposed that all new car parking spaces are formed from porous paving to allow natural discharge back to the existing soil.

Run off to the main road will be controlled by a surface water management plan. Additionally a new section of footway from the entrance at the coastguard station to number one Woodside will be constructed and will include new street lighting. This will be of benefit to the new housing development to the south and connections to the village centre.

Carriageway widening between the dwelling known as 1 Woodside and the new development road is to be 3.30 metres to accommodate the footway and the lamp poles and encourage active travel within the settlement and reduce motor vehicle travel with the exception of the shared travel intended to move staff between the housing and the hotel/leisure site. Step downs to ease movement on/off to the footway will also be provided.

#### **Conclusion**

In summary, the proposal is considered to be consistent with the relevant provisions of the Development Plan. It is submitted that the proposal is not a departure from LDP policy and material considerations of sufficient significance indicate that it would be appropriate to grant planning permission having regard to s25 of the Act.

#### **APPLICANT**

Graeme Cook

The Applicant's Agent, Graham Cook gave the following presentation:

The proposed development is critical to the successful operation of the existing Hotels and Golf Course business which provides significant employment opportunities for the local community. The successful delivery of the new staff accommodation facility, which will service both hotels, will therefore help to strengthen the local community as a key element of the Ardfin Estate which is a significant local business of some considerable importance to the Island's tourism offer, its economy and its sense of community.

Currently, 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. The proposed new arrangement for the staff accommodation has been specifically located within the existing settlement boundary to ensure that staff can access the essential local amenity services at Craighouse which will in turn help to support, sustain, and potentially grow these important local services and facilities.

The approach to locate the staff within the existing settlement will allow them to take a more active and integral part in the local community. It will also provide staff with the opportunity to enjoy the existing amenities and services within a residential environment that is separate and distinct from their working environment.

The proposed development will also provide accommodation for staff working at the Jura Hotel which is in Craighouse and is an important part of the Island's tourism offer, as well as a focal point for the local community, providing visitor accommodation, a restaurant and the Island's only pub.

The delivery of the proposed new staff accommodation facility, which is located within the existing settlement and accessible to local services and facilities, will therefore help to support and strengthen the local community.

The design of the new staff accommodation will also ensure that all users of the development will have the same access to modern, high-quality, purpose-built facilities and resources.

By developing a site which is located within the existing settlement boundary, the project makes sustainable use of the existing land resource and avoids developing a greenfield site in a countryside location.

The proposals have been designed to provide a high-quality residential development in an accessible and sustainable location. The proposals take advantage of the many benefits of locating this type of development within an existing settlement – it makes efficient and sustainable use of land and will help maintain the vitality and viability of existing local services and facilities. However, particular care has also been taken to ensure an appropriate design approach which respects the character and amenity of the local and wider area.

The proposed development should be considered as an ancillary but entirely complementary and integral part of the Ardfin Estate, including the Hotels and Golf Course. As such, the new staff accommodation development is critical to the successful operation of the existing business which provides significant employment opportunities for the local community.

The proposed development will therefore help to retain existing jobs and potentially create new employment opportunities as part of this existing business. In doing so it will provide both short and long-term employment opportunities.

In addition to the direct employment opportunities for the Ardfin Estate, there will also be short term job opportunities during the construction phase of the development and where possible these will be sourced from existing businesses.

The management, operation and maintenance of the staff accommodation will also provide further local job opportunities and the increased activity resulting from this new development will provide benefits to the local shop and businesses both in the short and long term.

The long-term employment opportunities for local people includes developing skills and knowledge through training and apprenticeship schemes in the hospitality; tourism; leisure and estate management sectors.

There will also be opportunities for further local skills training through the construction phase of the development and as part of the long-term management, operation, and maintenance of the staff accommodation.

During the construction phase, opportunities to source and use local goods and services will be included wherever possible and feasible. There will also be further opportunities to source local goods and services as part of the on-going operation and maintenance of the staff accommodation.

By centralising the staff accommodation within a purpose-built development there will be significant opportunities to reduce waste and pollution compared to the existing arrangement which sees the hotel's staff housed in temporary accommodation located throughout the Estate.

Specific waste management and recycling arrangements will be provided as part of the new development, and through its location within the existing settlement this allows also a more focused and centralised approach which in turn helps to reduce waste and pollution.

In relation to landscape impact matters, given the surrounding development and the site's situation and position, including the existing woodland planting and topography, the site provides a natural well screened development, minimising visibility of the site from both close and distant vantage points. The site therefore has the capacity to absorb this scale of sensitively designed development; and by careful siting and orientation of the new buildings it responds positively to the existing character of the local area. The siting, massing, shape, design and finishes of the new development in tandem with a high-quality external works package have been detailed to ensure that development of the site will be seen to fully integrate with the established landscape character of the settlement without any long term, adverse impacts upon the landscape, views, or visual amenity.

The proposed development will also meet the needs of users and occupiers, with consideration given to impacts on neighbouring properties to ensure no unreasonable noise impact or loss of daylight, sunlight, or privacy. The proposed development will provide a high-quality development in a sustainable and accessible location within the Craighouse settlement boundary. It is compatible with adjacent uses and would be of a scale, density, and character in keeping with the character and amenity of the local area.

A co-ordinated and integrated approach has been taken to the planning and design of the proposals to ensure that the new development can be accommodated without any adverse impact on the existing built or natural environment.

Nature Scot has confirmed that it has no objections to the proposed development and advised in its consultation response that: “in our view, this proposal is not likely to have a significant effect on these sites of national importance...the proposed development lies within the settlement zone of the village of Craighouse in the Argyll & Bute Council Local Development Plan. In addition, the proposal is close to existing developments, both residential and commercial in nature, some of which are large scale distillery buildings. In our view, this proposal is not likely to have a significant effect on any of the special qualities of Jura NSA.”

Nature Scot has also advised that during construction works mitigation measures should be considered including ensuring that no machinery or materials should enter or be stored within the SSSI and that any trees that are proposed as part of the landscaping around the development should be native species of local provenance in order to avoid the spread of non-native species to the SSSI woodland. Nature Scot has therefore concluded that: “In our view, if the above mitigation measures are in place there will be no likely significant effect on the qualifying interests of Craighouse Ravine, Jura SSSI.”

We can confirm that the applicant is happy to agree to suitable conditions requiring these suggested mitigation measures to be provided. This includes conditions on the planning permission to require the preparation of a Construction Management Plan to ensure no impact on the SSSI and the inclusion of native tree species as part of the landscaping scheme.

By centralising the staff accommodation there will be significant opportunities to minimise energy use including travel by car, particularly compared to the existing arrangement which sees the hotel’s staff housed in temporary accommodation located throughout the Estate.

The new facility has been specifically designed to minimise energy use, including the use of renewable energy opportunities. This is confirmed in the accompanying Design & Access Statement and Sustainability Statement.

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.

Improvements to the existing footpath connections to the village centre are also proposed which will provide wider community benefits. The improved footpath will also ensure that the new West Highland Housing Association development located to the south of the application site will be linked to the settlement.

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.

By locating the new facility on a site located within the existing settlement, the project avoids developing a greenfield site in a countryside location. It therefore avoids the development of wild countryside and open space areas thereby helping to safeguard these areas from development.

As an integral part of the new development, it is also proposed that the areas out with the accommodation building, and hard landscaped footprint will be allowed to regenerate/re-wild following completion of construction. In addition, a new woodland path from the north



end of the development site to connect to Craighouse is proposed as part of the project. This will allow a more direct access to the village centre, but also has the added benefit of allowing an enhanced access to this existing woodland area.

For these same reasons, the choice of site location and the inclusion of new landscaping and improved footpath links allows the project to safeguard, protect and enhance access to the natural environment.

As confirmed in the Design & Access Statement, a site selection process has been undertaken to determine the most appropriate location for the new development. As a result of this site search exercise, the application site has been chosen as it will allow staff to be housed in a sustainable location which has easy access to the local amenities, services, and facilities at Craighouse that is separate and distinct from their working environment.

Whilst the application site is not a brownfield site, it is located within the existing settlement boundary, adjacent to existing utility services and offers minimal visual impact when compared with alternative sites on the Estate, closer to Jura House.

As part of the site selection process, no available brownfield sites or existing buildings of a suitable size and scale to accommodate the proposed development boundary were identified within the settlement boundary.

A Potential Development Area (PDA) located above the Isle of Jura Distillery at Craighouse was identified and considered by the applicant. However, this site was ruled out as it is not considered suitable for the proposed staff accommodation development on the basis that the PDA site is not owned by the applicant and is not available for purchase.

The application site is therefore considered to be the most suitable, available, and appropriate site for this scale and type of development.

There will be a number of beneficial long term environmental impacts arising from the proposals. This includes enhanced access to the natural environment; improvements to local biodiversity through the inclusion of native species; improved waste management and pollution reduction measures; inclusion of renewable energy opportunities; improved footpath connections for use by the wider community as well as users of the new facility; and reduction in travel by car.

In addition to these environmental benefits, the proposed development is crucial to the successful, long-term operation of the Estate's hotels and golf course business. As such, it will also provide further benefits by supporting, strengthening, and enhancing the local community; providing local job opportunities including further skills training; and significant economic benefits as part of the Ardfin Estate.

The proposed development therefore accords with one of the overarching aims of the Council's Local Development Plan which supports and encourages the continued diversification and sustainable growth of Argyll and Bute's economy with a particular focus on the growth of the key tourism sector.

William MacDonald

The General Manager of Ardfin Estate, William MacDonald advised of the background to this application and the reason it had been put forward. He said that over the last 10

years, since the Estate changed hands, it had been developed dramatically from what it was before. He referred to the new golf course and hotel and said that with all the developments and lots of planning applications, it had allowed the island to develop and had allowed an increase in the population and employment. He said that one of the biggest challenges was not just bringing people here but keeping them here. He said that accommodation for staff, particularly seasonal staff was an issue. He said that if you can look after your staff and provide them with better accommodation you stood a better chance of keeping them. He advised that the Estate had 29 full time staff throughout the year and that this rose to 57 during the season which ran from March to October. He said that if the development they were applying for had been here now, they could have used 30 of the 33 rooms, with some of these used all year round and some just during the seasonal period. He said that it was critical going forward that they had good quality accommodation and advised that they could not function without it. He said that what the Estate had created was huge and that the level of employment was unprecedented. He said it was not just the level of employment, it was the quality of jobs and opportunities for training. He advised that he had noticed that a lot of the objections were about concerns from the community of an increase of 40 people coming into the community. He said that they were not bringing anyone in. He advised that at present their staff numbers would accommodate that development. He said that at the moment there were 29 staff out of season and 57 in season and this level of staff has been operational since April 2020. He said there would be no impact on the community as this level of staff was already there. He said that he could not see any substance to the objections and he could not see any reason why they should object. He said that the recommendation was to approve and all that was left were community concerns which, he advised, were not relevant and did not have any substance. He advised that this was something that had to happen to allow the biggest employer on the island to sustain what it had. He said they did not have an alternative site that was suitable and that this development was needed.

## **CONSULTEES**

### Jura Community Council

Deborah Bryce spoke on behalf of Jura Community Council and thanked everyone that had attended today. She advised that the Jura Community Council objection was in relation to the accommodation Class and infrastructure and that they were acting on behalf of the community of Jura. She said that in order to future proof and be sustainable they would prefer to see residential Class 9 dwellings and not hostel Class 7. Class 9 supports the islands need for long term residential accommodation. She said that they believed that the size of this development and the density of the multiple accommodation, did not conform with other developments on the island and would set a precedent. She advised that the proximity of the new residential houses would have a negative impact on the surrounding residential area. She also advised that the proposed access road ran through the residential development and that they believed this development should have a separate road access and paths to the new residential development. She said there was a lack of pavement access and appropriate street lighting into the village to protect the residents of this development and the 10 new houses which were being built. She said this development would compound these issues further. She advised that current services and infrastructure on the island such as road capacity, road safety, ferry service, shop storage, water and sewage, utilities and emergency and healthcare may be negatively impacted due to the scale of this development. She said that most of these services were already stretched beyond capacity. She commented that Argyll and Bute Council's LDP had designated this location (H3001) as one of the last areas for housing development in Craighouse. She said that any development should therefore be suitable

for permanent residential purposes. She advised that Jura Community Council would welcome a community consultation and extension due to the scale of the development and the potential impact it would have on the island. She said that Jura Community Council welcomed development on the island and understood the need for staff residential accommodation which supported the tourism industry but advised that it needed to be sustainable and in line with the island's needs. She advised that for all these reasons, Jura Community Council objected to this planning application.

## **OBJECTORS**

Three objectors, representing the objections raised by 30 members of the community, gave the following presentation:

### Yvonne MacDonald

Thank you for coming to Jura today – we really appreciate you taking the time to travel here and see our island for yourselves. We love our island – the beauty of the hills and beaches, the huge variety of wildlife, the wilderness – we feel privileged to live here! But what makes it special is the sense of community – this is a place where people, whether young, old or in between, look out for each other, help and support each other, work and play together – and community events are always well supported. But it's not all sunshine and rainbows – we do have our challenges, including ferries and roads! As an island off an island, we suffer from double insularity – this means we have to be resourceful and resilient in order for our community to thrive. We are a growing community and the infrastructure has not kept pace with our growth. Community sustainability requires people who have a commitment to, and a stake in the community and will contribute to its development – without these people the locally run and managed services (fire brigade, coastguard, Community Council, Development Trust, Community Business, Parent Council, Care Centre etc) will either fail or default to the responsibility of the council. We have a growing number of thriving small, locally owned and run businesses, some examples on slide, who have made no representations the development but contribute to supporting our island community by creating jobs, supporting the economy and local projects and paying a living wage. We even have a Community Action Plan (of which you should have a copy). This is the sort of sustainable development we want to see on Jura - development where plans are made for the community, by the community.

### Louise Muir

We are briefly going to consider the planning history on Ardfin Estate. We understand some of these issues can't be taken forward as material planning considerations but this outlines the context and back story to how we have arrived here today. Mr Coffey bought Ardfin Estate in 2010 and disappointingly, to locals and visitors, closed garden & fenced off well walked routes to the coast, while the estate went under a transformation. Scale and impact of development at Ardfin is unprecedented on Jura. It also highlights a missed opportunity to engage with the community to deliver joint aspirations. The approach to planning has been piecemeal. Over 20 applications in 9 years. There have only been two consultation events, these were regarding the golf courses and both were statutory requirements due to the scale of the development. No cumulative assessment has been made on the impacts to the environment, the local infrastructure, the local economy or the community these developments have had.

The following is not an attempt to go back in time and reassess the decisions made

but rather to illustrate how the developments have been presented. Ardfin's planning history demonstrates an incremental transformation of the original estate into a commercial, luxury hospitality and leisure business. This transition has been managed while maintaining a portrayal of the development as a private concern, for guests of the estate only. This clear direction has not been detected. Many applications have seen subsequent changes, reversals or augmentations of the original proposal. The transition has eventually required an increase in staff that had not been anticipated or signalled in any applications prior to 2021. And so we find ourselves here. Not quite the integrated and coordinated approach cited by the developers.

We are now going to assess the application against a number of planning policies and their supplementary guidance. Full details are in your packs. First must make the committee aware of some anomalies between information found in the public pack and Report of Handling. We could not find information detailing:

- Sustainability checklist
- Information on the staffing needs at Ardfin

We did not include Jura Hotel and its staffing needs within these considerations – which at the time of application was a new and separate enterprise of Ardfin Estates. It is also unfortunate that there were no residents at Otterbrae when the neighbour notifications were made. We believe there are at least 13 planning policy the proposed development in contrary to. This is a summary and full details can be found in your pack.

#### Policy LDP STRAT 1 – Sustainable Development

1st is policy LDP Strat 1 – this is an introduction to sustainable development within Argyll and Bute

It's an overriding policy which provides the foundation to any others. In preparing new development proposals, developers should seek to demonstrate a number of sustainable development principles

The development DOES NOT

- Maximise the opportunity for local community benefit
- Make efficient use of vacant and/or derelict land including appropriate buildings
- Support existing communities and maximise the use of existing infrastructure and services

#### Policy LDP DM1 – Development within the Development Management Zones

2nd policy refers to development zones and acceptable scales. There is general support for up to and including 'medium' scale development in key rural settlements, Craighouse is a key rural settlement. Medium' scale development is defined as 'buildings between 200sqm and 600sqm footprint and between 6 and 30 dwelling units inclusive. This is a 'Large Development'. It's over 30 units and has a GFA of 1111sqm

SG LDP BUS1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas

SG LDP BUS 1 - Establishes the acceptable scales of business and industry development within preferred locations. It permits development if the location and scale, consistent with Policy LDP DM 1 – back to scale of development. Although site is just under the 2ha threshold for a 'large development' its foot print exceeds the 600m2 and therefore the development would fall into 'large scale'. Policy would then attempt to locate the development in a Strategic Industrial and Business Locations. Not available on Jura – but locations are available near the area of business – Jura House

SG LDP HOU1 – General Housing Development Including Affordable Housing Provision

Supplementary guidance details general housing development. There is a general presumption against large-scale housing development in Key Rural Settlements and Villages. Over the medium scale threshold.

Supported if:

- Help reduce population decline - since the development of the golf course there has only been a marginal net gain of long term residents on the island
- Delivers affordable housing
- Meet a particular local housing need. Which this development does not

Also supported if:

- Exceptional case has been demonstrated. We would argue that no exceptional case has been demonstrated:

The proposal states

- it will be built in in two stages.
- It will take a while for full occupancy
- Only 5/10 permanent units are needed
- Only occupied in summer

We would suggest the need and demand has not been properly justified and therefore no exceptional case has been made

We can illustrate this very clearly in this slide.

- It shows all the empty houses the estate owns
- 7 houses available plus two units within Jura House & The Stables developments at Ardfin.
- Properly renovated and restored these could provide up to 26 bedrooms and if not 26 members of staff, 7 permanent staff members with their partners and/or families
- As well as being a far more environmentally friendly solution (See Policy LPD 10 Maximising our Resources and Minimising our Consumption)
- It would encourage staff to stay and become permanent members within our community.
- It is clear a balance between accommodation for temporary staff and longer-term staff has not yet been properly struck.

Policy SG LDP BUS 5 – Economically Fragile Areas

This supplementary guidance refers to Economically Fragile Areas. Economically Fragile Areas were classified by HIE are characterised by a declining population, a under-representation of young people within the population, a lack of economic opportunities, below average income levels, problems with transport and other issues reflecting their geographic location. Jura definitely ticks some of these boxes. Interesting policy which allows flexibility within other policies (such as those relating to scale). However a number of criteria need to be satisfied.

Criteria i) states that "it has been demonstrated that no suitable preferred location is available"

Only one other location explored

- Crofting ground
- Not under estates ownership
- Not really a legitimate

An inappropriate sequential assessment has been made. This means no other options have been explored – such as a number of smaller sites – spread across different areas.

Only locations within the 'Settlement Zone have been explored. We would argue that the 'settlement zone' is inappropriate for this type of development as it would be for temporary accommodation for seasonal staff.

To highlight this further this slide shows maps of Ardfin before and after the golf course and resort construction. The planning system along with its zoning and scales of permitted development has allowed substantial growth within this area – private and commercial. We would argue there is potential for the development of temporary accommodation for seasonal staff within this area.

Zooming in, this map highlights Rural Development Zone in the 2014 LDP. Staff would be within a short distance of where they work. Space here to create indoor and outdoor amenity features. Nearby estate houses could accommodate warden type staff available for support and mentoring. Create a self-contained locality for a professional community

Criteria ii) would be to ensure development proposal is linked to the growth sector which is tourism within this area. While the proposal is supporting tourism we would suggest businesses need to demonstrate their sustainability.

Ardfin Estates Ltd has shown considerable losses in its published 2020 accounts. We would also suggest the socio economic benefits will be limited for Jura. Guests stay within the resort spending little within the community and historically hospitality staff have been catered for, meaning the use of businesses like the community shop will be minimal. Low pay and low rights are endemic in the hospitality sector and staff turnover at Ardfin has been generally high. Current and previous planning applications do not detail staff welfare, training and development practices - elements essential to delivering high quality tourism. The detrimental impacts of enclave tourism are well documented and is not a solution for a fragile economy.

Criteria iii) states "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".

We have seen a Sustainability Statement which covers Energy and CO2 Emissions, Water, Pollution, Health and Wellbeing and Drainage, but we have not been able to find a sustainability checklist which is referred to in the RoH. NO sustainability checklist. Quick look at the checklist highlights that a number of issues have not been addressed.

- Community Support is not wide spread
- Does not strengthen community
- Does not make sustainable use of existing resources
- Does not help to develop skills/knowledge of local people
- Does not link with existing services or organisations

Criteria 5 states that the proposed development would not erode the residential character of the area.

- Otterbrae is the first social housing to be built on Jura in over 10 years.
- 40 additional residents WILL increase traffic levels, noise, fumes
- Working patterns of hospitality industry are often erratic and unsociable
- The design and scale of accommodation proposed creates a juxtaposition between settled and seasonal residents
- The proposal will detract from the amenity of the nearby new homes

Criteria 7 relates to access and ensure current safety standards are met – much of these issues also come under Policy LPD 11 - Improving our Connectivity & Infrastructure.

- No footpath to village centre - Current access to the village is a 'step off' and a narrow single tracked road (with no speed limit) with cars parked either side.
- Dangerous and environmentally irresponsible not to address this within the application.
- Provision of 41 parking bays for 40 residents indicates a vast increase in through traffic

#### Policy LDP 9 – Development Setting, Layout and Design

This Policy refers to setting, layout and design – it refers to good design principles. We would suggest that only the minimum standards have been met and the needs of the actual users have not been taken into account. Most of the units are single aspect and very small. The internal amenity space for 40 people is minimal. There is no formal outdoor amenity space. This poor design does not provide for the wellbeing of staff. The 41 car parking spaces indicate a high car usage – along with associated noise and environmental impacts. No warden accommodation has been incorporated – which would ensure proper management of the accommodation and mentoring support for staff who will have to adapt to living on a remote island. The design of the building will be detrimental to its users and will not encourage connections with the local community. Finally there is no future proofing and flexibility of buildings - The applicants have not demonstrated how the buildings could be converted for other residential use should Ardfin be forced to close or be sold.

#### Policy LDP BAD1 – Bad Neighbourhood Development

The development will result in a sudden increase in Jura's population.

Scaling up to illustrate the impact within a town/city. Means that

- Lochgilphead would gain 460
- Oban and extra 1700 people
- Helensburgh: over 3000
- Glasgow: over 300,000

This increase is not inconsequential. Changing a population rapidly will destabilise an already fragile community. Referring to the research note on population balance on island communities "social capital, local knowledge and people-place connections all take time to develop and, when considering the balance and sustainability of a population it is therefore important to consider not only indicators such as age, gender and skills profiles, but also the permanence of a population". The design of this development fundamentally influences its impact on local amenity and it needs to be needs to be considered properly.

Policy LDP 5 – Supporting the Sustainable Growth of Our Economy  
Policy LDP 8 - Supporting the Strength of our Communities  
National Planning Framework 4

Moving forward we should perhaps consider Policy LDP5 and Policy LPD 8 as well as the new National Planning Framework 4. These policies should

- Take full account of the economic benefits of any proposed development
- Help to retain populations and attract new permanent residents to the area
- Deliver affordable housing and crofting opportunities
- Deliver development in the right place
- And Local Place Plans will offer the opportunity for a community-led, collaborative approach to creating great local places

Sheena Gow

We are asking you to reject this planning application – not because we are opposed to development on Jura, but because we believe that any development should to be tailored to the needs of the community it impacts – what is relevant for Helensburgh is not the same as what is relevant for Jura – one size does not fit all. We do not believe this application meets the criteria set out in planning policy documents. We were asked the question “what does success look like?” For us, this would be:

- the development and improvement of existing houses owned by the estate, using them
- to provide secure homes and jobs, encouraging people to stay long term
- the provision of good quality accommodation for seasonal short term staff located closer to their workplace at Ardfin
- the land proposed for this development to be allocated for community led affordable housing, thereby contributing to the sustainability of the island
- the commitment from landowners to invest in the local community and work with us to ensure that developments contribute positively to island life - to always ask the question

“What is the community benefit of this plan?”



- that any future large scale proposals must contribute to improvements to the infrastructure of the island

Thank you for your time today.

## **LOCAL MEMBER**

Councillor Dougie McFadzean

Councillor McFadzean thanked the Committee for coming to Jura and said it was important to see the island and visit the site and that it would be invaluable to the Committee's future decision. He advised that he was a newly elected Councillor, living on Islay. He said that folks had fed back to him and he had submitted a representation outlining the thoughts of the people. He said that since then he had received a couple of emails with one person very much wanting to remain anonymous. He pointed out that a lot of people worked for Ardfin Estate and a lot lived in Ardfin Estate houses. He said that this person's view was as described by the Objectors and that they were against the development for the same reasons. The other email received was also from someone who wished to remain anonymous. They were upset about the community impact this development would cause. They were also upset about an article in the Sunday Herald. Councillor McFadzean said there were two side to this for him. Apart from a person upset about division of the community, all the representations have been against this development. He said that the overwhelming feeling from emails and calls have been against this development. He said no representations were in favour of this development. He said that he knew it tended to be people that protested about things, or felt very strongly, that raised their head above the parapet, and those that want to go with the flow lay low. He advised that he would actively encourage everyone to participate in this. He said this development would have an impact on the island and of all the people that had contacted him, all, bar one, have been against these proposals.

## **MEMBERS' QUESTIONS**

Councillor Irvine sought and received confirmation from the Applicant that there would be 29 full time staff on the island all year round and during the season, from March – October each year, this rose to 57. He advised that this has always been the case. He commented that a lot of reference has been made to the impact on the community with an influx of 40 new residents. Mr MacDonald advised that there would be no new residents and that the business would continue to operate as it currently did with 29 workers throughout the year and 57 during the season. He said he did not believe there would be an impact on the local community. He advised that next year there would be the same number of staff and that there would be no impact in relation to employment aspects and on local facilities. He indicated that if the proposed development had already been there this year they would have used 30 rooms as the business would prefer not to use other properties. He referred to other properties they were using during the season. He advised that if this development went ahead they would release these other proprieties back into the system. He said they would be taking people and putting them into a higher class of accommodation than the houses used at the moment. He said these houses would be sold off.

Councillor Brown sought and received confirmation from Mr MacDonald that they would not be increasing the number of staff. He said it would remain the same as previous years with 29 full time staff already here and an increase to a total of 57 during season.

Councillor Brown sought and received confirmation from Mr MacDonald that there was a mix of full time and part time staff employed at the Jura Hotel and that some of the staff would be able to use part of the new facility.

Councillor Brown referred to the creation of 41 spaces for cars and to Mr MacDonald advising that staff would be transported to their place of work by shuttle bus and asked why that number of car parking spaces was required. Mr Cook advised that this was a requirement by the Council to have these parking spaces.

Councillor Armour asked where the additional staff that worked during the season came from. Mr MacDonald advised that the majority of local staff were fully employed and that not many were seasonal. He said that most of the season staff came from off the island.

Councillor Armour referred to the empty properties on the Estate. Mr MacDonald advised that these properties fluctuated from being empty to being used depending on staff movements. He said they had to be used during the season.

Councillor Armour asked if no thought had been given to improving these properties. Mr MacDonald advised that improving these properties would not increase the number of bedrooms and the facilities would still have to be shared. He said that a house with 4 bedrooms and 1 bathroom was not ideal for staff coming in for 8 months to share and that a lot of staff did not want to do that.

Councillor Armour asked if the new development would be used for seasonal workers. Mr MacDonald indicated that they also had permanent staff.

Councillor Armour said it was his understanding that the development was not for permanent housing. Mr MacDonald explained that the double housing could be used as there was staff that shared housing at the moment and had nowhere else to go.

Councillor Armour said he was under the impression that this was temporary housing for seasonal workers and that he was not under the impression that there would be permanent housing. Mr MacDonald said that the vast majority would be seasonal but they did have full time staff at the moment living in shared accommodation.

The Chair ruled, and the Committee agreed, to adjourn the meeting at 12.55 pm for lunch.

The Committee reconvened at 1.55 pm.

### **MEMBERS' QUESTIONS (CONTINUED)**

Councillor Martin referred to there being some confusion during the last question. She said that Councillor Armour had asked if the housing would be temporary or permanent. She asked the Applicant to confirm. Mr MacDonald said that as the plan went through the intention was to accommodate temporary staff during the season from March to October. He advised that he had said they also had staff that could possibly go in there permanently.

Councillor Martin referred to the homes being designed for temporary living. She also referred to the 7 Estate houses that appeared to be in disrepair and uninhabitable. She asked for assurance that if the Estate became unviable, that these new houses would not fall into that same state of disrepair. Mr MacDonald said that all the properties would be used for seasonal workers and that they would be occupied from March to October. He

said that was how they occupied staff at the moment and that they were finding it unacceptable to have them in houses with 4 or 5 bedrooms. He said they were trying to change that.

Councillor Martin sought and received confirmation from Mr MacDonald that the new properties would be maintained and heated during the winter months.

Councillor Brown asked what the percentage of staff turnover was. Mr MacDonald said that the permanent staff remained static at 29. He said they were full time and that the vast majority had been with the Estate for years. He advised that most of the permanent, long term staff lived in Estate houses and some had their own houses.

Councillor Hampsey sought and received confirmation from Mr MacDonald that 6 Estate houses were being used for staff during the season.

Councillor Hampsey asked if this accommodation was approved, would these Estate houses go back into the market for sale or rent. Mr MacDonald advised that this had not been thought about yet. He said that they would not want to keep houses they did not need. He said they would want to offload them but how that could be done had not been discussed.

Councillor Hampsey asked what the condition was of these Estate houses. Mr MacDonald advised that it varied. He advised that all but one were used at the moment, with only one being uninhabitable and needing attention. He said that upgrades were done during the winter for staff coming back in April.

Councillor Irvine referred to page 13 of the report of handling which advised of a further site within the settlement boundary being brought forward for consideration for affordable housing and sought comment from Planning on that. Mr Bain explained that there was currently a planning application in for another site for 16 houses initially which had since been reduced to 10 at the other end of the village within the settlement of Craighouse.

Councillor Brown referred to comment made that the Applicant would need to contact Scottish Water to have mains water. She asked Planning if that was the case and how they would go about that. Mr Bain explained that there had been no objection from Scottish Water to the proposed arrangements. He advised that a response will come with a number of caveats that the Applicant would have to secure by condition. Mr Cook advised that an initial enquiry was made to Scottish Water and to SEPA but this only went so far as they will not engage in further discussion until planning was in place. He said that the water supply would have to be checked to ensure there was adequate flow and pressure and, if not, some sort of pump would be required to address that. He advised that Scottish Water were happy with the surface water drainage. He said that percolation tests would be required and foul drainage would have to be considered as there was reduced capacity at the moment. This would either have to be increased or some sort of private system put in place. This is something that would be discussed with Scottish Water but not until planning was in place.

Councillor Irvine referred to the SHIP (Strategic Housing Improvement Fund) and the current Local Development Plan and the new LDP2. He asked if the Applicant's site was developed, would this impinge on the availability of land for any potential affordable housing in the future. Mr Bain advised that that this development site was in the settlement area and not zoned specifically for housing. He said that if the site was not used for this development it could be used for another development. He said that this was

not the last piece of available land. He referred to a PDA (Potential Development Area) for housing up the hill. He said there were also other parts of settlement area which would allow for development.

Councillor Green referred to the site visit and said that from his recollection there was talk about the speed of traffic in terms of where footways would be provided. He noted that there were conditions recommended to provide a footpath and lighting but no mention about the speed limit and asked if that was correct. Mr Bain confirmed that the Roads Officer had not asked for the speed limit to be changed. He advised that speed calming measures in the form of a speed table would be within the site to mitigate against traffic entering and leaving the housing development too fast.

Councillor Green sought and received confirmation from Mr Bain that the street lighting would be extended up to the new development. The footpath and lighting would be developed from the junction of the new development and stop at Woodside. The more built up area of the village would have no street lighting.

Councillor Green referred to discussion around Class 7 that was associated with guest houses, hotels etc and the suggestion that some of these accommodations might be used on a more permanent basis. He asked if that would more appropriately fall under Class 9 than Class 7 and if that was the case, would the current application be okay if purely for Class 7. He asked if it should be a mix of Class 7 and Class 9. Mr Bain explained in planning terms a property used as a dwelling was a Class 9 which related to individual houses which were self-contained apartments with separate cooking, water facilities etc and that were not relying on shared facilities. He said that the majority of accommodations in this proposal would not be suitable for Class 9 as they relied on shared elements. He pointed out that block 4 at the far end of the site was more akin to semi-detached dwellings house and could potential offer scope for residential accommodation akin to a dwelling. He said that this was not what the houses have been assessed as. He said that a change of use would need to be applied for. He said that a condition was recommended to restrict the use of the accommodations to employees of the Estate with flexibility to allow family members to reside with them at times.

Councillor Green referred to the Applicant advising that the vacant or unused properties may be sold off if this development was granted and went ahead. He asked if there has been any consideration of a wider plan for the Estate such as a Masterplan. Mr MacDonald said that in relation to what they would do with the houses they were where they were at the moment. He said these houses were utilised by staff and that they were not ideal. He advised that if they had alternative arrangements that were better for the staff the plan would be to offload these houses back into the system as they would not need them.

Councillor Green sought and received confirmation from Mr MacDonald that there had been no discussion yet about how these houses would be disposed of.

Councillor Irvine asked if the new development met demand or did it future proof as well. Mr MacDonald advised that at the present moment their operations would not require more staff. He said they had no plans for any further building or development.

Councillor Irvine asked Officers if the Objectors' final summary could be seen as a competent motion. Mr Jackson advised that Members would need to consider fully the terms of a competent motion and come forward with their own views.

Councillor Martin sought clarification from the Community Council on what they meant when they said the development would negatively impact on emergency services. Ms Bryce explained that the emergency services on the island were made up of volunteers and that there were a number of volunteer groups made up of permanent residents on the island. She said that those services would be impacted as they were already stretched at the moment.

Councillor Martin sought and received confirmation from Ms Bryce that the shop was community owed. Ms Bryce agreed that the shop heavily benefited from tourists coming to the island. She said that everything was at capacity based on the island's volunteers and scale.

Councillor Green referred to seasonal workers coming and going and commented on the possibility of them helping with voluntary work for the emergency services. He asked Mr MacDonald if he supported permanent staff to help out in the community by being first responders etc. Mr MacDonald said that there was the potential for local people to interact wherever they needed to interact. He referred to himself being on the Community Council for 3 decades and volunteering for the coastguard for 46 years.

Councillor Hampsey sought and received confirmation from Mr MacDonald that the Estate had 29 permanent staff and 57 in total at any one time with 3 of the 29 staff living on Islay. Mr MacDonald said that of the 26 staff on Jura, 2 of these could move into the accommodation.

Councillor Armour referred to what was considered residential and what was considered temporary accommodation. He commented that he had heard today that the more cottage type development could be for permanent residents. He asked if this fell out with what the Committee were being asked to agree to. Mr Bain confirmed that what was being applied for was Class 7 and that any concerns about the suitability of the housing for permanent use was something that should be set aside. He advised that if the Applicant wanted to use some of the accommodation for permanent housing in the longer term that would trigger the requirement for a change of use application. He advised that the application had been assessed and deemed suitable for Class 7 use.

Councillor Armour said that he got the impression that part of the development could be used as permanent housing. Mr Bain explained that whether that happened or not was for the Applicant to decide. He advised that if the housing was allocated to someone for permanent use the Applicant would need to come back with an application for change of use.

Councillor Armour asked Mr MacDonald if this development was approved today as Class 7 use, would he come back next week with an application for change of use. Mr MacDonald confirmed that they were applying for temporary accommodation. He said they could possibly have 2 people looking for permanent accommodation and that this was something they would have to discuss with Planning.

Councillor Armour sought and received confirmation from Mr Bain that if this development was approved today as a Class 7, a separate application would need to be made to change the use if the intention was to have some permanent dwellings.

Councillor Armour referred to comment by the Objectors that the size of the development exceeded 600msq. Mr Bain explained that in terms of policy LDP DM1 and SG BUS1 Craighouse was defined firstly as a key rural settlement. BUS1 looked at the setting and

appropriate scales of development. BUS1 supported up to medium scale development. In terms of floor space this was between 200 and 600 sqm. Once you go beyond 600 sqm as the current proposal did at 1100 sqm this was large scale development.

Councillor Martin commented that there were 29 staff at the moment out with the season and 3 lived off the island. She added that 26 staff on Jura used the shop and other resources on the island. She asked the Applicant if he was confident that up to 57 staff would not be stretching the resources on the island at all. Mr MacDonald said these were not new staff. He said the business has been operating since 2020 and that they had 57 all through this summer. He said they used the houses with bedrooms and had to this year use hotel rooms in emergencies. He commented that they had also used Pods for staff in the past.

Councillor Martin asked if the 18 or 19 staff at peak times had nowhere to stay in the past. Mr MacDonald said they had 29 permanent staff and the balance during the season brought that up to 57. He said the staff were accommodated within the hotel and within the houses they had. He said that they were utilising rooms in hotels they would rather use for clients. He said that this year they had 57 staff accommodated with some difficulty.

Councillor Irvine asked how much consultation with the community was undertaken. Mr MacDonald advised that as this was not a major application there was no requirement for community consultation. He said that as far as the community were concerned, he would have expected the Community Council to have done more research. He said they did not consult with the Applicant at all. He said that would have created more of a general view.

Councillor Brown commented that surely as a good neighbour the Applicant should have consulted with the community. Mr MacDonald said there was no requirement to have a community consultation. It was not part of the process so it never happened.

Councillor Armour commented that he appreciated that the Applicant did not have to consult with the community. He referred to hearing from the Community Council that the site should have been for housing instead. He commented that it looked that this application had divided the community and asked Mr MacDonald if he ever considered that consultation with the community would have helped get everyone onside. Mr MacDonald said that whether it should or should not have happened, it never happened.

## **SUMMING UP**

### **Planning**

Mr Bain advised that during the course of the day Members had heard a range of arguments from the Applicant in support and from the wider community in opposition. In reaching a decision today, there is a require for decision makers to take account of Section 25 of the Town and Country Planning (Scotland) Act 1997 and there is a requirement to determine the application in accordance with the provisions of the adopted Local Development Plan unless material considerations dictate otherwise. 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 settlement strategy within the LDP seeks to guide large developments to key settlements to maximise use of existing infrastructure. Within the context of Jura opportunities for new development are constrained by designations both national and international. The whole site is within the key rural settlement of Craighouse/Keills and the Jura National Scenic Area (NSA). There is no other area of land allocated for business and industry use in the Ardfin Estate and no brownfield sites that would be suitable for a development of this scale. There is also opportunity to augment existing infrastructure in Craighouse. Buildings within the site are considered to have been designed in a manner not out of place with the landscape. Nature Scot have confirmed it will not have a significant adverse effect on the special qualities of the NSA. While the footprint is 1100 sqm the development has been broken down with the use of a court yard, ground levelling, and single and one and half storey dwellings. The location is already subjected to human activity and avoids direct impact on nature designations. The Craighouse Ravine, Jura SSSI still requires detailed consideration and Nature Scot has not raised an objection but have asked for mitigation measures for the SSSI.

Concerns raised about the suitability of existing infrastructure have also been considered by Officers. Scottish Water have not raised a formal objection. The Roads Officer has recommended improvements with onsite traffic calming and improvements to the public road network with road widening, a footpath and street lighting between the development and termination of existing street lighting. The Roads Officer has no objections. Third party representations raise concerns of the potential for the proposed development to have an adverse impact on the amenity of the adjacent housing development. The proposal has been assessed against Policy SG LDP BAD1 which seeks to avoid adverse impact. It has been confirmed that the proposed development will be sufficiently separate from the adjacent properties. There will be no loss of privacy or daylight. The proposed development falls within the definition of hostel Class 7 commercial activity under SG LDP BUS1. The primary activity was intended to accommodate workers on the Estate and it was not expected there would be any impact in terms of noise and odour which might be experienced from other industries. Environmental Health Officers have not raised objection. A condition will limit the hours of operation during construction to minimise the impact of noise on occupiers of residential properties and there was also a condition to limit the noise of the air source heat pump. Planning Officers propose a condition limiting the occupation to employees of Ardfin Estate and immediate family members.

The case before Members has been assessed by Officers and it is considered that the siting, scale and massing, design and finishes, amenity and service arrangements align with the provisions of the LDP 2015 and it is recommended that planning permission be granted subject to the conditions set out in the report.

### **Applicant**

Mr Cook advised that a pre application submission was lodged to determine the Class use and location. He advised that Class 7 was the appropriate use. He added that the footpath and lighting formed part of the application. He also advised that a sustainability checklist was submitted as part of the application should be a document shared.

### **Consultees**

Jura Community Council

Ms Bryce explained why the Community Council did not do a consultation. She advised that at the time the application was lodged the Community Council had 4 weeks to respond. When the Community Council met to discuss the application they had a 2 week window before the closing date for responses. She advised that the Community Council would welcome a community consultation and extension to this application. She said that the Community Council used the community action plan and local development plan in order to put their response together.

### **Objectors**

Ms MacDonald said that it was interesting to hear that a sustainability checklist had been completed as they had not had sight of it. She said it may be irrelevant, but by their reckoning over 50% of the objectors lived in Craighouse. She advised that in terms of the empty houses on the Estate, the Estate owned a number of houses and 6 were lived in permanently. She said that there were still 7 houses empty with 2 of those not lived in for a number of years. She said that one of those 7 was never used for staff accommodation. She also referred to 4 vacant crofts applied for and not allocated on the Estate. She said the net gain of long term residents was marginal as a large number who worked on the Estate resided on the island. She said that the local school had gained 2 additional pupils over recent times and this increase in numbers was not as a result of the Estate. She expressed concern about discussion around Class 7 and Class 9. She referred to the planning history of the Estate and said that showed that very often applications put in were later amended. She advised of concern if this was granted based on Class 7 that this could change.

The Chair established that all those present had received a fair hearing. In terms of the Councillor's National Code of Conduct, Councillor Dougie McFadzean left the meeting at this point.

### **DEBATE**

Councillor Irvine advised of the Committee's role. He referred to the number arguments presented during the course of the hearing and said that while the Committee will have opinions on these, they would be deemed personal opinions. He said the role of the Committee was to determine the application based upon the proposal put forward. He advised that this was not to say they would not be mindful of what everyone had said, which, he advised, they were. He referred to this being a difficult situation and said that the Committee appreciated and understood all the arguments from both sides, but they had to work within the framework based on the planning recommendation before them. He referred to the issue raised about consultation and suggested that a community consultation may have led to less objections and less friction in the community. He advised that if the application was approved, or not, he would encourage all parties to get their heads together on an ongoing basis to avoid any potential future issues in this small close knit community. He said it seemed to him a bit of a shame there was no close knit feeling in the engagement process. He advised that at the end of the day the Committee decision had to be based on the rules and statutes they had to abide by.

Councillor Brown said the process had been good and had answered a lot of questions. She acknowledged that the Committee needed to be mindful of the planning regulations. She said there was more to this application and the number of questions was huge. She said that she thought the site visit had been very helpful but it was still difficult to imagine how the development would fit it.



Councillor Armour thanked everyone for their presentations and said that they had been very full and really helpful. He said that he found this difficult and thought that his concerns have been highlighted on the danger of cross over between Class 7 and Class 9. He said he felt a community consultation would have helped and it was regretful that had not happened.

Councillor Martin said she had a couple of concerns and the main one was she was not confident that there would not be a new influx of people coming to the island. She advised she was concerned that amenities on the island may not be enough to sustain a new influx to the school. She said she could understand the 30 objections and commented that this was a huge population of the island.

Councillor Hampsey said she was aware of the Jura community and how close they were. She thought that if bridges had been built with the community the Committee might not be sat here at a hearing today. She said there was a framework to follow but at the same time the Applicant could have done more and that such a large employer should be working together with the community.

Councillor Green referred to comments about the process and sought wider thoughts on how the Committee wished to determine this application.

Councillor Irvine said that given the fact that it seemed apparent that a number of colleagues still had questions and that a number of regulations and planning issues were less clear he would be minded to seek a continuation. Mr Jackson advised that the question session had finished and that part of the hearing was over. He explained that the Committee should now debate and determine whether they would wish to approve or reject this application. He advised that if a Member wished to move the recommendation in the report to approve this application subject to conditions and there was a seconder, another Member, if so minded, could move an amendment to refuse the application but they would only be able to do so with a competent motion. He advised that a Member could move to continue consideration of this application in order to give them time to seek advice on a competent motion to refuse.

Councillor Green referred to what others said and he agreed that it was quite difficult in terms of the concerns put forward. He agreed that it would have been helpful if work had been done to come to a resolution, however, he said he had to come to a decision based on the information before him. He advised that having been at the site visit he could see no material consideration to not grant this planning application at the current time.

Councillor Martin said she had concerns about how the islands resources could cope within an increase in staff. She said the size of the development led her to think there would be an influx and she commented that she did not know if an assessment had been done to ensure the current resources would cope.

### Motion

To agree to grant planning permission subject to the conditions and reasons detailed in the report of handling.

Moved by Councillor Kieron Green, seconded by Councillor Amanda Hampsey.

### Amendment

To agree to continue consideration of this application to give time to seek advice on a competent motion to refuse the application.

Moved by Councillor Jan Brown, seconded by Councillor Luna Martin.

A vote was taken by a show of hands.

The Motion was carried by 4 votes to 2 and the Committee resolved accordingly.

## DECISION

The Committee agreed to grant planning permission subject to the following conditions and reasons:

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.

- 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.

- 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

- 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 street lighting shall be installed in accordance with the duly approved details prior to the first occupation of the

Reason: In the interests of road safety

- 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.

- 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 4<sup>th</sup> 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. 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.

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.

(Reference: Report by Head of Development and Economic Growth dated 14 September 2022 and supplementary report number 1 dated 27 September 2022 and supplementary 2 dated 10 November 2022, submitted)