

Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 22/01418/PP
Planning Hierarchy: Major
Applicant: TSL Contractors Ltd
Proposal: Detailed planning application for the erection of residential development comprising 97 residential units and a commercial unit (class 1) with all associated external works and landscaping.
Site Address: Land North West of Isle of Mull Hotel, Craignure, Isle of Mull, Argyll and Bute.

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 97 residential units (mixture of house and flat types as per schedule and plans)
- Erection of a commercial unit
- Associated roads infrastructure to include new junction to public road
- Formation of formal and informal amenity space
- Provision of on-site parking
- Landscaping Proposals
- Provision of SUDs compliant drainage infrastructure

(ii) Other specified operations

- Connection to public water supply
 - Connection to public foul water system
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(B) RECOMMENDATION:

It is recommended that Planning Permission be granted subject to appropriate conditions.

(C) CONSULTATIONS:

Scottish Environmental Protection Agency (28/09/2022) – has no objection subject to the imposition of a planning condition requiring the development to connect to the public sewer. This is due to the scale of the development and that the development is within a settlement area, served by a public sewer.

(08/03/2023) – Following the applicant updating their Drainage Layout to show connection to the public foul water sewer network, SEPA removed their requirement for a planning condition.

Scottish Water (28/09/2022) – has no objection and notes that Tobermory Water Treatment Works would service the development and at present has sufficient capacity to serve the development. The site would be served by Craignure Waste Water Treatment Works. A Pre-Development Enquiry is required to be submitted to Scottish Water, once any planning permission is granted to confirm capacity of water and waste water.

NatureScot (14/10/2022) - notes there are no statutory designations within the proposed development site and the area of peat identified does not raise uses of national interest but there are opportunities for biodiversity net gain and habitat improvement. Agree the recommendations of the submitted Ecological Report which states further survey work should be undertaken. A Bird Protection Plan is recommended for the White Tailed Eagles within the area.

West of Scotland Archaeological Service (06/10/2022) – notes that the application lies in a landscape populated with recorded archaeological sites of prehistoric, medieval and later date. The Officer has no objection to the proposal, subject to the inclusion of a planning condition requiring the agreement and implementation of an archaeological written scheme of investigation.

ARGYLL & BUTE COUNCIL INTERNAL CONSULTATION RESPONSES

Council's Flood Risk Assessor (19/01/2023, 24/02/2023, 18/05/2023, 11/08/2023 and 24/08/2023) – has no objection following receipt of additional flooding and drainage information. They note that surface water will be collected at each of the dwellings and routed through a series of pipes to one of two detention basins before discharge to nearby watercourses. Content with the proposed drainage discharge rate to the watercourses and notes that there is no surcharging or flood risk observed in the network for the 30 year + 30% climate change flood event. It is confirmed that the sizing of the detention basin is acceptable.

Council's Areas Roads Officer – Oban (26/10/2022 and- 13/09/2023) has no objection subject to conditions. The proposal is situated off the UC80 Java Housing Road within a rural 30mph speed restriction. The existing access at connection with the A849 requires proportionate upgrade. Recommended planning conditions include: appropriate road drainage, roads to be built to adoptable standards and road gradient recommendations, sizing of footways, car parking provision to meet Council Guidance and suitable arrangements for refuse storage and collection.

Council's Environmental Health Officer (28/10/2022) – has no objections to the application subject to the inclusion of planning conditions relating to the agreement of an environmental management plan, and restriction of construction hours in the interests of protecting amenity of surrounding occupants from any adverse nuisances arising from the construction of the development.

Council's Local Biodiversity Officer (26/10/2022, 24/8/23 and 26/9/23) - has no objection to the proposal, noting that there are no designated sites within the

proposed development. The proposed losses of habitats are of low botanical value with the exception of the broadleaved woodlands and marshy grasslands. However the habitats are also common and widespread within the area and therefore predicted not to be a significant loss. The officer concurs with the mitigation report in relation to ecological, ornithological and the actions to deliver the mitigation. Planning conditions are recommended to include, detailed landscape planting plan, incorporation of the species action plans into the General Environment Management Plan and the production of an Invasive Non-native species management plan.

In relation to NPF4 Policy 3 – Biodiversity, the applicant submitted further documents relating to Biodiversity Net Gain and the Biodiversity Metric. The Biodiversity Officer has confirmed that neither of these are currently used in Scotland and therefore requested that the applicant complete a checklist of the 24 Biodiversity Measures to demonstrate Biodiversity Net Gain. This was duly completed by the applicant and the Biodiversity Officer has confirmed that she is satisfied with the proposals.

Council’s Core Path’s Officer – no comments received.

Education (dated 21/1/23) - I can confirm on behalf of Education that in relation to application 22/01418/PP for the Erection of 97 houses at Craignure on Mull, Education not wish to put forward any objection.

COMMUNITY COUNCIL COMMENTS

Mull Community Council (28/09/2022 and 27/09/2023) – support the development and welcome the community consultation undertaken by the applicants prior to the submission. The Community Council raises concern regarding potential second home ownership of the housing proposed and welcomes the potential future phases of the development including care and nursery facilities.

(D) HISTORY:

21/02336/PAN – Proposal of Application Notice for Development comprising circa 90 residential units, care home, nursery and commercial unit with all associated external works and landscaping. The PCC Field, Land North West of Isle of Mull Hotel, Craignure, Isle of Mull, Argyll and Bute. Decision issued 04/03/2022.

22/01060/SCREEN – Screening Opinion for proposed housing and commercial development. Land North West of Isle of Mull Hotel, Craignure, Isle of Mull. Opinion issued: 12/07/2022.

(E) PUBLICITY:

Regulation 20 Advert Major Application Expiry Date: 06/10/2022

(F) REPRESENTATIONS:

(i) Representations received from:

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(ii) Summary of issues raised:

- The Panel welcome the commitment that the internal layout of the houses have been designed to enable them to be readily adaptable for use by disabled persons.
- The location is central to the Island, close to facilities and shops and the island's transport hub making it a good place to live for disabled people.
- They recommend the installation of dropped kerbs at appropriate pedestrian crossing routes.
- They recommend that 2 of the 97 units are designed on Inclusive Design principles.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report:** Yes No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No
- (iii) **A Design or Design/Access statement:** Yes No
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No

The application is supported by the following documentation:

- Drainage Strategy Report;
- Ecological Appraisal;
- Flood Risk Assessment;
- PAC Report;
- Planning Statement;
- Transport Statement;
- Soft-works Specification and Maintenance
- Tree Survey
- Waste Strategy and Bin Storage
- Waste Management Strategy
- NPF4 Policy Review
- NPF4 Policy Considerations- Flood Risk Addendum

- Biodiversity Metric Calculations and Biodiversity Net Gain Feasibility Report
- SUDS Basin calculations and Surface Water Calculations

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

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

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

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

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

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

- NPF4 Policy 1 – Tackling the Climate and Nature Crises
- NPF4 Policy 2 – Climate Mitigation and Adaption
- NPF4 Policy 3 – Biodiversity
- NPF4 Policy 4 – Natural Places
- NPF4 Policy 5 – Soils
- NPF4 Policy 6 – Forestry, Woodland and Trees
- NPF4 Policy 7 – Historic Assets and Places
- NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings
- NPF4 Policy 12 – Zero Waste
- NPF4 Policy 13 – Sustainable Transport
- NPF4 Policy 14 – Design, Quality and Place
- NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods
- NPF4 Policy 16 – Quality Homes
- NPF4 Policy 20 – Blue and Green Infrastructure
- NPF4 Policy 21 – Play, Recreation and Support
- NPF4 Policy 22 – Flood Risk and Water Management
- NPF4 Policy 23 – Health and Safety
- NPF4 Policy 25 – Community Wealth Building
- NPR4 Policy 28 – Retail
- NPF4 Policy 29 – Rural Development

[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)

- LDP STRAT 1 – Sustainable Development
- LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 8 – Supporting the Strength of our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing our Consumption

Local Development Plan Schedules

'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016 & December 2016)

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 2 – Impact on European Sites
SG LDP ENV 6 – Impact on Trees / Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 14 – Landscape
SG LDP ENV 20 – Impact on Sites of Archaeological Importance
SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision
SG LDP HOU 2 – Special Needs Provision in Housing Developments
SG LDP HOU 3 – Housing Green-Space
SG LDP Sustainable – Sustainable Siting and Design Principles
SG LDP SERV 2 – Incorporation of Natural Features / SuDS
SG LDP SERV 3 – Drainage Impact Assessment
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP Sust Check – Sustainability Checklist
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 2 – Development and Public Transport Accessibility
SG LDP TRAN 3 – Special Needs Access Provision
SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 5 – Off-site Highway Improvements
SG LDP TRAN 6 – Vehicle Parking Provision

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

- Third Party Representations
- Consultation Responses
- Planning History
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- Scottish Government's policy on control of woodland removal: Implementation guidance February 2019

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non

Notifiable Modifications is a material consideration in the determination of all planning and related applications.

- Policy 01 – Settlement Areas
- Policy 02 - Outwith Settlement Areas
- Policy 04 – Sustainable Development
- Policy 05 – Design and Placemaking
- Policy 06 – Green Infrastructure
- Policy 08 – Sustainable Siting
- Policy 09 – Sustainable Design
- Policy 10 – Design – All Development
- Policy 15 – Supporting the Protection, Conservation and Enhancement of Our Historic Built Environment
- Policy 21 – Sites of Archaeological Importance
- Policy 32 – Active Travel
- Policy 33 – Public Transport
- Policy 34 – Electric Vehicle Charging Points
- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 36 – New Private Accesses
- Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
- Policy 38 – Construction Standards for Public Roads
- Policy 39 – Construction Standards for Private Accesses
- Policy 40 – Vehicle Parking Provision
- Policy 41 – Off Site Highway Improvements
- Policy 46 – Retail development – The Sequential Approach
- Policy 58 – Private Water Supplies and Water Conservation
- Policy 59 – Water Quality and the Environment
- Policy 60 – Private Sewerage Treatment Plants and Wastewater Drainage Systems
- Policy 61 – Sustainable Urban Drainage Systems (SUDS)
- Policy 62 – Drainage Impact Assessments
- Policy 63 – Waste Related Development and Waste Management
- Policy 64 – Housing Development on Allocated Sites
- Policy 67 – Provision of Housing to Meet Local Needs Including Affordable Housing
- Policy 68 – Housing Greenspace
- Policy 73 – Development Impact on Habitats, Species and Biodiversity
- Policy 77 – Forestry, Woodland and Trees
- Policy 78 – Woodland Removal
- Policy 79 – Protection of Soil and Peat Resources
- Policy 81 – Open Space Protection Areas

Local Development Plan 2 Schedules

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes No (if Yes confirm date of screening opinion and reference below)

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes No (if Yes provide summary detail of PAC below)

(M) Has a Sustainability Checklist been submitted: Yes No

(N) Does the Council have an interest in the site: Yes No

(O) Requirement for a pre-determination hearing: Yes No

(P)(i) Key Constraints/Designations Affected by the Development:

- SEPA Flood Zones (Surface Water)
- Core Paths

(P)(ii) Soils

Agricultural Land Classification:

Class 5.2

Peatland/Carbon Rich Soils Classification:

- Class 1
Class 2
Class 3
N/A

Peat Depth Classification:

2.0 in the southern region of the site and up to 0.75 for the remainder of the site

- Does the development relate to croft land? Yes No
Would the development restrict access to croft or better quality agricultural land? Yes No N/A
Would the development result in fragmentation of croft / better quality agricultural land? Yes No N/A

(P)(iii) Woodland

- Will the proposal result in loss of trees/woodland? Yes
(If yes, detail in summary assessment) No
Does the proposal include any replacement or compensatory planting? Yes
No details to be secured by condition
N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application
(tick all relevant boxes)

- Brownfield
Brownfield Reclaimed by Nature
Greenfield

ABC LDP 2015 Settlement Strategy
LDP DM 1 (tick all relevant boxes)

- Main Town Settlement Area
Key Rural Settlement Area
Village/Minor Settlement Area
Rural Opportunity Area
Countryside Zone

ABC pLDP2 Settlement Strategy
(tick all relevant boxes)

- Settlement Area
Countryside Area
Remote Countryside Area
Helensburgh & Lomond Greenbelt

Very Sensitive Countryside Zone

Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc:

The red line boundary includes a small segment of Potential Development Area 6/11 which has a community facilities use.

ABC pLDP2 Allocations/PDAs/AFAs etc:

The site is allocated for housing development under allocation ref: H40022. This covers 6.14 Ha.

The site also includes land allocated as Open Space Protection Area which covers 1.8Ha and is located within the south-eastern area of the application site.

(P)(v) Summary assessment and summary of determining issues and material considerations

The proposal seeks to develop an allocated housing site within LDP2 to provide 97 dwellings of varying sizes. The site is located in rural area, with the housing allocation playing a pivotal role in meeting the housing needs of the Island.

The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). LDP2 is very close to adoption. The deposit period for the Intention to Adopt commenced on 23rd October 2023 with the plan likely to be adopted in the near future.

The identified relevant policies and housing allocations of PLDP2 represent a material consideration that indicate that the application should be determined otherwise than in accordance with the adopted development plan. This justification is set out in Section S below.

The principle of development is acceptable having regard to the allocation of the land for residential development in LDP2. The proposal will provide an appropriate layout and design for this site.

Taking account of the above it is recommended that planning permission be approved.

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

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

The proposal is for a residential development and ancillary commercial premises on a site allocated for housing with pLDP2. The Examination period of this plan has now concluded and, at the time of writing, the plan is currently on Deposit and is likely to be in the near future. It is considered that the plan carries sufficient weight to outweigh the designation of land as countryside in the adopted LDP. It is therefore considered that planning permission should be granted subject to conditions.

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

The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). LDP2 is very close to adoption. The deposit period for the Intention to Adopt commenced on 23rd October 2023 with the plan likely to be adopted on 20th November.

The identified relevant policies and housing allocations of PLDP2 represent a material consideration that indicate that the application should be determined otherwise than in accordance with the adopted development plan.

In the event that pLDP2 is adopted prior to the committee, this proposal would still represent a minor departure from LDP2 as a small area to the north west of the site lies outwith the allocation and within the countryside zone. No houses are proposed within this area and this would be required to accommodate one of the two Sustainable Urban Drainage Areas (SUDs) required for the drainage of the site. It is proposed to provide a windust pedestrian footpath to this area which would also connect the development with further paths to the west of the site. The landscape plan indicates that a wildflower meadow would be planted around the SUDs area. Taking account of the above, it is considered that the area would still retain an open, countryside appearance which would not conflict with the aims of the countryside policy.

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
 Yes No (If yes provide detail below)

Author of Report: Sandra Davies

Date: 7th December 2023

Reviewing Officer: Peter Bain

Date: 7th December 2023

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. (22/01418/PP)

1. PP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 8/7/22; , 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 as Existing	200661A-10-002	Rev.D	06/09/2022
Topographical Survey Plan as Existing	200661A-10003	Rev.A	06/09/2022
Location Plan – Craignure Context as Existing	200661A-10-001	Rev.C	06/09/2022
Location Plan as Proposed	200661A-PL-001	Rev.G	09/11/2023
Site Plan as Proposed	200661A-PL-003	Rev.C	9/11/2023
Site Cross Section Detail as Proposed	200661A-PL-002	Rev.A	18/08/2022
External Levels Layout	J5336-001		11/07/2022
Drainage Layout	J5336-011	Rev.F	09/03/2023
Cottage Flats-Affordable Plans & Elevations	200661A-PL-010	Rev.A	18/08/2022
2 & 3 Bed Terrace-AFF. Plans & Elevations	200661A-PL-011	Rev.B	06/09/2023
3 Bed Semi-Detached –AFF Plans & Elevations	200661A-PL-012		11/07/2022
1 Bed Flats- PFS Plans & Elevations	200661A-PL-013	Rev.A	18/08/2022
2 Bed Flats –PFS Plans & Elevations	200661A-PL-014	Rev.A	18/08/2022
2 Bed Bungalow – PFS Plans & Elevations	200661A-PL-015	Rev.A	18/08/2022
3 Bed Flat & Retail Uni- PFS Plans & Elevations	200661A-PL-016	Rev.B	05/04/2023
3 Bed Semi Detached- PFS Plans & Elevations	200661A-PL-017	Rev.A	18/08/2022
3 Bed Detached-PFS Plans & Elevations	200661A-PL-018		11/07/2022

4 Bed Detached-ST- PFS Plans & Elevations	200661A-PL-019		11/07/2022
4 Bed Detached In-PFS Plans & Elevations	200661A-PL-020		11/07/2022
4 Bed Detached Wide- PFS Plans & Elevations	200661A-PL-021	Rev.A	18/08/2022
4 Bed Detached Large- PFS Plans & Elevations	200661A-PL-022		11/07/2022
2 & 3 Bed Terrace – AFF. Combined Plans	200661A-PL-023	Rev.A	06/09/2022
3 Bed Detached – Handed Plans & Elevations	200661A-PL-024		18/08/2022
4 Bed Detached St – Handed Plans & Elevations	200661A-PL-025		18/08/2022
4 Bed Detached Inv-Handed Plans & Elevations	200661A-PL-026		18/08/2022
4 Bed Detached Wide-Handed Plans & Elevations	200661A-PL-027		18/08/2022
4 Bed Detached Large-Handed Plans & Elevations	200661A-PL-028		18/08/2022
1 & 2 Bed Flats – PFS Plans & Elevations	200661A-PL-029		06/09/2022
Garage Units Plans & Elevations	200661A-PL-051		18/08/2022
Vehicle Swept Path Analysis for a Refuse Vehicle	J5336-004		11/07/2022
Proposed Landscape Layout	1641-01	Rev.F	18/08/2022
Softworks Specification & Maintenance	1641-03	Rev.B	04/07/2023
Proposed trees to be removed & retained	1641-02	Rev.B	04/07/2023
Waste Strategy & Bin Storage	200661A-PL050	Rev.A	06/09/2022

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

Note to Applicant:

- This planning permission will last for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

2. **Archaeological Works**

No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to comply with the requirements of NPF4 Policy 16F.

3. **Requirement for Public Sewerage Connection**

The development hereby approved shall connect to the public sewerage system.

Reason: The site is located within a settlement area served by a public sewer. The use of a private system would be a material change and would require the submission of a further planning application.

4. **Open Space Provision**

No development shall commence until details for the provision and maintenance of areas of communal open space and equipped play area(s) identified on the approved plans have been submitted to and approved in writing by the Planning Authority. The details shall comprise:

- i) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;
- ii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);
- iii) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development. The equipped children's play area shall be completed before the occupation of the 50th dwelling;

- iv) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects.

The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

Reason: In order to secure provision of communal open space and equipped play areas within the development in accordance with the requirements of NPF4 Policy 16F.

5. **Construction Environmental Management Plan**

No construction works shall be commenced until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Planning Authority. The CEMP shall be overseen by an Ecological Clerk of Works (ECoW) and shall cover the following details:

Public Protection Issues:

- a) Consideration of all local noise sensitive receptors and the impact which would be had during land clearance and construction and the controls for this
- b) The use of equipment, such as mobile crushers and pecking equipment which may be in use and the controls which are put in place for these
- c) Any controls for dust on the site to ensure that this does not cause a nuisance to nearby receptors
- d) Any site lighting which may be used during the project and how this will be controlled so as not to cause a light nuisance to local receptors
- e) Proposed hours of works
- f) Best Practical Means measures to be put in place during any land clearance and construction work phases.

Biodiversity Issues:

- (a) 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, canopy spread and root zone 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 taking account of root zone of each tree in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and 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.
- (b) Prior to the commencement of development an updated habitat survey shall be carried out, the findings of which shall be submitted to and

approved in writing with the planning authority- this information should form part of a Habitat Management Plan.

- (c) If tree works are proposed during the bird nesting season (March – August inclusive) a pre-commencement inspection for active bird nests should be carried out by a suitably qualified person. Only if there are no active nests present should works proceed.
- (d) Otter mitigation shall be undertaken in accordance with the recommendations contained within the original ecological survey for otter
 - An ecological toolbox talk will be presented to all site contractors as part of their pre-works site induction in accordance with best practice;
 - Where the species data is older than 18 months, the reported baseline should be updated by further survey work and included as part of a Species Management Plan outlining the species management for each of the species mentioned (Otter, Bats both European protected Species, birds (none specific).
- (e) If any of the trees which have been identified as being suitable for bats are to be removed between May-September, a further inspection of these trees shall be carried out by a licensed Bat worker prior to their removal. A European Protected Species Licence will need to be acquired from NatureScot in order for the bats to be translocated by a licenced Bat Worker.
- (f) An ecological toolbox talk on bats and what to do if bats or field signs of bats are encountered shall be presented to all site contractors as part of their pre-works site induction.

Further information can be found in the Biodiversity Technical Note in terms of surveys and mitigation calendars Page 20 and 21:

https://www.argyll-bute.gov.uk/sites/default/files/biodiversity_technical_note_feb_2017_4.pdf

- (i) An Invasive Non Native Species Eradication Plan for Rhododendron ponticum should be included in the CEMP ready for implementation.
- (j) Details of pollution controls during construction.

Reason: In order avoid, minimise or mitigate effects on the environment and surrounding area.

6. **White Tailed Sea Eagle**

Prior to the commencement of development confirmation of the outcome of discussions with the Mull RSPB Officer (currently Dave Sexton) with regard to requirements for a Bird Protection Plan for White Tailed Eagle shall be submitted to and approved in writing by the Planning Authority. In the event that a Bird Protection Plan is required, this shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Thereafter the development shall proceed in accordance with this plan.

Reason: In order to establish whether a Bird Protection Plan will be required as the nesting locations of White Tailed Sea Eagles varies each year.

7. **Drainage Maintenance Arrangements**

Prior to the commencement of approved drainage works, details of the maintenance responsibility and schedule of intended maintenance arrangements of the approved drainage works shall be provided to the Planning Authority for their approval. This schedule shall include inspection, recording and procedures for detailing with defects. For the avoidance of doubt this shall also include the maintenance of the SUDs ponds. The drainage works for the development shall thereafter be maintained in accordance with the approved details.

Reason: To ensure appropriate maintenance provisions in respect of the approved drainage details are secured in the interests of alleviating any potential flood risk arising from surface water.

8. **Landscaping Details**

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. 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;
- v) Details of compensatory tree planting as show on the proposed landscape drawing produced by Hirst Landscape Architects (1641 01 rev F).
- vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.
- vii) Surface materials proposed for private communal parking areas.

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.

9 **Road Built to Adoptable Standards**

All new roads other than private accesses serving no more than 5 dwellings shall be built to an adoptable standard in accordance with Designing Streets and the National Roads Development Guide.

Reason: In the interests of road safety to ensure the provision of a road commensurate to the scale of development.

10 **20mph Speed Limit**

Within 12 months of the occupation of the first dwelling house the internal road network shall have a 20mph limit.

Reason: In the interests of road safety.

11 **Junction Improvements**

Full details of improvements to the existing junction of the UC80 and the A849 shall be submitted to and approved in writing by the Planning Authority in consultation with the Road Network Manager. This shall include resurfacing of the UC80 east footway from the junction of the development to the A849.

Reason: In the interests of road safety.

12 **Visibility Splays**

Prior to work starting on site the junction of the development access with the UC80 shall have a visibility splay of 42m x 2.4m x 1.05m. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

13 **40mph Speed Limit**

No development shall commence until a 40mph speed limit is introduced on the A849 from the existing 30mph limit at Craignure to an agreed location west of the UC80. Prior to the implementation of this speed limit full details of the extent of the speed limit shall be submitted to and approved in writing by the Planning Authority in consultation with the Road Network Manager.

Reason: In the interests of road safety.

14 **Traffic Management Plan**

Prior to development commencing, a Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with the Area Roads Engineer. The Plan shall detail the phasing of the construction elements of the development, a proposed phasing schedule of the plant and materials deliveries to site, proposed and approved access routes, agreed operational practices, 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 unless as otherwise may be agreed in writing by the Area Roads Engineer.

Reason: To address traffic associated with the construction of the development in the interests of road safety and having regard to the access arrangements to the site.

15 **Electric Vehicle Charging**

Prior to any dwelling being occupied which has private in-curtilage parking provision, dedicated cable ducting connecting each private residential parking space to the nearest electricity supply connection point capable of supporting the installation of a 7 kilowatt EV charging point shall be provided.

Prior to dwellings being occupied where communal parking is proposed, a minimum of one EV charging point for every five residential communal off street spaces shall be provided. In addition, dedicated cable ducting shall be installed to allow all remaining communal parking spaces to be provided with a charging point in the future.

Reason: To ensure that the development has adequate provision for the charging of EVs in accordance with policy 34 of LDP2.

16 Biodiversity Enhancement Measures

Biodiversity enhancement measures shall be undertaken in accordance with the Biodiversity Measures document dated 11th July 2023. Prior to the occupation of the first dwelling further details of the proposed enhancements as detailed in this document including their design, location and timing of completion shall be submitted to and approved in writing by the Planning Authority. Thereafter these biodiversity enhancement shall be maintained in accordance with these details.

Reason: To ensure that the development includes biodiversity enhancements as required by NPF4 Policy 3.

17 No Permission for Care Home or Nursery

No permission is given or implied for the proposed nursery or care home shown indicatively on the approved site plan.

Reason: For the avoidance of doubt.

18 Hours of Construction

The permitted hours of construction works shall be restricted to 08:00 hours to 18:00 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturday. No construction works shall take place outwith these hours, or on Sundays or Bank Holidays, unless the written agreement of the Planning Authority has been obtained in advance, in which case the specified operations shall be confined to activities which do not present any likely source of nuisance in terms of noise, vibration, dust or any other consequence likely to be prejudicial to the interests of residential amenity.

Reason: In order to protect the residential amenities of the area.

19 Affordable Housing

Plots 74 to 97 shall only be managed by a Registered Social Landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification) and shall not enure for the benefit of any other person, company or organisation.

Reason: To ensure the provision of affordable housing to the standard required by the development plan in the absence of any other agreed means of securing such provision.

20 Materials

No development shall commence until full details /samples of materials to be used in the construction of the dwelling houses and commercial unit hereby approved 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.

21 **Arrangements for Waste**

No development shall commence until a waste strategy detailing how much waste the proposal is expected to generate and detailing the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick up by refuse collection vehicles, have been submitted to an approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the dwellings which it is intended to serve.

Reason: In order to ensure that satisfactory arrangements have been made for dealing with waste on the site in accordance with NPF4 Policy 12 and Policy SG LDP SERV 5 (b).

22 **Finished Floor Levels**

No development shall commence until details of the proposed finished ground floor level of the development relative to an identifiable fixed datum located outwith the application site have been submitted to and approved in writing by the Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In order to secure an acceptable relationship between the development and its surroundings.

23 **Phasing of Development**

The development hereby approved shall be constructed in accordance with the potential phasing plan contained within the supporting Design and Access Statement (8.1 Potential Phasing, p53) unless otherwise agreed in writing with the Planning Authority.

Reason: In order to ensure that the affordable housing is delivered in a timely manner.

2
4 Prior to the commencement of development full details of water conservation measures to be included within the development shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented with these details.

Reason: In the interests of water conservation.

NOTE TO APPLICANT

- Prior to the commencement of works a Prior Consent form should be completed and returned to the Council's Environmental Health service. Please see the consultation response from Environmental Health for further detail. The Prior Consent form is attached as an appendix to this consultation response.
- This development will require the submission of an application for Roads Construction Consent and subsequent lodging of a financial security Road Bond prior to any construction taking place on site.
- The Traffic Regulation Order administration costs for the 20mph and 40mph speed restrictions and the required signing and lining shall be met by the developer.
- The developer shall be responsible for the supply and installation of street name plates and grit bins at locations to be agreed with roads.
- Please see the representation from Oban Access Panel dated 06.11.2022.

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	22/01418/PP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Planning Appraisal

1.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan currently comprises National Planning Framework 4 [NPF4] and the Argyll and Bute Local Development Plan 2015 [LDP], for Argyll and Bute development management purposes. By way of background, in the event of any incompatibility between a provision of NPF4 and a provision of the LDP, NPF4 will take precedence.

1.2. The key planning considerations in this case are:

- a) Compliance with the development plan and other planning policy;
- b) Design and layout (including landscaping and open space);
- c) Roads, access and parking;
- d) Impact on the water environment (including flood risk and drainage);
- e) Impact on the natural environment;
- f) Amenity impacts;
- g) Impact on education and infrastructure;
- h) Impact on historic Environment;
- i) Any other material considerations

2. Settlement Strategy

2.1. The application site covers an area of approximately 8.27ha and this application seeks permission to develop 97 residential units of accommodation together with one commercial retail unit on the site. **Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings** of NPF4 confirms under criterion (b) that proposal on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. This is further supported by **Policy 16: Quality Homes** of NPF4 which supports the development of new homes on allocated sites within LDPs. Where development proposals seek to develop unallocated land, support is only given in limited circumstances where:

- a) The proposal is supported by an agreed timescale for build-out; and
- b) The proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- c) And either:
 - i. Delivery of sites is happening earlier than identified in the deliverable housing land pipeline; or
 - ii. The proposal is consistent with policy on rural homes.

2.2. In terms of the Local Development Plan Settlement Strategy, the application site lies within the Countryside Zone, with a small section of the site included within the Potential Development Area PDA 6/11 which the Written Statement Schedules sets out is for community facilities. The subject land is adjacent to Craignure which is a key rural settlement on the Isle of Mull, as defined by the LDP development management zones.

Policy LDP DM 1 of LDP 2015 establishes the acceptable scales of development in each development management zone. Under criterion (E) of the policy, it confirms that within the Countryside Zones, development is supported which is small scale, infill, rounding off or redevelopment sites or changes of use of existing buildings. In exceptional cases development in the open countryside including large scale development may be supported on appropriate sites if this accords with an Area Capacity Evaluation. The policy stipulates that there is a presumption against development that seeks to extend an existing settlement into the Countryside Zone. Based on this policy, the proposed development of the site for housing would be contrary to the settlement strategy of the Local Development Plan 2015.

- 2.3. However, the provisions of the emerging Local Development Plan (PLDP2), as modified by Examination, do now have enhanced status as the most recent expression of policy by the Council and having reached an advanced stage in the Development Plan preparation process. Although not adopted as yet, the PLDP2 policies carry significant weight and are a material consideration in the analysis of this planning application.
- 2.4. A key role of PLDP2 is to provide an effective land supply for new development. This provision is primarily set out in the form of allocations for different specified uses. The allocations include an indication of the number of homes that may be accommodated on housing allocations. It is noted that the housing provision numbers are indicative and appropriate circumstances may be varied at the discretion of the Planning Authority.
- 2.5. Within PLDP2, the proposed development utilises land allocated for housing under ref.H4022 which is indicated for 80 units, and is within the settlement area of Craignure. The proposed development site also extends beyond the allocation to take in further areas as shown on the PLDP2 Proposals Maps as: an open space protection area to the east and a small expanse of countryside area to the west providing open space amenity areas within these parcels of land and also providing access and drainage infrastructure to serve the development. The principle of development and its compatibility with the policies of PLDP2, will therefore be split across 4 matters: the acceptability of the housing; the acceptability of the commercial retail unit; the acceptability of the inclusion of the open space protection area; and finally the acceptability of infrastructure development within the countryside zone.
- 2.6. **Policy 01 and Policy 64** of PLDP2 stipulates that development proposals on allocated land for the proposed use in this Local Development Plan 2 are acceptable subject to the proposal according with all other relevant policies of the PLDP2.
- 2.7. The proposed housing allocation within PLDP2 was included to provide an opportunity to meet an identified need for housing, including affordable housing, and to support local businesses who had advised during the preparation of the PLDP2, that the lack of availability of housing for workers, was a major constraint in their ability to recruit employees, with consequent adverse effects on the local economy. Housing allocations are specifically intended to address the housing requirements identified in the Local Housing Strategy, informed by Housing Need and Demand Assessments, supplemented by local housing studies. The allocation of the site within PLDP2 is therefore based on robust, up to date evidence demonstrating a housing need for the area and the evidence base is therefore more current than that which informed the preparation of the adopted Local Development Plan which predates 2015.
- 2.8. The proposal looks to erect more units than that indicated within the PLDP2 allocation on a smaller area of the site, by providing public open space requirements on additional land to the allocation such as the open space protection area as identified within PLDP2. On the first point, it is noted that housing provision numbers are indicative and appropriate

circumstances may be varied at the discretion of the Planning Authority. Taking this into account, the proposed increase in housing units on the site is considered to be acceptable in principle, delivering more units to meet the needs of the community. Turning to the second point, **Policy 81** of PLDP2 is applicable. Open Space Protection Areas are shown on the LDP2 Proposals Maps and the subject area has been included due to its value as a recreational area. Any loss of Open Space Protection Areas will require robust justification as once such spaces and facilities are lost to alternative built development their opportunity to provide their original or similar uses are typically lost forever. The applicant notes that the inclusion of the Open Space Protection Area is required to facilitate the vehicular access and southern area SUDs basin to serve the housing development. The wider Protection Area will be enhanced and made more accessible to the community through the proposed landscaping proposal with paths connecting to the existing Core Path in the area and a Woodland Management Plan to provide formal management of the Area. In accordance with **Policy 81(a)** of PLDP2, the proposed infrastructure development uses only a very minor part of the site and does not affect the integrity and continued use of the Open Space, and it enhances amenity value by providing a long term Management Plan for the area. In addition, the formal development of the allocated site provides additional informal and formal amenity space areas as well as a community growing space, maintaining the overall capacity in the area. This also aligns with NPF4 **Policy 23** as the provision of informal and formal open and the provision of pedestrian routes through the development will help to promote healthy lifestyles. Similarly, the provision of high quality blue and green infrastructure spaces within the development would accord with NPF4 Policy 20. This also accords with pLDP2 **Policy 8** which requires residential development to consider Growing Spaces.

- 2.9. Regarding the inclusion of a commercial retail unit of 93 sqm to serve the development and local vicinity of the Java area of Craignure, **Policy 29: Rural Development** of NPF4 supports development proposals in remote, rural areas where the new development can often help to sustain fragile communities by supporting local employment; supporting and sustaining existing communities and is suitable in terms of location, access, siting, design and environmental impact. **Policy 28: Retail** of NPF4 also provides support for new small scale neighbourhood retail development- which contributes to local living, and 20 minute neighbourhoods. **Policy 46** of the adopted PDP2 aligns with these policy principles. The nearest retail food shop is situated over a 20 minute walk away from the site, near the Craignure Ferry Terminal. The addition of a small –scale retail unit to serve the allocated development helping to deliver sustainable 20 minute neighbourhoods in accordance with policy provision, is considered to be acceptable, on this basis and a minor departure from the allocation for housing within PLDP2.
- 2.10. The fourth point of consideration relates to the inclusion of land identified as being within the Countryside Area by **Policy 02** of PLDP2. The land is proposed to be developed to include the north SUDs detention basin for the housing development and to provide further open space amenity area to serve the development. This is located within the north-western corner of the site. **Policy 02(a)** of PLDP2 states that within these areas, there is a presumption in favour of sustainable development where this is of an appropriate scale, design, siting and use for its location. On this basis the proposed SUDs basin and additional open space to serve the adjacent housing development is considered to be appropriate in the wider context of the area and its principle is therefore acceptable.
- 2.11. It is noted that the applicant has indicated on the proposed site plans (bound by the green line) future development prospects and phases of the development site to include a potential nursery and care home located in the northern area of the site near to the Community Hospital. Any future development of this area would be subject to review under a separate application for planning permission and the merits of such uses would

be determined through that process. Within the current scheme, this area is included as additional informal open space.

- 2.12. A clear conflict therefore arises between the significance of allocation and the acceptability of such a development as precluded within the adopted Development Plan. The provisions of PLDP2 indicate by the identified allocation of the site, that an alternative outcome is justifiable in this case as a departure to the provisions of the current development plan. The different approach between the settlement strategies of the LDP and the PLDP2 allows for greater flexibility than the current development plan, particularly within minor settlements and countryside zones. Taking account of the updated housing need evidence base of PLDP2, a departure from the adopted LDP is considered acceptable in this case, providing a wider community benefit.

3. Location, Nature and Design of Proposed Development

- 3.1. The proposed application site is located to the north of Craignure, with the Isle of Mull Hotel to the east and the Mull & Iona Community Hospital to the immediate north. Clusters of residential housing infill the land between the hotel and hospital outwith the development site, which includes the Java Place cul-de-sac. The existing site comprises 5.65ha of rural, undeveloped grassland and 1.5ha of woodland area. The site is bounded by the A849 Tobermory Road to the south west.
- 3.2. The proposal will form the new western extent of Craignure. It is positioned in a transitional location between the built up area of the rural settlement to the east and the open countryside to the west. By virtue of its inclusion within the PLDP as a housing allocation, which was not subject to modification by the Scottish Ministers, it has already been accepted that this is a suitable housing site in landscape terms and subject to an acceptable layout and good landscaping, the proposal would accord with **SG LDP ENV 14** of LDP and **Policy 04** of LDP2.

4. Built Environment

- 4.1. **Policy 14: Design, Quality and Place** of NPF4, promotes well designed developments that make successful places by taking a design-led approach and applying the Place Principle. Proposals should be consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable. **Policy LDP 9** and emerging **Policies 5 and 10** of PLDP2 relate to design and place making and development setting, layout and design.
- 4.2. In accordance with **Policy 16(c): Quality Homes** of NPF4 the housing mix of the scheme improves affordability and choice by being adaptable to changing and diverse needs. This includes the provision of affordable homes and accessible units. The proposed development comprises the creation of 97 homes, including 25% affordable homes. The new homes include a mix of flatted, terraced and detached housing, comprising a mix of 1, 2, 3, and 4 bed dwellings. The design considers the relationship between the buildings to each other and to the street, and all streets are overlooked to create pleasant pedestrian environments and active street frontages. Car parking for the majority of units is contained on-plot or within specific courtyards away from the street to promote a pedestrian friendly environment throughout the development.
- 4.3. In respect of the character and density of surrounding development, within the wider area predominantly takes a linear form to roads with a higher density of units erected within Java Place, formed of terraced, two-storey, housing around a central amenity area.

- 4.4. The site slopes gradually to the west from the east, with the highest point midway along the southern boundary. The housing development takes form centrally within the site with open space areas (formal and informal to the north, north-west and south-east of the site) linked by smaller open space areas within the housing development itself. The development includes an access road from the south-eastern site boundary, which joins Java Road. This internal road leads north-westerly into the site connecting all the units via a series of loop roads, with a primary loop and two secondary shared surface loops, with a further tertiary link and residential courtyards.
- 4.5. The architecture of the site takes form from Highland vernacular with a modern design element. Simple forms have been used in both flatted buildings and houses to maintain a clean aesthetic with structures ranging from single storey to 2 storey, reflecting housing scales and massing with the wider character of Craignure. All units are proposed with traditional features of dual pitched roofs. Dwellings are proposed with a limited palette of external finishes comprising: white/ cream/ grey rendered elevations with elements of timber cladding, and dark grey, concrete slate effect roof tiles. The design, scale and massing of the housing is appropriate for its setting. The layout of the housing provides a series of street networks within the site with good permeability being provided.
- 4.6. Although a higher number of dwellings is proposed than that recommended within the PLDP2 housing allocation, it is considered that the submitted plans demonstrate that a development of this scale can be accommodated within the site and still provide a high quality environment including sufficient amenity and open space. The density and massing of the development is therefore acceptable. In addition, all residential units would have private amenity space and the plot ratios are considered to be acceptable.
- 4.7. **Policy SG LDP HOU 3** of the LDP and **Policy 68** of PLDP2 require residential developments at the scale of the proposed development to provide associated housing green space of both a casual and formal nature. This comprises a minimum of 12sqm of communal casual open space per dwelling, and 6sqm of children's play space, including provision for under 5 year olds. This policy also requires the developer to maintain and provide public liability insurance for the play space. The submitted plans demonstrate that a total of 3,970sqm of shared amenity space; 600sqm of dedicated children's play space; and 310sqm of Community Growing Space are provided within the scheme. A planning condition is recommended to secure the final details of the play equipment for the children's play space, together with a maintenance scheme. This also accords with NPF4, Policy 20 and pLDP Policy 6 which support developments which provide enhanced blue and green infrastructure and requires the provision of well-designed play, recreation and relaxation areas.
- 4.8. The development has been designed and will be constructed to make provision for the access of people with disabilities including the design of dwellings to enable the internal layout to be readily adaptable for use by disabled persons as well as a central location close to facilities and shops and the Island's transport hub making it a good place to live for disabled people, as highlighted by the Oban Access Panel. The proposals are therefore considered to comply with SG LDP HOU 2.
- 4.9. The overall development, is considered to present an attractive and appropriate residential design for this site which will accord with policy objectives of the LDP and NPF4. The proposals are therefore considered to accord with the requirements of policies LDP 3, LDP 9, SG LDP HOU 2, SG LDP HOU3 of LDP; Policies 5, 8, 9, 10 and 68 of PLDP2 and policies 14 and 16 of NPF4.

5. Natural Environment

- 5.1. **Policy 1: Tackling the Climate and Nature Crises** of NPF4 requires that significant weight is given to the global climate and nature crisis when consideration is given to new development. **Policy 3: Biodiversity** seeks to ensure that development will conserve, restore and enhance biodiversity. **Policy 4: Natural Places** seeks to protect, restore and enhance natural assets including protected areas.
- 5.2. There are no local, national or internationally important statutory environmental designations on the proposed site. The site itself is dominated by unmanaged grassland with woodland within the southeast boundary. Sheep grazed grassland lies beyond the southern boundary. To the north, beyond Community Hospital is small areas of woodland and felled conifer plantation beyond. Allt a'Chadhain burn and tributary lies approximately 50m to the south of the site boundary and Craignure Bay is located approximately 160m southeast of the site.
- 5.3. The Local Biodiversity Officer has reviewed the submitted ecological information and survey work in relation to biodiversity, habitats and species and is satisfied that subject to the survey work recommendations being undertaken, the proposal will not have an adverse impact on ecological interests of the site. NatureScot also confirm their agreement with the conclusions and recommendations of the submitted ecological survey work. A planning condition is recommended to secure this. A Construction Environment Management Plan is recommended by condition which should reference the associated species and habitat management plans, pre-start ecological checks and a toolbox talk for operatives, with this to be overseen by an Ecological Clerk of Works.
- 5.4. Regarding invasive species, the removal and management of the *Rhododendron ponticum* from the woodland is welcome and an Invasive Non-Native Species treatment plan is recommended by condition.
- 5.5. In accordance with Policy 3: Biodiversity of NPF4, a Biodiversity Measures Statement has been completed for the proposal. The proposed housing development includes hard infrastructure and green spaces. The broadleaved woodland in the east will be largely retained, aside from a section in the south east to accommodate site access and SUDS ponds. Control of invasive *Rhododendron* in the woodland under canopy is planned, as well as the installation of a footpath. A small area of the wet woodland in the west will be removed to accommodate a second SUDs basin. Amenity and wildflower grassland will be seeded in the east and west of the site adjacent to SUDS ponds. The project also involves the planting of 130 individual trees throughout the site, with some areas containing an under-canopy of mixed scrub. The Biodiversity Enhancements are centred around three key areas, namely Planning for Nature, Providing Homes for Nature and Managing Water within Nature. Various measures have been proposed within each of these categories. The Biodiversity Officer has welcomed these measures and considers them to be acceptable.
- 5.6. The application proposal provides opportunity to improve the biodiversity opportunities of the site by providing a more varied habitat mosaic across the site and remove invasive species, and in respect the proposals are in accordance with the objectives of the LDP and Biodiversity Action Plan. The proposals are therefore considered to be in accordance with SG LDP ENV 1, SG LDP ENV 8 of the LDP; policies 6 and 73 of PLDP2 and Policies 1, 3 and 4 of NPF4.

6. Impact on Woodland

- 6.1. The site includes a substantial mature woodland compartment at the south eastern edge of the site which is proposed to be managed and protected. The dominant species within the woodland area to the east is sycamore with some groups of Scots

Pine, Alder, larch, lime and downy birch are also present. The shrub layer of this woodland is dominated by invasive *Rhododendron ponticum*. A parcel of designated wet woodland is located within the northwest part of the site. Wet woodland is considered to be a Scottish Biodiversity list priority habitat and the trees in this area are dominated by birch and grey willow.

- 6.2. To facilitate the development, tree removal is required. The proposal would look to remove wooded areas to the south-east and to accommodate SUDs detention basins and to the west to provide the site access. Two individually surveyed trees are also proposed to be removed within the eastern area of the site (B and C quality). Removal of woodland is only permitted where it complies with the Scottish Government's Control of Woodland Removal Policy and where the removal of the woodland would achieve clearly defined benefits. This Policy stance is reiterated within **Policy 6(c)** of NPF4. Policy 77 of pLDP2 notes that the removal of woodland resources will only be permitted where it would achieve significant and clearly defined additional public benefits. None of the trees form part of any ancient semi-natural woodland or any woodland recorded in the Ancient Woodland Inventory. The woodland area to be removed to the west is included within the Copse C1 Native Wet Woodland designation, which is a priority habitat. The general quality of trees to be removed is of B quality.
- 6.3. In this case, woodland removal can be justified in terms of rural / community development as referred to in Annex 4 of the Scottish Government's Implementation Guidance on the Policy on the Control of Woodland Removal. This falls within a category where there is a need for compensatory planting. Supporting information notes that on site compensatory planting, landscaping and biodiversity enhancement, including pedestrian access and paths through the existing woodland area is proposed, providing significant additional public benefits.
- 6.4. An area of woodland in the centre of the existing wet woodland area would be removed to accommodate one of the SUDs facilities. Areas of wet woodland trees would still remain on either site and the area around the SUDs would be planted up as a wildflower meadow.
- 6.5. The proposed public benefit of providing affordable housing to meet the community needs, on an allocated site within LDP2, is considered, on balance to outweigh the local contribution of the subject trees and a planning condition is recommended for compensatory planting, as part of the revised landscaping scheme. In addition, a condition is recommended to agree the tree protection measures for the trees to be retained on site.

7. Impact on Soils

7.1 The majority of the site comprises a field of improved grassland which is categorised as Class 5 (No peatland habitat recorded, but is peat soil and may also show bare soil). There is however a small part of the northwest of the site which is classified as an area of peat. This is in a location where the one of the two SUDs facilities covering the site is proposed. NatureScot has advised that from looking at the aerial photographs, it is possible that there is a mapping error on the peat map as the area in question contains some woodland and improved grassland as does the majority of the proposed site. As such, NatureScot advise that the proposed site would not be considered to have particularly high peatland conservation value and it is therefore advised that this would not raise issues of national interest. Given that this area does not form part of the development site other than the SUDs and NatureScot has advised there may be an error in mapping and it is not of high peatland conservation value, it is not considered proportional to require a Peatland Management Plan in line with policy NRF4, Policy 5. In

addition, Policy 79 of pLDP2 refers to development which would have a significant adverse effect. Given that the majority of the proposal is an allocated housing site it pLDP2 and the area outwith is small and of low peatland habitat value is not considered that the effects would be significantly adverse.

8. Historic Environment

- 8.1. Policy 7: Historic Assets and Places of NPF4 requires developments to demonstrate how they have mitigated against potential impacts on the historic environment and LDP Policy 3 and SG LDP ENV 20 accord with this provision seeking for development to be assessed against the impact they may have on the historic environment. Policy 15 of PLDP2 further iterates that development proposals will not be acceptable where they fail to protect, preserve, conserve or enhance the established character of the historic built environment. Policy 21 of PLDP seeks to ensure the same protection occurs with archaeological heritage.
- 8.2. There are no designated heritage assets within the Proposed Development Area or within the immediate wider area to which the proposal would affect the setting of. With regards to non-designated heritage assets, it is understood that the application site lies in a landscape populated with recorded archaeological sites of prehistoric, medieval and later date. The large area of ground that will be disturbed by this development stands a good chance of unearthing visible or buried unrecorded remains which could be of any period and as such the West of Scotland Archaeological Service recommend the inclusion of a programme of archaeological works as a planning condition on any subsequent decision.
- 8.3. Having due regard to the above and subject to the condition recommended by the West of Scotland Archaeology Service, it is concluded that the proposal will not have any adverse impacts on the historic environment, including listed buildings and their settings, and is therefore consistent with the provisions of Policy 7 of NPF4, together with LDP Policies LDP 3 and SG LDP ENV 20 and Policies 15 and 21 of PLDP.

9. Affordable Housing and Statement of Community Benefit

- 9.1. **Policy 16** of NPF4, **SG LDP HOU 1** of the LDP and **Policy 67** of the PDLP 2 require large scale housing developments to include a minimum of 25% affordable housing within the scheme. The long term delivery of affordable housing shall be sustained by an appropriate housing association, landlord or developer. In this case the proposal includes the provision of 24 affordable properties comprising:

Number of Units	Type of Unit	Number of Bedrooms
8	Cottage Flat	2
4	Terraced Villa	2
4	Terraced Villa	3
8	Semi-detached Villa	3

- 9.2. The application details confirms that the tenure will be a mix of social rent and shared equity units and are to be retained as affordable units and managed by the West Highland Housing Association.
- 9.3. **Policy 16 (b)** of NPF4 requires the consideration of a Statement of Community Benefit explaining how the proposed development will contribute to the community by meeting housing needs, providing or enhancing local infrastructure and services and improving residential amenity of the surrounding area. This would also align with the aims of NPF4 policy 25 as it will provide homes for local people to enable them to live and work in the area.

9.4. In this case the submitted development accords with the affordable housing provision, and also proposes to utilise a Priority Purchaser scheme for 16 low cost, additional units within the site which comprise 1 and 2 bedroom flats and 2/3 bedroom bungalows and semi-detached villas. The scheme means that the 16 plots will be marketed exclusively to local, first time buyers and business employers for a period of 3 months with Priority Purchasers being offered first refusal on the selected properties for the priority purchaser period. This is included as part of the proposal in response to the Pre-Application Consultation which took place for this development whereby it was raised that jobs within the area were available but accommodation was not. The proposal has sought to respond to these community concerns by providing the affordable housing and Priority Purchaser scheme. In addition to the housing, the proposed development includes the provision of a small retail unit to provide a convenience store to serve the housing development and the area of Java. The nearest shop to the site is located opposite the ferry terminal which is beyond a 20-minute walk. The proposed addition of a shop is considered to enhance the local services. The proposal will also improve residential amenity of surrounding housing by providing managed open spaces and more open space options. On this basis the proposal is considered to accord with Policy 16 of NPF4, SG LDP HOU 1 of the LDP and Policy 67 of the PDL 2.

10. Road Network, Parking and Associated Transport Matters.

10.1. The site is proposed to be accessed from a single priority junction at Java Place, located in the southern area of the development site, adjacent to the Isle of Mull Hotel. The internal street network proposes footways on both sides of the carriageway which extends from the current adopted road at Java Place to all aspects of the development site ensuring a continuous link to all residents. Some private accesses are also proposed within the development. These would be in accordance with Policy 36 of pLDP2 which is supportive of private accesses in housing developments which do not serve more than 5 dwelling houses.

10.2. Vehicular parking is proposed within the site to include a mix of private and visitor/communal provision. Private spaces are proposed within the plot curtilage and within parking courtyards. Visitor parking is proposed within the adopted street network. The number of parking spaces proposed accords with the Local Development Plan's Parking Standards. In terms of electric vehicle parking as required by pLDP2 policy 34 a condition is recommended to ensure that this policy will be complied with.

10.3. Policy 13: Sustainable Transport of NPF4 supports developments that demonstrate the transport requirements generated have been considered in line with the sustainable travel hierarchies. Policy 15: Local Living and 20-minute Neighbourhoods supports development which contributes to local living and the Place Principle and where, among other things, there is the opportunity for sustainable modes of transport including high quality walking, wheeling and cycling networks.

10.4. In accordance with pLDP2 Policy 41 – Off Site Highway Improvements, the proposal looks to improve the footways on Java Place which connect to the network of footways within the site which will all be a minimum of 2m and provide access to all areas of the development. It is considered that the inclusion of external footway connections to the Java Place and enhanced footways on Java Place promote journeys on foot from the site and accommodate the expected uplift in pedestrian activity. Regarding accessibility to the public bus network, the residents of the development will utilise the existing bus stops located on Java Place and on the A849 to access this public transport provision for the area, and this are within the recommended walking distance thresholds. The services

available connect with the main settlements on the Island and the local schools which ensures they will be attractive to residents.

- 10.5. The roads infrastructure works will also be further controlled by the Area Roads Engineer as an application Roads Construction Consent will be required to ensure that the details of the roads construction are satisfactorily addressed.
- 10.6. In respect of construction traffic for the current application, a Traffic Management Plan is recommended by planning condition to ensure road safety issues are addressed to both the A849 during construction phases of the development and also in respect of any internal phasing of development, to ensure that any occupied houses will have safe pedestrian and vehicular routes available within the site.
- 10.7. The Transport Assessment which has been provided in support of the application is considered acceptable by the Area Roads Engineer. The area roads engineer is content with the proposals, and raises no objections subject to the imposition of appropriate conditions. The proposals are therefore considered to accord with Policies LDP 11, SG LDP TRAN 1, SG LDP TRAN 2, SG LDP TRAN 4, SG LDP TRAN 6 and SG LDP SERV 5(b); Policies 32, 33, 34, 35, 37, 38 and 40 of PLDP2 and Policies 13 and 15 of NPF4

11. Infrastructure

- 11.1. Policy 2: Climate mitigation and adaptation of NPF4 requires that development is sited and designed to adapt to current and future risks from climate change. The site is not at risk of fluvial flooding. The south western corner of the site is overlain by indicative limits of surface water flooding and it is noted that no construction will take place within this indicative at risk area, although a SUDs basin will be located within this area as recommended by the Flood Risk Assessment as a suitable location due to the existing ground depression. Regarding potential surface water flood risk, the supporting Flood Risk Assessment confirms that the development is supported by a robust drainage strategy incorporating attenuation through Sustainable Drainage System (SUDs) features. Finished flood levels are also proposed to be set at 300mm above ground level to further mitigate from flood risk from surface water.
- 11.2. Due to the development site being at a relatively higher elevation to the surrounding area, the supporting documentation concludes that it is unlikely that the development would be impacted by any overland surface water from the surrounding areas, with the proposed drainage intercepting, routing and attenuating runoff generating from within the site. Emergency access and egress provision is unlikely to be impeded by surface water flood risk provided the drainage system is maintained accordingly.
- 11.3. Regarding drainage matters, Policy 22 of NPF4 requires development proposals to manage all rain and surface water through sustainable urban drainage systems (SUDs), which should form part of and integrate with proposed and existing blue and green infrastructure. In addition, Policy 61 of pLDP2 encourages the use of SUDs where appropriate. The submitted drainage layout informs that surface water will be collected at each proposed unit and routed through a series of pipes, via filtration trenches to one of two detention basins before discharge to nearby watercourses. Discharge will be restricted to greenfield runoff rate. The Council's Flooding Advisor has no objections to the scheme. The incorporation of two SUDs basins will also create important biodiversity features and amenity features at either end of the site. The northern SUDs basin will also have an access path around it to allow access to it by less mobile members of the community. This also accords with pLDP2 Policy 6 which requires development

proposals to manage all rain and surface water through SUDS which should form part of and integrate with proposed and existing blue-green infrastructure.

- 11.4. The proposal will be connected to the mains water supply within the area. The Isle of Mull has been identified as an area where there are on-going public water supply shortages. Policy SG LDP SERV 6 and pLDP Policy 58 require that all developments within these areas incorporate water conservation measures such as rainwater harvesting of the reuse of grey water. A condition is proposed in order to ensure that the development complies with these policies. Regarding foul drainage measures, the application details have been revised to conform to SEPA's request that the development will connect into the Scottish Water Craignure Wastewater Treatment Works. On this basis the drainage arrangements are acceptable. Subject to the imposition of planning condition for the agreement of a maintenance regime for all drainage measures, the proposal is therefore considered to accord with Policies SG LDP SERV 2, SG LDP SERV 3 and SG LDP SERV 7 of the LDP, Policies 59, 60, 61 and 62 of the PLDP2 and Policy 22 of NPF4.
- 11.5. With regard to arrangements for waste within the development Policies NPF4, Policy 12, SG LDP SERV 5 require developments to demonstrate how much waste will be generated and how this will be managed in terms of storage, recycling, composting and separation. The emerging policy 63 in pLDP2 maintains a similar policy approach. A condition is recommended to require these details to be submitted prior to the commencement of development.

12. Impact on Amenity

- 12.1. Policy 14: Design, Quality and Place of NPF4 does not support developments that would be detrimental to the amenity of the surrounding area. Policy 8 of pLDP2 requires inter alia that developments should be sited to avoid overshadowing or overlooking.
- 12.2. The Council's Environmental Health Officer highlights the potential noise impacts that could arise through the construction of a development of this scale. Construction inevitably results in disturbance, vibration, noise, and dust which can adversely impact upon the amenity of nearby residents. It is therefore recommended that construction hours are restricted by the agreement of an Environmental Management Plan by planning condition to protect the amenity of the area in terms of a noise nuisance.
- 12.3. The proposal is sited with good distances from neighbouring residential dwellings and therefore the proposal does not give rise to any impacts on neighbouring amenity by way of overlooking, overshadowing, loss of light or privacy. The proposed use is accepted as being compatible with the surrounding land uses by way of its inclusion as an allocation within the PLDP2. The internal housing arrangement of the scheme has been designed to ensure that the amenity of the new occupants will not be adversely affected.
- 12.4. On this basis, the proposal is considered to comply with Policy 14 of NPF4 and policy 8 of pLDP2.