

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

Reference No: 21/01037/PPP
Planning Hierarchy: Local
Applicant: Ms Sheena Ferrand
Proposal: Site for the erection of 10 dwellinghouses (as amended 23.09.2022)
Site Address: Land North Of Achnagaradh Craighouse Isle Of Jura

DECISION ROUTE

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

- (i) Development Requiring Express Planning Permission**
- Site for the erection of 10 dwellinghouses
 - Formation of vehicle access and associated parking and turning (in principle)
- (ii) Other specified operations**
- Connection to services
-

(B) RECOMMENDATION:

Recommend that planning permission in principle be granted subject to the conditions and reasons attached.

(C) CONSULTATIONS:

Area Roads replied 29.07.2021, with no objection subject to conditions.

Scottish Water replied 13.07.2021, noting that there may be capacity for both waste and fresh water from the Burnside plant.

NatureScot replied 17.11.2022 and updated 03.04.2023 withdrawing the original objection and stating that the proposal will have significant adverse effects on the special qualities of the Jura National Scenic Area, however after further consideration they do not feel that the objectives of the designation and overall integrity of the designation will be compromised. They advise there is capacity for

up to 3-4 carefully sited houses that are designed to minimise landscape and visual effects. Fuller commentary is given in Appendix A to this report.

Scottish Environmental Protection Agency replied 15.07.2021 with a holding objection. SEPA updated their response to no objection on 08.01.2024 on the basis that the revised confirm that all development on the site would be limited to land which is already higher than 3.96m AOD

West Of Scotland Archaeologist Service replied 10.09.2021 and updated 20.10.2022 with no objection subject to a written scheme of investigation condition.

(D) HISTORY:

20/00755/PPP Site for the erection of 24 dwellinghouses, withdrawn 21.08.2020

(E) PUBLICITY:

Regulation 20 advert Oban Times expired 12.08.2021.

Neighbourhood notification

(F) REPRESENTATIONS:

(i) Representations received from:

Objection

- Gwen Boardman No Address Given 30.07.2021
- Rose Cochrane Forest Cottage Craighouse Isle Of Jura 24.08.2021
- Mrs Wendy Dix 8 Woodside Craighouse Isle Of Jura 11.08.2021
- Mrs Alison Fleming 1 Burnside Craighouse Isle Of Jura 13.10.2021
- Jo Gillespie 17 Armadale Street 17 Armadale Street Glasgow G31 2QT 26.07.2021
- Mrs Sheena Gow Ard Craig Craighouse Isle Of Jura 11.08.2021
- Felicity Johnson Achnagaradh Craighouse Isle Of Jura 26.07.2021 and 16.10.2021
- Jura Residents No Address Given 12.08.2021
- Miss Winnifred MacDonald 3 Cilearnan Place Craighouse Isle Of Jura 11.08.2021
- Martin McCallum The Old Mill Craighouse Isle Of Jura 27.07.2021
- Joan Moran 6 Woodside Craighouse Isle Of Jura 27.07.2021
- Louise Muir No Address Given 27.07.2021
- Dan Ozmec Carraig Craighouse Isle Of Jura 27.07.2021
- Sam Robb Bishops Well Kiels Jura PA60 7XP 26.07.2021
- Christine Sandilands Mulindry Craighouse Isle Of Jura 12.08.2021
- Ms Moira Stirling 10 Burnside Craighouse Isle Of Jura 07.08.2021
- Mr Duane Willison 4 Croft Park Craighouse Isle Of Jura 04.08.2021

Support

- Dr Abigail Beastall Keills Croft Keills Craighouse Isle Of Jura 04.08.2021
- Dr Martin Beastall Keills Croft Keills Craighouse Isle Of Jura Argyll And Bute 04.08.2021
- Mrs S Ferrand 1 Cilearnan Place Craighouse Isle Of Jura 27.07.2021. Applicant.

- Mrs Alison Lindsay Solas Knockrome Craighouse Isle Of Jura 04.08.2021
- Mr Terry Roberts 1 Cilearnan Place Craighouse Isle Of Jura 08.08.2021
- Flora Shaw No Address Provided 18.11.2022.
- Mr Stuart Campbell 14 Burnside A846 Through Craighouse From The Manse To The Coastguard Station Craighouse Isle Of Jura 17.11.2022

Representation

- Peter Davison Whyte & Mackay Ltd 29.07.2022. Noted

Subsequent to the majority of the above representations, revised plans have been secured which have reduced the number of dwellings proposed from 16 to 10.

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:

Location and Nature of Proposed Development

- The details of the proposal do not give enough information to consider whether the scale of the proposal is appropriate for the site.
- It is not a small development but a housing estate which is not consistent with the character and grain of the wider settlement, and the coastline. It would extend the village boundaries further along the shoreline, having a significant visual impact on the island.
- Recent developments have focussed on land behind the main village of Craighouse, this reducing visual impact; particularly important given the proposed size of the development.
- The LDP has already identified a suitable area of development set back from the main frontage which would not have the same visual impact as the proposed development.
- The proposal is overdevelopment and not in keeping with the surrounding development, including density or orientation or scale and would not create a quality living environment.
- The scale will impinge on the natural wilderness of the island and be detrimental to climate targets.
- The proposed development is in close proximity to the primary school.
- The proposed 16 dwellings is of a very significant scale in a small community of around 250 people.
- The rocks at the entrance are of historic and geological importance.

Comment: The proposal has been subject to discussions with planning officers to reduce the scale of housing within the site, resulting in the submission of revised plans. In relation to concerns regarding the level of information submitted; the current proposal seeks planning permission in principle only, with the detailed design and landscaping of the development reserved for later consideration. In terms of the effect of the proposal on the landscape and character and appearance of the area, this matter is considered in more detail further on in this Report of Handling, where in no harmful effect is envisaged in this regard. It is considered that the scale of the proposed development would meet the definition of 'medium scale' as required by LDP Policy DM1. Although a primary school is further south of the site, no material planning harm would arise as a result.

Croft Land

- The small settlements are croft based and this land should have a small scale housing arrangement consistent with crofting.
- The loss of croft land will disrupt a principle land use and settlement pattern of the island.
- The loss of privately owned Croft land will set a precedent.
- The site is crofting land.

Comment: The above comments are noted. Matters related to Croft Land are further addressed in Appendix A.

Housing Need

- There is not enough information regarding the types and tenure that the housing may have.
- There is not enough information regarding the socio economic, employment, demand and supply ratios associated with the proposal.
- There is no need for the proposed housing.

- Pre-existing approvals and projects may negate the need for this development.
- There is a danger of the houses becoming short term lets or holiday homes.
- The land should be donated to a community trust to oversee suitable housing for the communities. Without such safeguards, there is a danger new housing would become holiday homes.
- Not clear what types or tenure of homes would be built.
- Conditions should be attached to any approval preventing the sell on of designated affordable housing.
- Jura does not have a declining population.
- The building costs for island development, infrastructure materials, landscaping etc; would suggest that none of these houses could be classed as affordable.

Comment: In relation to concerns regarding the level of information submitted; the current proposal seeks planning permission in principle only; the types and tenure of housing proposed would be subject to agreement at a later stage through a detailed application. The applicant has confirmed the intention to provide affordable housing on the entire site, and a minimum of 25% affordable housing provision could be secured by way of a suitably worded planning condition. Such a condition would also prevent a proportion of the proposed homes being occupied as short term lets or holiday homes, and where necessary, a further restrictive condition could be imposed to any further approval of matters specified in condition submission. In terms of need, the Council have recently declared a 'housing emergency' which this proposed development would help address.

Ecology

- The Otter Survey seems to have been unfortunately timed as otters are seen regularly in the evening.
- This area has a diversity of species which must be unnecessarily displaced by the proposal and harm habitats. These include flora as well as fauna and particularly trees and low growing insect habitats.
- Concerns about the effect the proposal would have on wildlife, with no environmental impact study undertaken, in terms of loss of habitat and effect of the proposal in terms of surface water and outfall of sewerage treatment on marine wildlife.

Comment: The effect of the proposal in ecological terms is considered further at Appendix A.

Landscape, character and appearance

- A development of this scale will detract from the natural landscape, wildness of Jura, heritage and designated protected areas especially the National Scenic Area (NSA).
- The proposal site is outwith the settlement boundary, extending the village further along the coastline and would have a negative effect on the surrounding area and the NSA.
- The proposed development would detract from the NSA by removing the gentle breaking down of farmland to inhabited land by development to the north of Craighouse.
- It is contrary to the findings of the Jura Landscape Capacity for Housing document.

Comment: The effect of the proposal on landscape, character and appearance is considered further at Appendix A.

Flood Risk

- The site is low lying and given climate change predictions is likely to be affected by flooding in the future.
- The site and the road are subject to flooding.
- The introduction of hard surfaces and roof run off may exacerbate known flooding issues.
- The site is part of the raised beach formation which is important in landscape and habitat terms.
- The amount of land for parking in addition to the housing may exacerbate the flooding issues.

Comment: Whilst the application site is outside any defined flood risk, SEPA initially raised an objection to the application, requesting that topographic evidence was submitted to demonstrate that the site would be limited to land which is higher than 3.96m AOD. Following the submission of revised plans with site levels, SEPA no longer object to the proposed development. On this basis, it is considered that withholding planning permission in principle on the basis of flood risk would not be justified. The application is for planning permission in principle, with matters of detailed design (such as parking layout) and surface water drainage arrangements to be assessed as part of the 'approval of matters specified in condition' stage.

Water Supply

- Concern that this level of development can be supplied without creating water shortage issues on the island.
- The ten houses already being built at the other side of the settlement are likely to constrain additional service supplies.
- Services are already stretched to the limit on the island and this proposal may hamper existing residents from moving from personal to public supplies.
- There will be extra strain on the sewage system.
- Concerned the proposal could jeopardise the potential for existing properties to connect to the mains water supply.

Comment: Scottish Water have been consulted and have indicated that there may be sufficient supply for fresh and foul water. An application would be required to obtain direct permission to connect. Planning conditions in relation water supply and private waste water treatment arrangements are set out below.

Woodland

- The loss of deciduous trees is unacceptable as they are rare on the island.

Comment: The retention of the main trees is accepted as a positive regarding habitats and biodiversity. Additionally they would be anchors for landscaping and the boundaries creation. It is noted that a small number of trees are present at the site. The application seeks planning permission in principle, as such the detailed design of the proposed development (including proposed site layout) would be assessed further at the detailed design stage. It is considered that retention of the existing trees could be secured where possible and that the site presents an opportunity to secure additional tree planting through the submission of a landscape scheme.

Roads Network

- Concerns regarding road and pedestrian safety.
- Any access from the main road may create danger for other road users.

- This is a double bend and is dangerous for all roads users at present.
- Improvements would be required for the road, passing lay-bys and parking places.
- The current road is in poor repair and the additional traffic will be detrimental to the amenity of existing residents.
- Where would visitors park?
- Parking displacement to the unsuitable main road may occur.
- Concerns about pedestrian safety. There should be proposals for pedestrian safety for this scale of development in the form of new and/or upgraded.
- Concerns regarding the cumulative effect the proposed development and other development in the area would have on the wider road and ferry network, including on the single track road.
- The provision for a bus stop is mentioned in the Roads report but there does not appear to be a suitable site.
- The additional traffic may affect existing fuel supplies, local transport and ferry transport.

Comment: The Council's Road's department have been consulted and have raised no objection to the proposed development, subject to planning conditions. Sufficient parking provision would also be secured by planning condition. The provision of a bus stop is required by the Roads Department, who have raised no concerns in relation to identifying a suitable site for a bus stop. The effect of the proposal on fuel supplies is not considered a determinative planning consideration.

- The increase in traffic during the lengthy construction phase involving a single track road with no footpath or cycle path is of concern, particularly the safety of children walking or cycling to and from school.
- The construction phase if piecemeal will form a lengthy period of disruption to the island's traffic.

Comment: Conditions requiring the submission of construction and traffic movement plans could be attached to any approval to help address these concerns.

Other concerns

- Formation of an access will disturb a historic rock formation.

Comment: It is intended that the development will be on the higher central ground of the therefore minimising ground levelling. The proposed development would not alter rock formations to east of the site.

- The proposal would undermine the enthusiasm and ability of local groups to deliver a planned cycle path.
- The current ferry cannot cope with the additional traffic.

Comment: Based on the available evidence, it is considered that withholding planning permission on the basis of ferry capacity and any planned cycle path would be unjustified.

- Headlights from traffic movements, noise and smell from vehicles will be a loss of amenity for neighbours.

Comment: It is considered that traffic movements associated with ten houses along the local road network are unlikely to materially harm the health or living conditions of surrounding occupants.

- The proposed works would result in pollution of the soil due to excavations and required infrastructure works.

Comment: No substantive evidence has been submitted to demonstrate that the proposed would pollute soil nor polluted soil be exposed as part of the proposed development. More generally, a standard planning condition would ensure that soil management at the site is undertaken in accordance with established best practice to meet the requirements of NPF4 Policy 5A.

- Concerns regarding public consultation. There has been no opportunity for wider consultation since the previous application was withdrawn.

Comment: Neighbour notification and an advert in a local newspaper has been undertaken in association with the planning application as required by planning regulation.

- The capacity of the local school and travel capacity to the high school require to be addressed.

Comment: Noted. As this is permission in principle the demographics of future residents are not available at this time.

- There will be a loss of amenity due to potential overlooking of neighbouring properties.

Comment: Officers have no concerns regarding the principle of housing development at the site in relation to the potential for the loss of neighbouring privacy. This would be dependent on the satisfactory siting, design and orientation of the proposed houses, matters that would be considered as part of any subsequent detailed design submission.

- The site of the proposal would create an isolated community and not strengthen the existing communities.

Comment: The proposed development would be sited adjacent to and would afford future occupants access to Craighouse. As such, officers consider future occupants of the proposed development would be able to contribute to existing communities in the area and not become an isolated community as asserted.

- The associated increase in population (including cumulatively with other approved development) will negatively impact the island environmentally and socially.
- The proposal would undermine why people want to live and visit Jura.
- The proposal would increase unemployment at the Island.
- Consider that 4-6 houses would be suitable for the location without compromising the surrounding areas.
- Concerns that the proposal would set a precedent for the scale of development.
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Comment: The Council has declared a housing emergency which this proposed development would help address. No substantive evidence has been submitted to demonstrate that the proposed development would negatively impact the island in environmental and/or social terms or as a place where people want to live and visit. With regards to precedent and the site being considered suitable for a smaller number of homes; the planning authority must determine each application on its own merits.

Infrastructure

- Concerns in relation to water supply issues in the area, sewerage capacity, road maintenance, schools, community shop, mail delivery, waste collection, health and social care services, and that the effects on local infrastructure have not been taken into account.

Comment: No substantive evidence has been submitted to demonstrate that local infrastructure is unable to accommodate the proposed development. It is noted that an additional 10 dwellings represent in comparative terms an appreciable increase in occupants residing at Craighouse. However, based on the available evidence, the proposed development could be accommodated by existing infrastructure provision. As noted above, the detailed design stage would give a greater understanding of the demographics of future occupants. If necessary and where justifiable, a contribution towards appropriate schooling provision could be sought from the applicant.

Support

- The island does not have the required range and tenure of accommodation to sustain the required populations.

Comment: Noted.

- The new architect and team is engaging with all relevant actors and consultees.

Comment: Noted.

- The location is well placed to access the main services on the island.

Comment: Noted.

- The site lends itself to development without excessive land preparation.

Comment: The level of preparation will be controlled by consultation with the council officers with the intention of minimising habitats and landform disruption.

- There were few objections to other recent developments of similar density on the island.

Comment: Noted.

- Recent population increases are welcomed but there is little scope for young adults to access the existing market and outbid new islanders.

Comment: Noted.

- The infrastructure improvements of the development are to be welcomed and current services are generally sufficient to accommodate new housing.

Comment: Noted.

- Additional services including digital infrastructure are to be welcomed.

Comment: Noted.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Impact Assessment Report: Yes No (if Yes insert EIAR topics below)

(ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994: Yes No (if Yes attach as an appendix)

(iii) A Design or Design/Access statement: Yes No (if Yes insert summary of key issues below)

Descriptions and commentaries on: site details, phase 1 habitats report, topography, history, ownership, Jura landscape capacity study for housing, settlements/landscape character and change, housing demand, design principles, public involvement and design solutions.

(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: Yes No (if Yes list supporting documents below)

An otter survey was undertaken by the applicant and will be referenced in the appendix to the report.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No (if Yes insert details of the terms and heads of agreement and, grounds for refusal if not completed within 4 months below)

The application is for permission in principle and therefore an agreement regarding contributions towards a minimum of two affordable homes (20%) and attendant infrastructure for this proposal is required should permission in principle be approved.

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

(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.

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

Part 2 – National Planning Policy

Sustainable Places

- NPF4 Policy 01 – Tackling the Climate and Nature Crises
- NPF4 Policy 02 – Climate Mitigation and Adaption
- NPF4 Policy 03 – Biodiversity
- NPF4 Policy 04 – Natural Places
- NPF4 Policy 05 – Soils
- NPF4 Policy 06 – Forestry, Woodland and Trees
- NPF4 Policy 07 – Historic assets and places
- NPF4 Policy 09 – Brownfield, Vacant and Derelict Land and Empty Buildings
(includes provisions relevant to Greenfield Sites)
- NPF4 Policy 12 – Zero Waste
- NPF4 Policy 13 – Sustainable Transport

Liveable Places

- NPF4 Policy 14 – Design, Quality and Place
- NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods
- NPF4 Policy 16 – Quality Homes
- NPF4 Policy 17 – Rural Homes
- NPF4 Policy 18 – Infrastructure First
- NPF4 Policy 20 – Blue and Green Infrastructure
- NPF4 Policy 22 – Flood Risk and Water Management

[‘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
- LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedules

[‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ \(Adopted March 2016 & December 2016\)](#)

Natural Environment

- SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
- SG LDP ENV 6 – Impact on Trees / Woodland
- SG LDP ENV 7 – Water Quality and the Environment (riparian)
- SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

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

General Housing Development

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

SG LDP HOU 2 - Special Needs Access Provision in Housing Developments

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

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

SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

Addressing Climate Change

SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework

Transport (Including Core Paths)

SG LDP TRAN 3 – Special Needs Access Provision

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

SG LDP PG 1 – Planning Gain

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

- Third Party Representations
- Consultation Responses
- Planning History
- [ABC Technical Note 1 – Masterplanning \(June 2016\)](#)
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)

[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.

Spatial and Settlement Strategy

Policy 01 – Settlement Areas

Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 06 – Green Infrastructure
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design – All Development

Connected Places

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 38 – Construction Standards for Public Roads
Policy 39 – Construction Standards for Private Accesses
Policy 40 – Vehicle Parking Provision

Sustainable Communities

Policy 55 – Flooding
Policy 61 – Sustainable Urban Drainage Systems (SUDS)
Policy 63 – Waste Related Development and Waste Management

Homes for People

Policy 66 – New Residential Development on Non-Allocated Housing Sites within Settlement Areas
Policy 67 – Provision of Housing to Meet Local Needs Including Affordable Housing
Policy 68 – Housing Greenspace

High Quality Environment

Policy 70 – Development Impact on National Scenic Areas (NSA's)
Policy 77 – Forestry, Woodland and Trees
Policy 78 – Woodland Removal
Policy 79 – Protection of Soil and Peat Resources
Policy 83 – Safeguarding Agricultural and Croft Land

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 (if Yes provide detail below)

(N) Does the Council have an interest in the site: Yes No (if Yes provide detail below)

(O) Requirement for a pre-determination hearing: Yes No (if Yes insert details below)

It is acknowledged that the number of objections received is notable comparative to the size of Craighouse. However, this is a 'local' application that accords with the development plan, and it is considered that the proposal does not raise complex or novel issues that require discussion by way of hearing. As such, it is considered unlikely that a pre-determination hearing would add significant value to the decision making process.

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

- Jura National Scenic Area
- SEPA flood zones (River and Coastal)
- WoSAS archaeological trigger

(P)(ii) Soils

Agricultural Land Classification:

Class 5.10 Improved Grassland. This refers mainly to the northerly section of the site.

Peatland/Carbon Rich Soils Classification:

- Class 1
- Class 2
- Class 3
- N/A

Peat Depth Classification:

N/A

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?
(If yes, detail in summary assessment)

Yes
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

- Brownfield
- Brownfield Reclaimed by Nature
- Greenfield

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

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

ABC LDP 2015 Allocations/PDAs/AFAs etc:

N/A

ABC pLDP2 Settlement Strategy(*tick all relevant boxes*)

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

ABC pLDP2 Allocations/PDAs/AFAs etc:

N/A

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

The application was originally submitted for the erection of 16 dwelling houses. Subsequent to the majority of the above representations, revised plans have been secured which have reduced the scale of development to 10 dwellings. It is on this basis that the proposed development has been assessed.

Assessment overview

Of relevance, NPF4 Policy 9 sets out that proposals on greenfield sites will not be supported unless the site is explicitly supported by policies in the LDP. NPF4 Policy 17c) sets out that new homes in remote rural areas will be supported where it supports and sustains existing fragile communities, supports identified local housing outcomes and is suitable in terms of location, access and environmental impact.

NPF4 Policy 16f) sets out that new homes on land not allocated for housing in the LDP will only be supported in limited specified circumstances, which of relevance includes where there is an agreed timescale for build out; where the proposal is consistent with the plan spatial strategy and policies such as local living, and where the proposal is consistent with policy on rural homes. The concept of Local Living is further detailed in NPF4 Policy 15.

The development is located within the Key Rural Settlement of Craighouse/Keils as defined in the LDP wherein Policy DM 1 sets out encouragement for up to medium scale sustainable forms of development on appropriate sites. The application site remains within the settlement boundary of Craighouse/Keils in LDP2.

SG LDP Policy HOU 1 defines 'medium-scale' as housing development not exceeding 30 dwelling units. As such, subject to an agreed build out timescale secured by a planning condition, the proposal would meet the requirements of NPF4 Policy 16f).

It is considered that the medium scale of the proposed development and its location would reasonably comply with policies 2a), 15 and 17c) of NPF4 given its compliance with the existing settlement pattern and the level and quality of interconnectivity of the proposed development with the surrounding area where people can reasonably meet the majority of their daily needs within a reasonable distance of their home and support the community. This is underpinned by the broad settlement strategy policy contained within Policy LDP DM 1, LDP 8, LDP 10 and LDP 11 of the LDP.

Drawing the above together, the principle of residential development at the site is considered acceptable in principle, subject to acceptability of the detailed matters assessed further in Appendix A to this report, which includes commentary with regards to relevant policies.

Although within the settlement boundary, there have been concerns regarding over development of the site raised in representations as summarised above. In the context of Jura and Craighouse, it is noted that the ten proposed dwellings would be a notable increase in built form and in terms of its associated population increase. However, for the reasons set out in Appendix A, officers are of the view that there are no significant land use related impediments to granting planning permission in principle for the proposed development. This includes in relation to the effect of the proposed development on the National Scenic Area, which, notwithstanding the concerns raised, has not been met with by an objection from NatureScot. This matter is assessed in further detail at Appendix A.

Based on the available evidence, the proposed development would be located on croft land. However, for the reasons set out in Appendix A, as the proposed development would not conflict with development plan policies related to croft land, it is not considered the loss of croft land is a determinative issue in this case

SEPA requested further information regarding the layout of the proposed site to ascertain its relationship with the flood risk area. The submission of a revised site plan incorporating a topographical survey has allayed the initial concerns of SEPA, who no longer object to the proposed development.

However, securing a high quality design and landscaping scheme, alongside an appropriate scale, mass, and layout for the proposed development will be critical to the acceptability of the proposed development at the detailed design stage. Noting that land to the immediate north of the site is within the applicant's ownership, it is considered that further space exists to deliver a high quality strategic landscape scheme to help further consolidate the built form of the proposed development with Craighouse and ease the transition to the wider countryside. Such matters could be sufficiently controlled by planning conditions.

The applicant has indicated that the intention is for all ten houses to be affordable which is in excess of that required by development plan policies. In line with planning policy, 25% of the total units proposed could be secured as affordable housing by way of planning condition, which would not preclude delivery above this requirement.

In ecological terms, the site is near to a number of protected sites and the planning application has been accompanied by Preliminary Ecological Appraisal and Otter Survey. However, NatureScot have raised no objection to the proposed development on ecological grounds whilst the noted supporting information does not raise any issue that could not be addressed by suitably worded planning

conditions, noting that matters of site layout and design are reserved for later consideration.

The roads department have raised no objection to the proposed development, subject to planning conditions, which are appended to this report.

Overall, subject to appropriately worded planning conditions, the proposed development would be consistent with the relevant provisions of the development plan. As such, it is recommended that planning permission in principle is granted for the proposed development.

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

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

None

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
Yes No

Author of Report: Derek Wilson **Date:** 01.02.2024

Reviewing Officer: Bryn Bowker **Date:** 09.02.2024

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/01037/PPP

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1 **PPP - Approved Details & Standard Notes – Non EIA Development**

Plans and particulars of the matters specified in conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. **PPP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 12.05.2021, 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 maps and croft plan	599/01		04.10.2023
Site Survey Plan	599/03		29.09.2023
Revised floor levels houses 9 and 10		1 of 2	19.01.2024

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

3 **PPP - Provision of Adoptable Standard Service Road**

Pursuant to Condition 1. – no development shall commence until details of the proposed service road and connection with the existing public road have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) A vehicular access layout providing a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984;
- ii) A junction with the existing public road formed with visibility splays of 2.40 metres to point X by 75 metres to point Y formed from the centre line of the junction;
- iii) A bus bay to be incorporated into the junction design with hardstanding on constructed opposite the junction to provide for a bus drop off point;

- iv) The junction of adoptable standard development road is to be sited no closer than 25 metres from the nearest existing junction;
- v) The development road is to have either 2.00 metre wide footways or 2.00 metre wide service strips;
- vi) The development road is to be no less than 5.50 metres wide;
- vii) A turning head for the public service vehicle at the end of the adoptable standard road;
- viii) Roads design to incorporate Sustainable Urban Drainage (SuDS);
- ix) Hardstanding for the provision of two grit bins;
- x) Details for the provision of two village gateway signs to erected on the public road;
- xi) Details for the provision of pedestrian on road signage to be provided and erected between the development site;
- xii) Details for the provision of the existing public road verge to be widened out to provide safe step offs for pedestrians between the development and Craighouse School;
- xiii) Details for the provision of road name signs.

Prior to work starting on site, the junction with the existing public road shall be fully formed and surfaced and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the junction at point X to a point 0.6 metres above the public road carriageway at point Y. The visibility splays shall be maintained clear of all obstructions thereafter.

All access roads, footways and step offs granted consent shall be constructed to at least base course level prior to any work starting on the erection of the buildings which they are intended to serve and the final wearing surface of the roads, footways and step offs shall be applied concurrently with the construction of the final building.

Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development and having regard to the status of the proposed access as a residential service road.

Note to Applicant:

Road Construction Consent under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers and a Road Bond provided prior to the formation of the access within the development site.

4. PPP – Access/Parking/Turning for Multiple Buildings served by an Adoptable Road

Pursuant to Condition 1 – no development shall be commenced in respect of any individual building until plans and particulars of the means of vehicular access and

parking/turning arrangements to serve that building have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) Means of vehicular access to that building from the service road shall be formed with junctions of 90 degrees with visibility splays of 2.40 metres to point X by 25 metres to point Y formed from the centre line of the junction or provision of 2.5m by 5m parking bays located behind any footway/service strip;
- ii) The provision of parking and turning in accordance with the requirements of policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Development Plan 2015.

The approved means of vehicular access to the building shall be implemented in full prior to the commencement of construction of the development which the access is intended to serve and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the junction at point X to a point 0.6 metres above the public road carriageway at point Y. The visibility splays shall be maintained clear of all obstructions thereafter.

The approved parking and turning layout to serve the building shall be implemented in full prior to that building first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interests of road safety.

Note to Applicant:

Any parking bays provide will not be adopted.

5. PPP BUILDING SITING, DESIGN & FINISHES – MULTIPLE BUILDINGS

Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the development for up to 10 dwellings within that plot have been submitted to and approved by the Planning Authority. These details shall incorporate:

- i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- ii) A statement addressing how the proposed development has been designed to be consistent with the six qualities of successful places, as defined within Policy 14 of NPF4;
- iii) Local vernacular design;
- iv) Maximum of 1.5 storeys in design;
- v) Rectangular footprint no greater than 100 square metres;
- vi) External building span no greater than 15 metres;
- vii) Symmetrically pitched roof angled between 37 and 42 degrees finished in natural slate or good quality artificial slate;
- viii) External walls finished in natural stone or wet dash render or, a mixture of both;
- ix) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site;
- x) Windows to have a vertical and symmetrical orientation.

xi) A design and site layout that reflects the findings of survey work associated with condition no 11 below, relating to reptile, amphibians, and bat roost(s), including biodiversity enhancement measures.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.

Note to applicant: The application lies with an NSA wherein the ability to achieve a development that respects this designation is dependent on a comprehensive and coherent high quality layout and design for the site as a whole. This should be reflected in any submission to meet the terms of this AMSC, with pre-submission discussions with planning officers strongly encourage to help achieve this objective.

6. PPP – Full Landscaping Scheme

Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved 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) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development;
- vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.
- vii) Identified areas of strategic landscaping with details of proposed management arrangements; to include areas to the eastern section of the site and land to the north of the application site as a minimum.

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.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity

Note to applicant: The application lies with an NSA wherein the ability to achieve a development that respects this designation is dependent on a comprehensive and

strategic high quality landscaping scheme with management arrangements. This should be reflected in any submission to meet the terms of this AMSC with pre-submission discussions with planning officers strongly encourage to help achieve this objective.

7. PPP – Surface Water Drainage – Further detail required

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

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.

8. PPP – Archaeological Watching Brief

Pursuant to Condition 1 - no development or ground breaking works shall commence until a method statement for an archaeological scheme of investigation has been submitted to and approved by the Planning Authority in consultation with the West of Scotland Archaeology Service. The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In order to protect archaeological resources.

9 PPP - AFFORDABLE HOUSING

Pursuant to Condition 1. - no development shall commence until a scheme for the provision of affordable housing (as defined below) has been submitted to and approved by the Planning Authority. The scheme shall:

- a) Provide that a minimum of 25% of the approved dwellings are affordable homes;
- b) Define those properties to be used as affordable homes;
- c) Establish the timing of their provision relative to the phasing of the development, which shall ensure that the last 25% of the dwellings within the development are not commenced until the affordable housing phase has been completed for occupation;
- d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers (including any discount rate applicable in terms of (ii) below);

For the purposes of this condition 'affordable homes' are defined as being either:

- i) Social housing (rented or shared ownership or shared equity) 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);
- ii) Discounted low cost sale housing (subject to a burden under the Title Conditions (Scotland) Act 2003), or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification).
- iii) Housing for sale or rent without subsidy, which is designed to be affordable and to meet the housing needs of the majority of those households identified as in housing need in the Local Housing Strategy or Housing Market Study i.e. one or two person households on average income, with conditions attached to their missives to prevent further extension, thereby helping to ensure that they are likely to remain affordable to subsequent purchasers.

The development shall be implemented and occupied thereafter in accordance with the duly approved scheme for affordable housing.

Reason: To accord with the provisions of the development plan in respect of affordable housing provision.

- 10 Prior to the commencement of development, a pre-construction survey shall be carried out in respect of otters to checks for any new holts or resting places that may have become occupied after the original survey. This pre-construction survey should be completed as close to the construction period as possible and no more than 3 months before the start of work. Full details of the pre-construction survey shall be submitted to and approved in writing by the planning authority prior to the commencement of development.

11 PPP– Pre-commencement Survey

No development or other work shall be carried out on the site until a pre-commencement survey for the presence of reptile, amphibians, and bat roost(s) has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority in consultation with Nature Scot. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: In the interests of protected species and nature conservation.

- 12 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. The CEMP shall inform the production of construction method statements, and shall specify the siting of working areas, management practices and measures to prevent pollution of the water environment. The CEMP shall also include a project specific Surface Water Management Plan with appropriate protocols in place for the prevention of pollution entering the sea during construction.

The SWMP shall identify all waste streams arising from construction and proposals for their mitigation, including materials excavated on site and shall also provide details of the proposed arrangements for the storage, segregation, collection and recycling of waste arising during the operational phase of the development. The

CEMP shall also include otter mitigation as detailed in section 5.0 of the Otter Survey Report undertaken 26th July 2021 and provision for pre-start walk overs to check for ground nesting birds.

Reason: In the interests of pollution prevention, sustainable waste management and protected species.

- 13 No development shall commence until full details of a scheme for the eradication of Rhododendron Ponticum has been submitted to and approved in writing by the Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the Rhododendron Ponticum on a scaled plan.

The scheme shall be implemented in accordance with duly approved details, and prior to the commencement of development, a validation report confirming details of the remediation treatment that has been carried out and that the site is free of Rhododendron Ponticum shall be submitted to and approved in writing by the Planning Authority.

Reason: To eradicate Rhododendron Ponticum from the development site and to prevent the spread of this non-native invasive species through development works.

14 **PPP – Timescale to be Agreed for Completion**

Pursuant to Condition 1. – no development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

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

15 **PPP – Tree Retention and Protection**

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.

16 PPP – Availability of Connection to Public Water Supply

No development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided in writing to the Planning Authority before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

Note to Applicant:

In the event that a public water supply connection cannot be obtained an alternative private water supply would constitute a material amendment requiring the submission of a further planning application.

17 PPP – Details of New Private Foul Drainage System

Pursuant to Condition 1 – no development shall commence until details of the proposed means of private foul drainage to serve the development have been submitted to and approved by the Planning Authority.

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.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

Note to Applicant:

Private drainage arrangements are also subject to separate regulation by Building Standards and SEPA.

NOTE TO APPLICANT (Copy Informative Notes to Uniform Decision Tab)

- Regard should be had to the West of Scotland Archaeology Service's consultation comments in respect of the proposed development.
- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
- Road Construction Consent under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers and a Road Bond provided prior to the formation of the access within the development site.
- All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via their Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	21/01037/PPP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Principle

- 1.1. Planning permission in principle is sought for 10 dwellings on open land to the north of Craighouse. The site is approximately 0.82 hectares in size, surrounded by an open field to the immediate north, detached dwellings to the south, a raised woodland belt to the immediate west, and the sea to the east, intervened by the A846.
- 1.2. Of relevance, NPF4 Policy 09 sets out that proposals on greenfield sites will not be supported unless the site is explicitly supported by policies in the LDP. For planning purposes, the site is located within the settlement boundary of Craighouse, defined as a Key Rural Settlement by the Local Development Plan (LDP Policy DM1). The site remains located within the settlement area of Craighouse, with reference to LDP2, which, given its advanced stage (see Section J of the report above), represents a material consideration of significant weight.
- 1.3. Policy DM 1 sets out encouragement for sustainable forms of development, including for up and including medium scale development on appropriate sites. SG LDP Policy HOU 1 defines 'medium-scale' as housing development between 6 and 30 dwelling units. Although the site is not specifically for housing, the 10 dwelling units as proposed would fall into the definition 'medium-scale'.
- 1.4. It is considered that the small scale of the proposed development and its location would reasonably comply with policies 02a, 15 and 17c) of NPF4 given its compliance with the existing settlement pattern and the level and quality of interconnectivity of the proposed development with the surrounding area where people can reasonably meet the majority of their daily needs within a reasonable distance of their home and support the community. This is underpinned by the broad settlement strategy policy contained within Policy LDP DM1, LDP 8, LDP 10 and LDP 11 of the LDP.
- 1.5. NPF4 Policy 16f) sets out that new homes on land not allocated for housing in the LDP will only be supported in limited circumstances, which of relevance includes where there is an agreed timescale for build out; where the proposal is consistent with the plan spatial strategy and policies such as local living, and where the proposal is consistent with policy on rural homes. Based on the preceding paragraphs, the proposed development is consistent with the plan spatial strategy whilst an agreed timescale for build out can be secured by an appropriately worded planning condition.
- 1.6. The site is located on croft land (Crofting Commission Reference A0495) and of relevance NPF4 Policy 5b) seeks to ensure that land that is culturally important for priority use, as identified by the LDP, will only be supported where it meets exceptions it sets from criteria i) to iv). SG LDP SERV 9 is also of relevance which seeks to ensure new development proposals minimise the loss of better quality agricultural land including croft land. This policy goes onto state that development will not be supported where it would result in the loss of better agricultural land; the fragmentation of field systems and the loss of access to better quality agricultural land. Should development fail to meet this criteria, the policy does onto set out that the applicant would need to adequately demonstrate that there exists a proven and justified significant economic, environmental or social wider community interest to allow the development to proceed; and there is no alternative viable

land outwith the croft land for the development to proceed. Emerging LDP2 Policy 83 broadly reflects the requirements of SG LDP SERV 9.

- 1.7. In response, the applicant has set out that the main croft comprises an area of approximately 11.8ha and that the proposed site is roughly 0.8ha, consisting of rocky, uneven and overgrown scrubland. Due to the historical and current condition of the site, the applicant states that it has never been used for any crofting or agricultural use and would have no adverse effect on the croft. As the site is part of a larger field which is accessed separately, the applicant considers that the proposal would not result in the fragmentation of field systems nor loss of access to field systems. Taking into account the condition of the site, comprising vegetated Marsh land and the points raised by the applicant, officers consider that an acceptable case has been put forward to demonstrate that the proposal would not result in the loss of functional croft land nor conflict with the above noted planning policies.
- 1.8. Drawing the above together, the principle of residential development at the site is considered acceptable in principle, subject to acceptability of the detailed matters set out below.

2. Landscape character and appearance

- 2.1 The site is located within the Jura National Scenic Area (NSA) in recognition of its nationally important scenic value. As such SG LDP Policy ENV 12 and NPF4 Policy 4c) apply, which combined broadly seek to resist development that would have an adverse effect on the integrity of the designation or that would undermine its Special Qualities.
- 2.2 Concerns have been raised by interested parties regarding the effect of the proposal on the NSA. In addition, NatureScot have issued a revised consultation response to the application which, although withdraws a previous objection, raises concern that the proposal would have a significant adverse effect on the Special Qualities of the NSA: albeit they note that the objectives and overall integrity of the designation would not be compromised.
- 2.3. In reaching this view, two Special Qualities of the NSA are identified, namely SQ 2 (Human settlement on the margins of a vast moorland terrain) and SQ 3 (A continually varying coast). NatureScot do not raise any concerns in respect of the other Special Qualities, and officers have no substantive reasons to consider the other Special Qualities are live issues in this case.
- 2.4. The site is open and vegetated with bracken and marshy grassland with some trees, which combined visibly distinguishes it from the open grass fields to the north of the site. The site itself terminates the linear pattern of development that characterises Craighouse. Of relevance, the Island of Jura Landscape Capacity Study for Housing (undertaken by Alison Grant, Landscape Architect), sets out that the approach to Craighouse from the north is characterised by travelling round a subtle promontory of land which defines the extent of the settlement, revealing the extent of the village, where buildings are orientated east towards the bay. The study identifies the site as comprising improved grassland fields, along with fields to the immediate north of the site. It also identifies the site as forming part of a constraints area, setting out that development which continues northwards will elongate the settlement beyond the subtle promontory with outlying houses feeling remote from the village centre, with further expansion encroaching upon the setting of the manse and other buildings groups.
- 2.5. Development in Craighouse is predominantly one property in depth (although examples of plots with greater number of property depth exist) which follows a lower land level

corridor running north alongside this section of the eastern coast of Jura. Properties are mostly single storey in height, although two storey dormer detached properties are within the site vicinity. Further north of the site, development is significantly spaced apart and set back from the A846.

- 2.6. It is considered that the site contributes positively to the transition of the built form from Craighouse to the open countryside, appreciable in approaches north and south bound along this stretch of the road. The proposal will bring the built form of Craighouse further north and closer to Bishop Well and The Manse, and would be noticeable before the gentle turn of the A846 into Craighouse when travelling south bound. However, as noted above, the site's marshy and vegetated appearance serves to visually distinguish it from the open fields/improved grassland to the north of the site (identified by the Landscape Capacity Study), and which characterise this part of the countryside. As such, in landscape terms, the proposed development would not result in the harmful loss of a feature that typifies the landscape character of the surrounding area. Furthermore, the site occupies a relatively sheltered location below raised land to the west, and would be seen against the backdrop of, and as an extension to, the existing built form of Craighouse. On this basis, the effect of the proposal in landscape terms is considered to be localised and of no material significance to the wider NSA.
- 2.7. Based on the submitted layout, the depth of built form would be broadly perceived as three blocks, orientated in a variety of ways, facing east, north and south, bounded and contained by existing landscape features comprising an existing woods, burn and farmland. It is considered that any detailed design proposal would be able to have a design which maintains roof ridge lines below the bounding tree lines thus reducing its wider visibility. The design of the access and shared road also allows for the full reveal of the proposal once within the site as the positioning and orientation will allow only moderate reveals of each building passing by.
- 2.8. The proposed depth and layout of built form would not be out of character with the pattern of development at Croft Park further south at Craighouse. In addition, the proposal, including parking and other ancillary works, would be set back into the plot; particularly at the northern portion of the site frontage (in response to flood risk related concerns raised by SEPA). As the applicant owns land to the immediate north of the site, a comprehensive landscaping scheme could be secured to help further define the northern edge of the settlement, which alongside the remaining fields to the north, would ensure that the setting of the manse and buildings groups are not unduly encroached. Owing to these factors, it is considered that the proposed development could be accommodated in a way that retains a successful transition of Craighouse into the countryside to the north.
- 2.9 Keils Conservation area is about 400m from the proposal site and around 15m in elevation above it. There is a low ridge which has been identified in a housing capacity study as obscuring Craighouse from Keils and vice versa. This ridge has a mature tree plantation. Under NPF4 policy, adverse effects on native woodlands of high biodiversity value are resisted. However, there is no intention in this proposal to remove or impact on these trees.
- 2.10 The ridge and its approaches ensures that long views from Keils to the coast and the small Isles are maintained and not interrupted. The scale and massing of the proposed development would not alter or intrude on these views. It is accepted by officers that development should avoid breaching the prominent wooded ridge (raised beach) which provides well defined containment to this western edge of the settlement, as well as providing visual separation from Keils.

- 2.11 However, officers are of the view that the scale, form, layout and overall design quality of the proposed dwellings and public realm would need to be of a sufficient high quality and be contextually aware, to respect the sensitive location of the site and to ensure that the proposal does not represent overdevelopment or become overly prominent, as it is essential to provide a 'soft' edge to the northern extent to Craighouse. In combination with a comprehensive landscape scheme, it is considered that the proposed development, subject to its design and layout, would not have an adverse effect on the National Scenic Area or the character and appearance of the surrounding area.
- 2.12 Subject to planning conditions, the proposal would be consistent with NPF4 policies 4, 5, 14 and LDP policies 3 and 9, SG LDP policies ENV 12, ENV 14, ENV 17 and SG LDP Sustainable.

3. Biodiversity

- 3.1. The site is not subject to any biodiversity designations, but a Special Area of Conservation (SAC) (Inner Hebrides and the Minches) is to the east of the site which comprises part of the Sound of Jura. Consultation has been undertaken with NatureScot who have raised no objections to the proposed development on biodiversity grounds.
- 3.2 A Preliminary Ecological Appraisal was submitted with the application which identified that the main habitats found within the site boundary include marshy grassland and continuous bracken, assessed as having moderate conservation value with the potential to support a number of protected species. *Rhododendron ponticum* (an Invasive Non-Native Species) was noted at the site, and as such the appraisal recommends a management plan is undertaken. It is considered a suitably worded planning condition would ensure that a management plan is submitted. The appraisal notes that due to the presence of important habitats and habitats which could support protected species, it advises that a ground level Preliminary Bat Roost Assessment on trees and structures in the proposed site and within 30m of its boundary and a detailed reptile and amphibian survey are carried out as soon as practicably possible, noting the reptile and amphibian survey should be carried out prior to works commencing. Given that planning permission in principle is sought, it is considered that the noted assessment and survey could be secured by suitably worded planning conditions. However, timing of this work is important, as such the planning conditions would seek to ensure that the layout and design of the proposed would follow and be informed by the noted assessment and survey.
- 3.3 The appraisal also identified the habitat as having the potential to support nesting birds and advises that any vegetation clearance should be avoided during the main breeding season. This again could be secured by way of planning condition. Compensatory habitat measures are also recommended, whilst owing to signs of otters within 150m of the site, avoidance and mitigation measures are advised alongside a pre-construction otter survey. The appraisal notes that harbour porpoise is a qualifying species of the SAC which is sensitive to contaminants. As such the appraisal recommends that a pollution prevention plan is in place prior to the construction of the proposed development to mitigate any potential contaminants reaching the SAC. It is considered that a planning condition would ensure that such a plan is submitted. The appraisal also notes that the Jura, Scarba and Garvellachs Special Protection Area is roughly 0.6km west of the site, the qualifying species for which is the Golden eagle. It goes onto note that it is possible Golden eagles use the woodland adjacent to the site, and as such it is recommended that development of the woodland adjacent to the site is avoided. Given that planning permission in principle is sought at this stage, officers consider that sufficient control exists to ensure that any proposed layout does not harm this identified woodland.

- 3.4 The Otter Survey examined suitable habitats within 200m of the site and the survey, including a stretch of the burn to the north, both banks, and the coastal section within 200m of the site which were inspected for activity. In summary, with the incorporation of mitigation measures identified in the survey, the survey concludes that the proposed development is considered unlikely to compromise the viability and integrity of the otter population. These mitigation measures relate to the construction process, otter proof fencing, and the need for a pre-construction otter survey to be completed as close as possible to the construction period as possible. Officers consider such matters could be suitably controlled by planning condition.
- 3.5 Overall, based on the available evidence, withholding planning permission on the basis of biodiversity grounds would not be justified. Similarly, no substantive evidence has been submitted to challenge the findings and recommendation of the submitted Otter Survey Report undertaken by a qualified and professional ecologist.
- 3.6. The proposal does not include any detail of proposed biodiversity enhancements that would be delivered by the development. However it is considered that this could be secured by a planning condition. Similarly a condition requiring appropriate soil management practices would also be appropriate for any approval in light of the level of ground movement required to prepare the site. The proposal in principle may then be considered to be consistent with the relevant provisions of NPF4 Policies 03, 04 and 05A, and ABC LDP Policies LDP 3, SG LDP ENV 1, ENV 2, ENV 4 and ENV 11.

4. Archaeology

- 4.1 No Scheduled Monuments are at the site nor in the surrounding area. However, based on the consultation response received by the West of Scotland Archaeology Service, it is considered necessary to include a planning condition to secure the implementation of archaeological works, to reflect the potential for archaeological issues to be raised by the proposed development. This is required to comply with policies LDP 3, SG LDP ENV 20 and policy 07 of NPF4.

5. Flood Risk

- 5.1. The eastern most section of the site application redline boundary reaches to the sea via a high risk coastal flood area to allow space for the outfall of a private drainage system. In addition, a high risk coastal flood area is to the east of the site following the bay, whilst there is a river flood risk area to the north of the site. SEPA initially raised a holding objection on the basis of flood risk concerns. However, following the submission of a revised site plan which included site levels, SEPA no longer object to the application on the basis that development on the site would be limited to land which is already higher than 3.96m AOD. In the context of SEPA's comments and noting design and site layout are reserved for later consideration, it is considered that the proposal raises no flood risk related concerns. A condition would ensure that adequate surface water drainage provision delivered as part of the development proposal. As such, subject to planning conditions, the proposal would meet the requirements of policies LDP 10, SERV 2, SERV 7, and NPF4 Policy 22.

6. Affordable Housing

- 6.1. The applicant proposes that all 10 proposed dwellings would intended to be affordable, which would be in excess of that required by SG LDP HOU 1 and emerging LDP 2 Policy 67 which would require 25% of the total units to be affordable. The provision of affordable housing could be secured by an appropriately worded planning condition to

ensure that affordable housing meets the noted planning policy requirements as a minimum, allowing scope for further provision where possible. Colleagues from Development Plan Policy have confirmed that there is a need for housing in the area and that affordability is an issue. The types and tenures of affordable homes proposed would be subject to further assessment at the detailed design stage.

7. Road Network, Parking and Associated Transport Matters.

7.1. Roads and Amenity Services have raised no objections to the proposed development, subject to a number of planning conditions. This includes conditions requiring the provision adequate visibility splays, of an adoptable standard road, a bus bay, parking and turning provision in accordance with planning policy, and improvements to existing public verges between the site and Craighouse Primary School, which are included as a planning condition. It is noted that any off site requirements to meet the condition requested by Roads would be within the road verge and therefore within land under their control.

7.1. The main road adjacent to the site is also core path C051(f) - Keils and Cill Earnabail. However, at this stage planning permission in principle is sought, with design details reserved for later consideration. As such, it is not envisaged that the proposal would have an adverse effect on this right of way.

8. Infrastructure

8.1. The proposed development intends to connect to the public water supply and utilise a private sewerage treatment system. In response to the planning application, Scottish Water are unable to confirm capacity for water supply or for waste water treatment until the applicant has submitted a Pre Development Enquiry (PDE). However, it is noted Scottish Water have raised no objection to the proposed development. It is considered that details of confirmation of an available water supply and the proposed private sewerage treatment system can be secured by planning conditions.

8.2. It is noted that the electricity line runs along the westerly side of the site and therefore if the application is approved in principle, any detailed application should consider the siting and design of any proposed houses in relation to the line.

9. Other Matters

9.1 The proposal at this stage does not require detail regarding refuse collection. However, the site has ample space to accommodate refuse collection bins to meet household collection requirements in line with the Council's Waste Strategy and as to be consistent with NPF4 Policy 12C, and ABC LDP Policy LDP 10 and SG LDP SERV 5(b). As this is an application in principle an AMSC or detailed proposal would require the detail of storage, separation and collection to be consistent with the provisions of NPF4 Policy 9C.

9.2 Matters Raised by Proposed Local Development Plan 2 (as modified by Examination

Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. In this instance it is considered that this application does not give rise to any fundamental conflict with the relevant policies of PLDP2