

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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21 May 2013

SUPPLEMENTARY PACK 3

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE ON WEDNESDAY 22 MAY 2013 AT 11.15 AM

I enclose herewith a supplementary report in respect of item 13 detailed below which was not previously included with the Agenda for the above meeting.

Douglas Hendry
Executive Director - Customer Services

SUPPLEMENTARY REPORT

- 13. THE GENERAL TRUSTEES OF THE CHURCH OF SCOTLAND: ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING 11 DWELLINGHOUSES (6 AFFORDABLE), INSTALLATION OF TREATMENT PLANT AND ASSOCIATED VEHICULAR ACCESSES: LAND SOUTH WEST OF ARDFERN HOUSE, ARDFERN (REF: 12/02766/PP)**
Report by Head of Planning and Regulatory Services (Pages 1 - 4)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Sandy Taylor (Chair)	Councillor Gordon Blair
Councillor Rory Colville	Councillor Robin Currie
Councillor Mary-Jean Devon	Councillor George Freeman
Councillor Fred Hall	Councillor David Kinniburgh
Councillor Iain MacDonald	Councillor Alistair MacDougall
Councillor Robert Graham MacIntyre	Councillor Donald MacMillan
Councillor Alex McNaughton	Councillor James McQueen
Councillor Richard Trail	

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**Argyll and Bute Council
Development and Infrastructure**

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/02766/PP

Planning Hierarchy: Local

Applicant: The Church of Scotland General Trustees

Proposal: Erection of residential development comprising 11 dwellinghouses (6 affordable), installation of treatment plan and associated vehicular accesses.

Site Address: Land South West of Ardfern House, Ardfern

SUPPLEMENTARY REPORT No. 1

A. SUMMARY

The purpose of this report is to update Members on further information which has been received since completion of the original report circulated with the agenda papers.

B. FURTHER SUPPORTING INFORMATION

Tree Survey

A woodland report was submitted by the applicant on 21st May in relation to both the Glebe wood to the west of the application site and also the woodland surrounding Craignish Parish Church.

In summary the report identifies a combined total of 192 trees across both woodland locations. The report confirms that the Glebe woodland is in need of active management and suggests options in this respect. It is recommended that dangerous trees are felled, that those within reach of the development have their crowns reduced to minimise risk and that dead wood is removed from trees on the edge where there is likely to be public access. Trees in poor health should be monitored with diseased, cankered or damaged limbs removed with the aim of improving the health of the wood. In particular concern is expressed in relation to the retention of Larch within the woodland as, with a small number of exceptions, these trees are either heavily swept, have suffered limb damage or top damage or are undermined –

it is also suggested that this species may be susceptible to disease with Phytophthora Rumour being found locally albeit on Japanese Larch.

The report suggests felling up to twenty-five trees which are either dangerous or in poor health in addition to extensive works relating to crown reduction, dead wooding and limb removal. A further ten trees are identified as being within the area to be developed and identified to be cleared along with the naturally regenerating trees on the edges of the application site.

Given the late date and extensive nature of this submission officers have not as yet had the opportunity to obtain comments from the Council's Horticultural Officer or to undertake a detailed assessment of the implications of these woodland management proposals having regard to the historic and natural environments and the local landscape setting. It is however noted that it is recommended that this application be the subject of a pre-determination hearing which would provide sufficient time to allow the further assessment and preparation of a supplementary report to update the Head of Planning & Regulatory Services recommendation to Members accordingly in advance of a hearing being convened.

C. NATURAL ENVIRONMENT

The presence of otter on the application site has subsequently been confirmed following a single otter being spotted during a follow up site visit by a planning officer. Having been notified of this development, the Council's Biodiversity Officer has provided updated comments dated 15th May 2013 confirming that the presence of a European Protected Species within the application site is sufficient grounds for concern to require a pre-determination survey of the site for otter activity to allow assessment of the potential impact upon this protected species. Having regard to the Conservation (Natural Habitats, & c.) Amendment (Scotland) Regulations 2007 it is illegal to i) deliberately or recklessly kill, injure or take (capture) an otter; ii) deliberately or recklessly disturb or harass an otter, or iii) damage, destroy or obstruct access to a breeding site or resting place of an otter (i.e. an otter shelter). In this respect until such time as the extent of use of the site by otter and the potential impacts of the development in this respect can be properly established it would not be appropriate to grant planning permission for development at this location. In the event that otters, their holts, couches or other places of shelter are found on the site a license may be required from SNH in order that the development can proceed without a criminal offence being committed.

The applicant has been advised of the presence of otter on the application site and advised that it would be in their interest to commission a survey of the site by an appropriately qualified person with a report of their findings and recommendations to be submitted for consideration in the determination of the current application. The Agent for the application has indicated the applicant's intention to make such further submissions however it is expected that this will not be available until after the 22nd May PPSL meeting. In the absence of sufficient information to properly assess the impact of the proposed development upon otters the proposal is contrary to the provisions of STRAT DC 7 and LP ENV 6 of the Development Plan.

D. RECOMMENDATION

The above additional information has been taken into account but does not change the previous recommendation of refusal. This proposal remains recommended for refusal for the reasons stated in the original report (and replicated below as reasons 1. and 2.), and the additional reason 3. appended to this report.

Author of Report: Peter Bain

Date: 21st May 2013

Reviewing Officer: Sandra Davies

Date: 21st May 2013

Angus Gilmour

Head of Planning and Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 12/02766/PP

1. The proposal, by virtue of a lack of appropriate open space provision and excessive linear form, predominantly two storey design emphasis, excessive mass and elements of utilitarian design is considered to be overtly suburban in appearance and has insufficient regard to its sensitive location within the Knapdale/Melfort Area of Panoramic Quality on the edge of the Ardfern 'settlement area'. The proposal would result in 'ribbon' type development of substantially larger building mass and proportion than the existing dispersed residential properties at Barfad and incorporating elements of inappropriate design (e.g. Substantial expanses of unbroken featureless roof scape and continuous, bland principle building elevations which lack traditional architectural detail or interest) rendering it incompatible with the essentially rural character and appearance of this edge of settlement location and is consequently contrary to the advice set out within the Council's published Sustainable Design Guidance. The development would appear as a prominent and incongruous extension to the Ardfern settlement area which would have a significant adverse effect locally upon the landscape quality of the Knapdale/Melfort Area of Panoramic Quality. The proposal is therefore considered to be contrary to the provisions of STRAT DC 1, STRAT DC 8, LP ENV 10 and LP ENV 19 of the Development Plan.
2. The development has potential to impact upon areas of woodland which adjoin the application site and which are in themselves key features of the local landscape setting and historic built environment. In the absence of sufficient information to allow a detailed assessment of these potential impacts of the development the proposal is considered to be contrary to the provisions of STRAT DC 7 of the Argyll and Bute Structure Plan 2002 and LP ENV 7 of the Argyll and Bute Local Plan 2009.
3. The development has potential to impact upon a species protected by the EC Habitats Directive and The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007. In the absence of sufficient information to allow a detailed assessment of these potential impacts of the development the proposal is considered to be contrary to the provisions of STRAT DC 7 of the Argyll and Bute Structure Plan 2002 and LP ENV 6 of the Argyll and Bute Local Plan 2009.