

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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9 August 2012

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 15 AUGUST 2012** at **2:30 PM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. CONSIDER NOTICE OF REVIEW REQUEST: LAND NORTH WEST OF ARDARE, COLINTRAIVE**
 - (a) Notice of Review and Supporting Papers (Pages 1 - 198)**
 - (b) Comments by Interested Parties (Pages 199 - 204)**

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Mary Jean Devon
Councillor James McQueen

Councillor Robert Graham MacIntyre

Contact: Hazel MacInnes Tel: 01546 604269

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Ref:
AB1

ARGYLL AND BUTE COUNCIL
WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE

Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedures
(Scotland) Regulations 2008

Important – Please read the notes on how to complete this form and use
Block Capitals. Further information is available on the Council's Website.
You should, if you wish, seek advice from a Professional Advisor on how to
complete this form.

(1) APPLICANT FOR REVIEW	
Name	Mr Nicholas Staunton
Address	Stanton Farm
	Stanton St Bernard
	Marlborough
Postcode	SN8 4LT
Tel. No.	c/o Agent
Email	c/o Agent

(2) AGENT (if any)	
Name	Elaine Hamilton
Address	James Barr Limited
	226 West George Street
	GLASGOW
Postcode	G2 2LN
Tel. No.	0141 300 8007
Email	ehamilton@jamesbarr.co.uk

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application
 (b) Date of Submission
 (c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

Land at North West of Ardare
Colintraive

(6) Description of Proposal

Erection of Dwellinghouse, Formation of Vehicular Access and Installation of Septic Tank

(7)

Please set out the detailed reasons for requesting the review:-

As planning agents of Mr. Nicholas Staunton, we believe that the reason for refusal issued by Argyll & Bute Council is not clear or concise, and therefore not a valid reason for refusal.

All matters were appropriately resolved during the application process. The planning officer also intimated during pre-application discussions, and throughout the application process that there were no concerns regarding the principle of the development proposed, and therefore there is no justification for the reason of refusal issued. This led the appellant to proceed, at expense, with surveys and reports to address and resolve the detailed, specific matters raised by statutory consultees. It should be noted that no objections were raised by consultees after additional information was lodged and further site visits/meetings were undertaken.

It was intimated by the planning officer that these detailed matters were potentially reasons for refusal and therefore should be addressed/resolved. If there was no support in principle for the development proposed, there would have been no merit in recommending that the appellant spend time and money resolving the detailed matters of site development. Therefore, based on the feedback from the planning officer in the consideration of the application, the appellant chose to progress and invest further in the development proposed.

We have included letters from Steven Gove that state that the proposed erection of a dwelling house can be considered appropriate as infill development. This is in compliance with local plan policy.

This appeal has been lodged in order to seek a second opinion on the refusal of planning permission for the proposed dwelling house at Colintrave, and to address the reason for refusal that has been issued in this instance.

Please find attached an appeal statement which outlines the case, and provides our response to the refusal issued by Argyll & Bute Council.

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (**Note: 3 paper copies of each of the documents referred to in the schedule below must be attached**):

No.	Detail
1	Extract of Qualified Acceptance for Sale of Ardare, dated 7 th July 2006
2	Pre-Application Enquiry letter from Houston Architects, dated 23 rd February 2009
3	Letter of Acknowledgement from Argyll & Bute Council to Pre-Application Enquiry, dated 25 th February 2009
4	Letter to Argyll & Bute Council regarding Pre-Application Enquiry, dated 27 th April 2009
5	Letter from Argyll & Bute Council regarding development opportunity, dated 8 th May 2009
6	Letter from Houston Architects to Argyll & Bute Council regarding tree survey, dated 3 rd March 2010
7	Letter from Houston Architects to Argyll & Bute Council regarding amended scheme, dated 1 st April 2010
8	Letter from Argyll & Bute Council regarding development proposal, dated 25 th May 2010
9	Planning Application Forms & Certificates, dated 3 rd December 2010
10	Application Plans, as detailed in sheet attached

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

Submitted by
(Please Sign)

James Barr

Dated

13.06.2012

Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/
4. If in doubt how to proceed please contact 01546 604406 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604406 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)

James Barr	PLANNING STATEMENT - NOTICE OF REVIEW LAND NORTH WEST OF ARDARE, COLINTRAIVE
	JUNE 2012

PREPARED FOR MR. NICHOLAS STAUNTON

**SUBMISSION OF NOTICE OF REVIEW AGAINST
REFUSAL OF PLANNING PERMISSION
ERECTION OF DWELLINGHOUSE, FORMATION OF
VEHICULAR ACCESS AND INSTALLATION OF
SEPTIC TANK
AT LAND NORTH WEST OF ARDARE, COLINTRAIVE
ON BEHALF OF MR. NICHOLAS STAUNTON**

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1.0 INTRODUCTION

1.1 James Barr Limited has been instructed by Mr. Nicholas Staunton to appeal against the recent refusal of planning permission by Argyll & Bute Council for the proposed erection of a dwellinghouse, formation of vehicular access and installation of septic tank at Land North West of Ardare, Colintraive.

1.2 Argyll & Bute Council refused planning permission on 26 March 2012, for the following reason:

“Colintraive is a relatively dispersed settlement and it contains clusters of housing separated by either undeveloped areas or sporadically-placed dwellings. In terms of the location of the site, as noted in the preceding section, the site is within “Countryside Around Settlement” although it is directly adjacent, on its western boundary, to an area termed “Settlement Zone”. The plot is the beginning of a linear coastal strip that stretches in a south-easterly direction which is characterised by woodland and the previously mentioned sporadically-placed dwellings.

The actual application site was formerly in the ownership of the property known as ‘Ardare’, which is to the immediate south east. The site is currently not located within the cartilage of ‘Ardare’, and given its heavily wooded nature; that it has apparently been unmanaged for a significant number of years; and that there exists more defined garden ground, there is no evidence to suggest that it was actively used as the cartilage of ‘Ardare’ for many years. In this sense, the site is a key environmental feature that acts as a break between the dwelling to the north west (‘Milton Wood’) and ‘Ardare’.

On the basis of the foregoing, it is considered that the erection of a dwellinghouse would result in the loss of the distinctive wooded appearance of the site that would erode the character of the Kyles of Bute National Scenic Area.

The proposal is, therefore, contrary to the following policies:

Argyll & Bute Structure Plan 2002

STRAT DC 2 - Development within Countryside Around Settlements

STRAT DC 8 - Landscape and Development Control

STRAT HO 1 - Housing - Development Control Policy

Argyll & Bute Local Plan 2009

LP ENV 7 - Development Impact on Trees/Woodland

LP ENV 9 - Development Impact on National Scenic Areas

LP ENV 19 - Development Layout, Setting & Design

LP HOU 1 - General Housing Development”

- 1.3 We believe that this reason for refusal (Doc JB 38) is neither clear nor concise, and does not specify what is actually contrary to the policies identified. In addition, throughout the planning application process, it was never intimated that the principle of development was contrary to policy, and therefore time and expense went on resolving detailed matters such as ecology reports and tree maintenance. Ultimately, if this proposal was, in principle, contrary to policy, there was no merit in requesting additional information to be lodged in support of the proposed development.
- 1.4 Therefore, the appellant is somewhat confused as to the outcome of the application, and the fact that the reasons for refusal centre around the principle of development on site. In short, it appears that the appellant was misled throughout the application process by the planning officer. This is supported in the documents provided as part of the appeal, specifically letters from Argyll & Bute Council from 25th May 2010 (Doc JB 8) and 21st March 2011 (Doc JB 23) which stated that the site represents appropriate infill development.
- 1.5 No objections or issues were raised as a result of the additional reports/meetings undertaken that would justify refusal in this instance. The refusal notice is based primarily on the fact that the principle of development is contrary to policy, despite the fact that the application process never raised concerns regarding the principle of development in this location. On that basis, we are appealing against the refusal of planning permission, as we are aggrieved with the decision, and the reason for refusal, issued in this case.
- 1.6 We believe that full consideration needs to be given the proposed development, the site context, and the way which this application was dealt with; and as such the decision issued for this proposal be reconsidered.

2.0 SITE DESCRIPTION & PLANNING HISTORY

Site Description

- 2.1 The appeal site is located within the settlement of Colintrave. The area of Colintrave is situated on the north east coast of the Kyles of Bute. This settlement has a mixed character, with detached residential properties sitting along the coastline in close proximity to the proposed development site.
- 2.2 The land to the north west of Ardare was originally part of the wider garden ground of Ardare. The house was sold by the family of Mrs. Staunton who inherited the house after her death. Mrs. Staunton had lived in Colintrave for over 14 years. At the time of the house sale, the family decided to retain part of the garden ground, including the kitchen garden area, for the potential option of developing a new family dwelling in the future. This was intimated to the buyers at the time of the sale of the premises, and was the reason for the condition being applied to the land ownership that restricted the distance between the existing house and any proposed development on the land north west of the house (Appendix 2).
- 2.3 The site measures approximately 2160sqm, and is located between the residential properties of Milton Wood and Ardare. Sitting in a coastal position, the site is predominantly covered by trees and planting and is set within a wider residential area, which boasts dwellings from north west to south east, running along the coast of Kyles of Bute.
- 2.4 The land is bounded on each side by existing residential properties. This, by definition can therefore be promoted as an infill site.

Planning History

- 2.5 Other than the application now subject of this appeal, there are no relevant applications relevant to this site.
- 2.6 In terms of the planning application now subject to appeal, this was lodged on 2nd December 2010 (Doc JB 9 & 15). The submission of the application came after numerous pre-application discussions dating back to 2009 regarding the future development potential of the site.
- 2.7 At no point in the pre-application discussions, or the progression of the planning application, was it identified that the principle of the proposed use would be contrary to local plan policy. In fact, it was stated by the planning officer from Argyll & Bute Council that an argument could be reasonably made that the site represents infill development between two residential properties, due to its location and siting, and is therefore in compliance with local plan policy. In addition, it was accepted that the wooded nature of the site would be retained.

- 2.8 Therefore, it was somewhat disappointing when it was intimated that the proposed development would be recommended for refusal, and subsequently refused. This has led to the submission of an appeal to the Local Review Body. As detailed in Section 1 of this report, we believe that the appellant was misled in the progression of the planning application by Argyll & Bute Council.
- 2.9 We believe that the proposed development can be considered as in compliance with local plan policy, and there are no other matters material to this case that would render the proposal as inappropriate.

3.0 DEVELOPMENT PROPOSAL

- 3.1 The application lodged to Argyll & Bute Council promoted the erection of a detached, 2 storey dwelling that would create a 4-bed property for use by the family who previously owned/occupied Ardare.
- 3.2 The property itself takes a design-led approach, reflecting that of the adjoining property, Ardare. It is proposed that the house would have a footprint of approximately 123sqm within a wider 2160sqm site. This creates a dwelling that is wholly appropriate for the size of the site, and provides generous garden ground that ensures the retention of the majority of woodland/planting on site.
- 3.3 As explained in Section 2 of this report, the appellant retained this land for future development at the time of the sale of Ardare, and it was made apparent to the buyers that this was the purpose of the split in land ownership (Doc JB 1).
- 3.4 The scale, design and siting of the development proposed on site has taken full consideration of the wider character of Colintrave, the surrounding residential properties, and the importance of the natural setting and landscape within the area of Colintrave and Kyle of Bute.
- 3.5 Representations lodged to the application raised concerns about wildlife on site. In response, the applicant instructed Wild Surveys Ltd to undertake a Protected Species Survey for the proposed development site (Doc JB 26). There was no evidence of bats roosting, badger activity, otters, water voles, or red squirrel on site. Argyll & Bute Council's Biodiversity Officer stated that she was satisfied that the proposal in terms of the footprint of the building and access will not compromise the biodiversity of the site, providing the integrity of the woodland is maintained (Doc JB 28).
- 3.6 The proposed development requires the removal of a minimal amount of trees, in order to accommodate the proposed dwelling and associated access/parking. As part of the application process, it is recognised that the site is within a wider Tree Preservation Order covering the area known as 'Milton Wood' which covers the coast from Milton Wood, south to Millhouse. Therefore, discussions and a site visit with Argyll & Bute' Council's Horticulture Officer were undertaken during the application process to determine the extent of the proposed tree removal and replanting works on site. No objections were raised by the Horticulture Officer in terms of the proposed tree works/planting on site. In fact, it was stated that some trees actually needed to be removed and replanting would be appropriate on site to compensate for the loss of trees on site (Doc JB 33). This would ensure that the site is well screened and that the level of natural woodland and tree provision on site is similar to that which exists on site.
- 3.7 The retention of the majority of trees on site, and replanting of new trees on site means that the tree cover in the area will be similar to as existing, with minimal visual impact on the coast.

4.0 GROUNDS FOR APPEAL

- 4.1 One reason for refusal was issued by Argyll & Bute Council in the decision notice dated 26th March 2012. It stated the following:

“Colintraive is a relatively dispersed settlement and it contains clusters of housing separated by either undeveloped areas or sporadically-placed dwellings. In terms of the location of the site, as noted in the preceding section, the site is within “Countryside Around Settlement” although it is directly adjacent, on its western boundary, to an area termed “Settlement Zone”. The plot is the beginning of a linear coastal strip that stretches in a south-easterly direction which is characterised by woodland and the previously mentioned sporadically-placed dwellings.

The actual application site was formerly in the ownership of the property known as ‘Ardare’, which is to the immediate south east. The site is currently not located within the cartilage of ‘Ardare’, and given its heavily wooded nature; that it has apparently been unmanaged for a significant number of years; and that there exists more defined garden ground, there is no evidence to suggest that it was actively used as the cartilage of ‘Ardare’ for many years. In this sense, the site is a key environmental feature that acts as a break between the dwelling to the north west (‘Milton Wood’) and ‘Ardare’.

On the basis of the foregoing, it is considered that the erection of a dwellinghouse would result in the loss of the distinctive wooded appearance of the site that would erode the character of the Kyles of Bute National Scenic Area.

The proposal is, therefore, contrary to the following policies:

Argyll & Bute Structure Plan 2002

STRAT DC 2 - Development within Countryside Around Settlements

STRAT DC 8 - Landscape and Development Control

STRAT HO 1 - Housing - Development Control Policy

Argyll & Bute Local Plan 2009

LP ENV 7 - Development Impact on Trees/Woodland

LP ENV 9 - Development Impact on National Scenic Areas

LP ENV 19 - Development Layout, Setting & Design

LP HOU 1 - General Housing Development”

- 4.2 It is evident that this reason for refusal is neither clear nor concise. The reason for refusal fails to create any link between local plan policies and the statements made in the wider text.
- 4.3 As stated in Section 1 of this report, it was intimated by the planning officer in correspondence to the appellant that the potential of this site as infill development would be appropriate. We

believe that the letters sent by Argyll & Bute Council regarding the development proposed clearly intimate that the principle of development was originally acceptable. There is no other reason to proceed with the requests for additional information to resolve matters relating to wildlife and trees, as the Council would have had sufficient grounds regardless of the outcome of these reports to refuse planning permission.

- 4.4 Due to the numerous issues raised in the one reason for refusal, we wish to take this opportunity to break down the matters raised, and comment as follows:

Settlement Strategy

- 4.5 The planning officers' report of handling states that the proposal contravenes Policies STRAT DC2, STRAT DC8, and STRAT HO1 of the Structure Plan and Policy LP HOU1 of the Argyll & Bute Local Plan due to the fact that the site is a key environmental feature, and as such the development would result in the expansion of the established settlement boundary into an area of significant landscape value.
- 4.6 However, we believe that the site can be fully described as an infill site, and that the development is appropriate in the zoned Countryside Around Settlement, as development plan policy states that there is a presumption in favour of small-scale development housing on infill, rounding off, change of use of building and redevelopment sites provided it does not result in undesirable forms of settlement coalescence, the extension of an established settlement boundary or ribbon development.
- 4.7 The appeal site is situated between two existing residential properties, along a developed coastline. This constitutes an infill site.
- 4.8 Whilst the "settlement" boundary ends to the northwest of the appeal site, development continues down the coast of residential properties. The fractured nature of the settlement boundary at Colintraive means that locations, such as land to the north west of Ardare, do not benefit from the settlement policies. However, the designation of Countryside Around Settlements does allow for limited development opportunities where appropriate - including infill development.
- 4.9 Infill development can be described, as stated in the glossary of the Argyll & Bute Local Plan, is new development positioned largely between other substantial buildings and this new development being of a scale subordinate to the combined scale of the buildings adjacent to the development site.
- 4.10 In this instance, the proposed erection of a dwellinghouse is situated between two established residential properties on the coastline of Colintraive. The proposed dwelling is of a similar scale and massing to neighbouring properties, and is set within a large plot which provides generous

garden ground and allows retention of the majority of woodland on site. This is similar to surrounding dwellings that exist along the north east coast of the Kyles of Bute.

- 4.11 In terms of the consideration of the proposal against Policy STRAT DC 2 of the Argyll & Bute Structure Plan, it is clearly stated that infill development is appropriate in Countryside Around Settlements where it accords with the settlement plan for the area. In this instance, Argyll & Bute Council have applied settlement boundaries that do not reflect the development boundaries in the area of Colintraive. There is established development along the coastline of Colintraive outwith the designated settlement boundary; and house plots in this area, between Milton Wood and Millhouse, extend southwards along the coastline. The nature of the residential uses in this area promotes large established plots with woodland and trees within the garden ground and adjoining residential plots. The residential plots along the coastline of Colintraive, from Milton Wood to Millhouse, promote an average of 1650m² with detached residential properties in a wider established garden ground setting (Doc JB 40).
- 4.12 The nature and extent of the plot promoted for residential development, and subject to this appeal, is of a similar scale and size of the surrounding established residential plots. In addition, the woodland on site will be retained where possible and improvement works will be undertaken with new planting that will retain the “natural” setting and ensure that the woodland in this area is the key feature in the development proposal.
- 4.13 In terms of Policy STRAT DC 8, the location of the site within the Kyles of Bute National Scenic Area means that any development proposal has to take into consideration the environmental aspects and landscape character of the wider area. Again, we wish to stress that the development promoted for land north west of Ardare only seeks the necessary removal of trees required to allow the development to be undertaken. This is compensated with new planting on site (Doc JB 32), which improves the longevity of the woodland through the removal of dead and unsafe trees from the site. This matter has been discussed with the planning officer and horticultural officer in the progression of the application, and no objections were raised from the Horticulture Officer regarding the proposed works. Instead, there was limited tree removal recommended, and new planting proposed to compensate for the loss of trees on site. This would ensure that tree coverage is still an important feature in terms of the visual character of the site, and its relationship to the wider countryside and Scenic Area.
- 4.14 It is the character and nature of the settlement of Colintraive to have houses lined along the road front, creating ribbon development. The nature of the area means that there is one designated access road, and all properties existing and proposed would be accessed from this. It can be argued that the settlement of Colintraive is built on ribbon development along the main access road in this area. The nature of the area, and the characteristics of residential properties benefitting from a coastal location, means that whilst the proposed development may be classed as “ribbon development”, this is a feature of development in the area, and the proposal at Ardare

would not have a negative impact on the wider residential character of the area or the wider natural environment.

- 4.15 The fact is that there are already established residential properties along this coastal location, and the site is set between two existing residential properties - making it an appropriate infill site. The fact that the site is enclosed on both sides by existing residential properties means that there are no potential problems of the development proposed encouraging ribbon development, or would lead to undesirable coalescence and the extension of an established settlement boundary.
- 4.16 Ultimately, the Council have control over the allocation of the settlement boundary at Colintrave, and have chosen in other locations to exclude existing properties in this area from the settlement boundary. The fact that the 7 existing houses to the south are also excluded from the settlement area means that Argyll & Bute Council are able to justify exclusion of areas from the settlement boundaries regardless of whether there are existing developments on site. There is no reason that the settlement boundary of Colintrave would be amended as a result of the development proposed.
- 4.17 In summary, the surrounding area around the appeal site is residential in nature, despite its allocation as Countryside Around Settlements. The proposed development works would have a minimal impact on the established trees on site, and would allow for new planting to ensure screening and maintenance of visual character. There is nothing to suggest that the development proposed would have a negative impact on the landscape value of the area, or would increase pressure to extend the settlement of Colintrave.

Location, Nature and Design of Proposed Development (Including Impact upon Built Environment)

- 4.18 The Report of Handling states that the proposed dwellinghouse would result in the loss of the distinctive wooded appearance of the site that would erode the character of the Kyles of Bute National Scenic Area, and as such in contrary to Policy STRAT DC 8 of the Structure Plan and Policies LP ENV 9, LP ENV 19 and LP HOU 1 of the Argyll & Bute Local Plan.
- 4.19 However, as stated above the matter of trees on site has been discussed with both planning and the Horticulture Officer during the progression of the planning application.
- 4.20 The appeal proposes to remove the minimal number of trees required to allow the development to proceed. In total this amounts to the removal of 7 of the 37 trees that exist on site. This was reviewed by the Horticulture Officer who agreed some trees required to be removed, and proposed that new planting on site would compensate for the loss of the trees removed for the development proposed. New planting amounts to 10 new trees proposed to be planted on site. In response, no concern was raised about the loss of trees within the wider Tree Preservation Order area, and that mitigation measures could be put in place to minimise any impact on the site and surrounding area, as part of the Kyles of Bute Scenic Area.

- 4.21 The similarity of the proposal to the neighbouring property of Ardare has been purposely promoted to ensure that the proposed house would complement the character of the wider residential area. The proposed development of a house similar in style, design and setting is to ensure that there is no conflict in terms of the built environment, or natural environment in this area. It is noted that there were no concerns raised regarding the actual design of the proposed dwelling.
- 4.22 The site is within an established residential area, and the proposed development of this land, which was formerly part of the garden ground of Ardare, is designed to complement the existing residential uses and the visual character of the wider area.
- 4.23 In terms of the proposed development site itself, with a site area of over 2000sqm, this is a large plot which can easily accommodate the scale and nature of the development proposed. The large garden ground associated with the proposed dwelling is similar to that which exists in surrounding properties. In fact, Document JB 40 identifies the plot sizes of the nearby houses situated along the coast, and shows that the scale and nature of the development proposed is wholly in accordance in terms of the scale, situation and massing of neighbouring residential properties.
- 4.24 It is the retention of existing woodland, and proposed replanting of trees on this large plot that assist in creating a sensitive setting for residential development, which will assist in screening the proposed dwelling from view and therefore mitigating any impact on the wider natural environment and designated National Scenic Area.
- 4.25 To allow the development to proceed, it is proposed to remove 7 trees from the appeal site. However, as discussed with the Planning Officer and Horticultural Officer due to the size of the site new planting, totalling 10 trees; can be undertaken within the garden ground to mitigate the impact of the development, and compensate for the loss of trees as required for the development proposed. It was accepted by the Horticulture Officer that new planting on site, which can be dealt with by way of a condition, would assist with the longevity of wood cover. She also stated that in the wider context tree cover is generally good in the immediate area, and management of this portion will not result in the overall deforestation of the wider area (as per email to Steven Gove dated 24 November 2011 - DOC JB 33)).
- 4.26 There is therefore no evidence to suggest that the removal of a limited number of trees would have a negative impact on the visual character of the wider natural environment, or the importance of the woodland on site and in the wider local area. As such, concerns raised in the reason for refusal regarding the erosion of the character of the Kyles of Bute National Scenic Area are unfounded. The proposed erection of a dwelling house, associated with new tree planting has no significant bearing on the wider natural environment. There are established residential uses along the coastline in this location, and the existing houses utilise the woodland within and around their garden ground to retain the woodland feature which is part of the wider Kyles of Bute National Scenic Area. There is no reason to believe that the proposed development now

subject to appeal would diminish the importance of the Kyles of Bute National Scenic Area, or the established woodland in this area.

- 4.27 The concern that the appearance of the proposed housing plot will erode the character of the National Scenic Area is not a valid reason for refusal, as it has been clearly stated, and accepted by the Horticulture Officer, that mitigating measures can be applied to ensure that the natural wooded features on site will be retained and that the longevity of the woodland will be preserved.

Impact Upon Trees

- 4.28 We recognise that the site is part of a wider Tree Preservation Order Ref: 07/92, which covers the area known as 'Milton Wood'. We also acknowledge that when the property of Ardare was sold, the appellant retained the land to the north west with the view that it could accommodate future development. The ongoing maintenance of the site since the sale of the house is irrelevant to the case.
- 4.29 It is argued that the potential development of one residential dwelling on the large plot under the ownership of Mr. Staunton will ensure the ongoing maintenance and longevity of the established woodland in this area. The development of the site promotes a detached dwelling within a large garden ground. This is similar to the surrounding residential plots in the wider area of Colintraive. The extent of the development also ensures the retention of the majority of the 37 trees on site, with only 7 trees needing to be removed and 10 new trees proposed to be planted. This overcompensates for the loss of the trees as required for the proposed dwelling - as identified in the plan provided by Houston Architects (Doc JB 32) in response to the matter of tree removal.
- 4.30 The proposed maintenance of, and improvement to the trees on site will actually benefit the wider woodland in this area, improving its durability and ensuring its future existence. It is promoted that the tree planting scheme will actually be an improvement to the wider established woodland.
- 4.31 The response from Alison McIlroy, Horticultural Officer (Doc JB 33), regarding the proposed development and tree works on site raised no objections to the proposed removal of trees, but instead provided advice and guidance relating to replanting trees on site. It was stated that the removal of some trees on site will allow for the replanting of younger specimens and this will assist in the longevity of wood cover. In addition, it was recognised by Argyll & Bute Council's Horticultural Officer that tree cover is generally good in the immediate area, and management of this portion will not result in the overall deforestation of the wider area.
- 4.32 There is no justification, based on the comments provided by Argyll & Bute Council's Horticultural Officer, or the proposed replanting offered by the appellant, that the erection of the dwelling house would result in the loss of trees and would therefore significantly alter the wooded character of the site.

5.0 CONCLUSION

- 5.1 In conclusion, we do not believe that Argyll & Bute Council have provided sufficient grounds to refuse the application for the proposed dwelling house on land north west of Ardare, Colintraive.
- 5.2 The principle of the development proposed was not raised as an issue throughout the progression of this application, as it was stated by the planning officer that “it could be argued that the site represents an infill development between two existing residential properties” (Doc JB 23) and therefore would be in accordance with development plan policy. It was as a result of this planning officer’s view that the appellant subsequently spent time and considerable expenses on resolving matters relating to ecology and trees.
- 5.3 Therefore, it is somewhat disappointing that after 13 months of correspondence, discussions and negotiations that the Council have stated that principle of the development - in terms of its accordance with local plan policy - is a factor in the reason for refusal. Ultimately, this leads the appellant to believe that he has been misled throughout the planning process, and that the time and expenses spent on resolving matters of ecology and a tree planting scheme has been wasted, as it had no merit in the consideration of the case if ultimately the principle of development wasn’t acceptable.
- 5.4 We believe that concerns regarding loss of trees and impact on the woodland, and wider natural environment are unjustified, and the decision issued by Argyll & Bute Council fails to recognise the proposed tree works as promoted, and discussed throughout the application process. New tree planting - as proposed - can address the Council’s concerns regarding the loss of the established woodland and the impact of the development on the visual character of the wider National Scenic Area. It is promoted that the tree planting scheme will actually be an improvement to the wider established woodland, rather than a loss as detailed in the reason for refusal.
- 5.5 The proposed removal and replanting of trees as part of the wider development proposal now subject to appeal has been discussed with Argyll & Bute Council, and no objections were raised from consultees - including the Local Biodiversity Officer or Horticulture Officer, regarding the proposed works and any negative impact on the local woodland or natural environment.
- 5.6 This matter can ultimately be dealt with by way of conditions.
- 5.7 In addition, the concerns that the development would lead to the extension of the settlement boundary has no basis. As previously stated, this is ultimately an infill site, bounded on each side by existing residential uses. The designation of Settlement Boundaries in the Argyll & Bute Local Development Plan is a matter for the Council to decide. It is evident in the current adopted Argyll & Bute Local Plan that there are existing residential properties situated along the coastline of Colintraive which the Council have chosen to exclude from the designated settlement area. There

is no reason to believe that this would need to change as a result of the development proposed. The siting, scale and location of the appeal site means that there is no concern in terms of future expansion, and the development is unlikely to increase development pressure in the area.

- 5.8 Discussions with the planning officer and relevant consultees were ongoing during the application process, to ensure that all matters identified regarding wildlife and trees were addressed. As a result of the discussions and meetings with relevant parties, no objections were received from consultees in response to the development proposed.
- 5.9 In addition, it was intimated that the principle of development, as an infill site, was justified and therefore this was not a matter of concern as the application progressed - until the appellant was notified of the decision made. This is evident in the documents provided as part of the appeal submission.
- 5.10 In summary, the reason for refusal is not clear or concise, and taking into consideration the context of this appeal - unjustified.
- 5.11 We trust that the Local Review Body will take full consideration of this appeal statement and supporting information in the review of this decision.

James Barr Limited
On Behalf of
Mr. Nicholas Staunton

June 2012

APPENDIX 1 

SCHEDULE OF DOCUMENTS SUBMITTED WITH NOTICE OF REVIEW

LAND NORTH WEST OF ARDARE, COLINTRAIVE - 10/02077/PP

DOC JB 1	Qualified Acceptance for Sale of Ardare, dated 7 th July 2006
DOC JB 2	Pre-Application Enquiry letter from Houston Architects, dated 23 rd February 2009
DOC JB 3	Letter of Acknowledgement from Argyll & Bute Council to Pre-Application Enquiry, dated 25 th February 2009
DOC JB 4	Letter to Argyll & Bute Council regarding Pre-Application Enquiry, dated 27 th April 2009
DOC JB 5	Letter from Argyll & Bute Council regarding development opportunity, dated 8 th May 2009
DOC JB 6	Letter from Houston Architects to Argyll & Bute Council regarding tree survey, dated 3 rd March 2010
DOC JB 7	Letter from Houston Architects to Argyll & Bute Council regarding amended scheme, dated 1 st April 2010
DOC JB 8	Letter from Argyll & Bute Council regarding development proposal, dated 25 th May 2010
DOC JB 9	Planning Application Forms & Certificates, dated 2 nd December 2010
DOC JB 10	Letter from Argyll & Bute Council regarding invalid application, dated 10 th December 2010
DOC JB 11	Submission of Additional Information by Houston Architects, dated 20 th December 2010
DOC JB 12	Letter from Argyll & Bute Council regarding invalid application, dated 11 th January 2011
DOC JB 13	Letter from Houston Architects to Argyll & Bute Council, dated 17 th January 2011
DOC JB 14	Validation letter from Argyll & Bute Council, dated 20 th January 2011
DOC JB 15	Application Plans, as detailed in attached sheet
DOC JB 16	Site Photographs
DOC JB 17	Tree Photographs

- DOC JB 18 Roads Consultation Response, dated 20th January 2011
- DOC JB 19 Scottish Water Consultation Response, dated 28th January 2011
- DOC JB 20 Objection from owners of Ardare, dated 9th February 2010
- DOC JB 21 Objection from owners of Milton Wood, dated 10th February 2010
- DOC JB 22 Biodiversity Consultation Response, dated 16th March 2011
- DOC JB 23 Letter from Argyll & Bute Council to Houston Architects regarding additional information required, dated 21st March 2011
- DOC JB 24 Letter from James Barr to Argyll & Bute Council requesting a time extension to allow the instruction of a consultant for ecological reports, dated 8th April 2011
- DOC JB 25 Letter from Argyll & Bute Council to James Barr agreeing to time extension, dated 12th April 2011
- DOC JB 26 Letter & Documents from Houston Architects - submission of ecological report and response to objections received, dated 23rd June 2011
- DOC JB 27 Letter from Steven Gove to Biodiversity Officer regarding submission of ecological report, dated 1st July 2011
- DOC JB 28 Email from Argyll & Bute Council Biodiversity Officer regarding ecology & trees, dated 19th July 2011
- DOC JB 29 Email from Argyll & Bute Council regarding response to ecological survey & trees, dated 28th September 2011
- DOC JB 30 Letter from Argyll & Bute Council to Houston Architects confirming Site Visit, dated 16th November 2011
- DOC JB 31 Memo to Argyll & Bute Council regarding Site Visit to discuss tree removal, dated 23rd November 2011
- DOC JB 32 Site Plan as Proposed - Tree Planting
- DOC JB 33 Email from Alison McIlroy, Argyll & Bute Council regarding tree removal, replanting and maintenance; dated 24th November 2011
- DOC JB 34 Email from Steven Gove regarding progression towards decision, dated 3rd February 2012

- DOC JB 35 Email from Steven Gove intimating minded to refuse, dated 10th February 2012
- DOC JB 36 Letter from James Barr to Argyll & Bute Council regarding potential reasons for refusal, dated 21st February 2012
- DOC JB 37 Report of Handling for Application 10/02077/PP
- DOC JB 38 Refusal of Planning Permission Decision Notice, dated 26th March 2012
- DOC JB 39 Refused Plans, stamped 26th March 2012 - as detailed on attached sheet
- DOC JB 40 Plan identifying Hous Plot Sizes at Colintraive

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- DOC JB 40 Plan identifying Hous Plot Sizes at Colintraive

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5. Subjects

For the avoidance of doubt the Subjects are those shown on the attached plan and do not include the kitchen garden and woodland area.

Paragraphs (Two) and (Three) of the opening paragraph of the Offer shall be delete up to and including the word "ownership".

6. Purchase Price

[REDACTED]

7. Moveable Items

With reference to Clause 3 of the Offer the words "all curtains" where they occur on the third line thereof shall be delete. In addition to the items listed the Seller may leave a number of items of both garden equipment and furniture and these items will be included in the purchase price.

8. Deleted Clauses

Clauses 6 and 7 of the Offer shall be delete.

9. Rights of Pre-emption

It is an essential condition of this Offer that:-

- 9.1 The Seller will grant in favour of the Purchaser a right of pre-emption in respect of the adjoining woodland area including the kitchen garden.
- 9.2 The Purchaser will grant in favour of Nicholas George Harvey and Mrs Caroline Melfort Lloyd (as individuals) and Mrs Nenagh Brown a right of pre-emption over the Subjects.

STANTON

8

10. Suspensive Condition

The contract shall be suspensively conditional on the Seller intimating in writing to the Purchaser that the Seller has obtained Confirmation in the Estate of the late Mrs Pamela Anne Melfort Staunton.

11. Local Authority Consents

Condition 8 of the Schedule shall be delete. As far as the Seller is aware the only alteration made to the Subjects has been the erection of the conservatory which was built approximately four years ago by Everest. As far as the Seller is aware no local authority consents were required for the erection of the conservatory and they will use their best endeavours to obtain a copy of the guarantee issued by the builders.

12. Central Heating, etc

The following amendments will be made to Condition 13 of Schedule:-

- 12.1 The Seller will only be responsible for meeting the costs of remedying any defects in the said items of a working nature provided these are intimated within five working days of the Date of Entry.

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JAMES HOUSTON
Architect

• 2 Schoolwynd, Kilbirnie, Ayrshire KA25 7AY Telephone: 01505 682203 Fax: 01505 683321 Email: mail@houstonarchitects.co.uk •

Staunton-1246-003

Argyll & Bute Council
Planning Office
4 Milton Avenue
Dunoon
PA23 7DU

23rd February 2009.

Dear Sirs

Land at Adare, Colintrave

I enclose copy of a site plan showing a plot of land adjacent to, and formerly part of, Adare at Colintrave. Our client who inherited this site currently lives near London and would like to consider the possibility of building a new house on the site. He would also like to form a separate Boathouse incorporating a "bunkhouse" with basic accommodation for occasional holiday use. The existing boathouse is beyond repair.

Before proceeding with any design work we would be obliged to have your informal comment on the proposal. Would it be appropriate to make an Outline Planning Application in the first instance?

Meanwhile I enclose some photographs of the site and look forward to your reply.

Yours sincerely

James B.G. Houston

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**Development Services**

Director: George Harper

Milton House, Milton Avenue, Dunoon, PA23 7DU
Tel: (01369) 708606 or 708607
Fax: (01369) 708609

25 February 2009

Our Ref: DO/DC15/SG/hm
Your Ref: Staunton-1246-003
Contact: Steven Gove
Direct Line: (01369) 708603**DOC JB 3**James B G Houston
James Houston
Architect
2 Schoolwynd
Kilbirnie
KA25 7AY

Dear Sir

**PRELIMINARY ENQUIRY
Land at Adare, Colintraive**

I acknowledge receipt of your letter dated 23 February 2009.

The department receives very many requests for informal opinions and advice. In many cases, this will require a visit to the site and/or the views of consultees.

In accordance with the *Business Unit Performance Standards*, the department will endeavour to respond within **30 working days (approximately six weeks)** to your preliminary enquiry that require a visit to the site and/or a consultation response. In certain circumstances this may not be always possible.

There is a statutory duty to determine planning applications and these must take priority over preliminary enquiries. Should it not be possible for you to await the department's views within the above timescale, it is of course your prerogative at any stage to submit a formal planning application for determination, forms for which are available upon request. In this regard, please contact the department's administrative officer on 01369-70-8606 or 8607.

Due to the volume of enquiries received, please contact the above named officer once the period cited above has expired or following receipt of a written response to your enquiry.

Your assistance in this matter would be very much appreciated.

Yours faithfully

A handwritten signature in black ink, appearing to read 'George Harper'.

pp Area Team Leader (Development Management)
Bute and Cowal

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Staunton-1246-004

Argyll & Bute Council
Planning Office
4 Milton Avenue
Dunoon
PA23 7DU

27th April 2009.

Dear Sirs

**Land at Adare, Colintrave
Proposed New House**

We enclose copy letter sent to you on 23rd February 2009 along with another copy of the site plan. In your acknowledgement of 25th February you anticipated a delay of some six weeks to reply. As over eight weeks have now elapsed it occurs to us to enquire if you can now let us have a response to the enquiry.

If a tree survey is required it would be helpful to have it done before the site becomes too overgrown.

We look forward to hearing from you soon.

Yours sincerely

James B.G. Houston

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Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid



Development Services

Director: George Harper

Milton House, Milton Avenue, Dunoon, PA23 7DU
Tel: (01369) 708606 or 708607
Fax: (01369) 708609

8th May 2009

Our Ref: SG/DC/15
Contact: Steven Gove
Direct Line: (01369) 708603

DOC JB 5

Mr James Houston
2 Schoolwynd
Kilbirnie
Ayrshire
KA25 7AY

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
ERECTION OF DWELLINGHOUSE, LAND AT ADARE, COLINTRAIVE**

Thank you for your letters dated 23rd February 2009 and 27th April 2009 in respect of the above. Please accept my apologies for the delay in responding.

For the purposes of the existing Cowal Local Plan 1993, Colintraive is identified as a 'Sensitive Settlement' where residential development is restricted to certain areas. The piece of land that you have shown is not within one of the preferred areas with the consequence that, unless there was an overriding locational or operational need to have a dwelling on the site, the proposal would be contrary to the relevant policy.

Notwithstanding the above, the emerging Development Plan Policy is a material planning consideration. The Argyll and Bute Local Plan (Post Inquiry Modifications) 2008 has identified larger areas of land within Colintraive as being possibly suitable for residential development. The land that you have shown is within the so-called 'Settlement Zone' where there is support in principle subject to there being no unacceptable environmental, servicing or access impacts.

Having regard to the wooded nature of the site and its location within the Kyles of Bute National Scenic Area, I consider that further information would be required to assess the likely impact of the proposal. In particular, I would recommend the following:

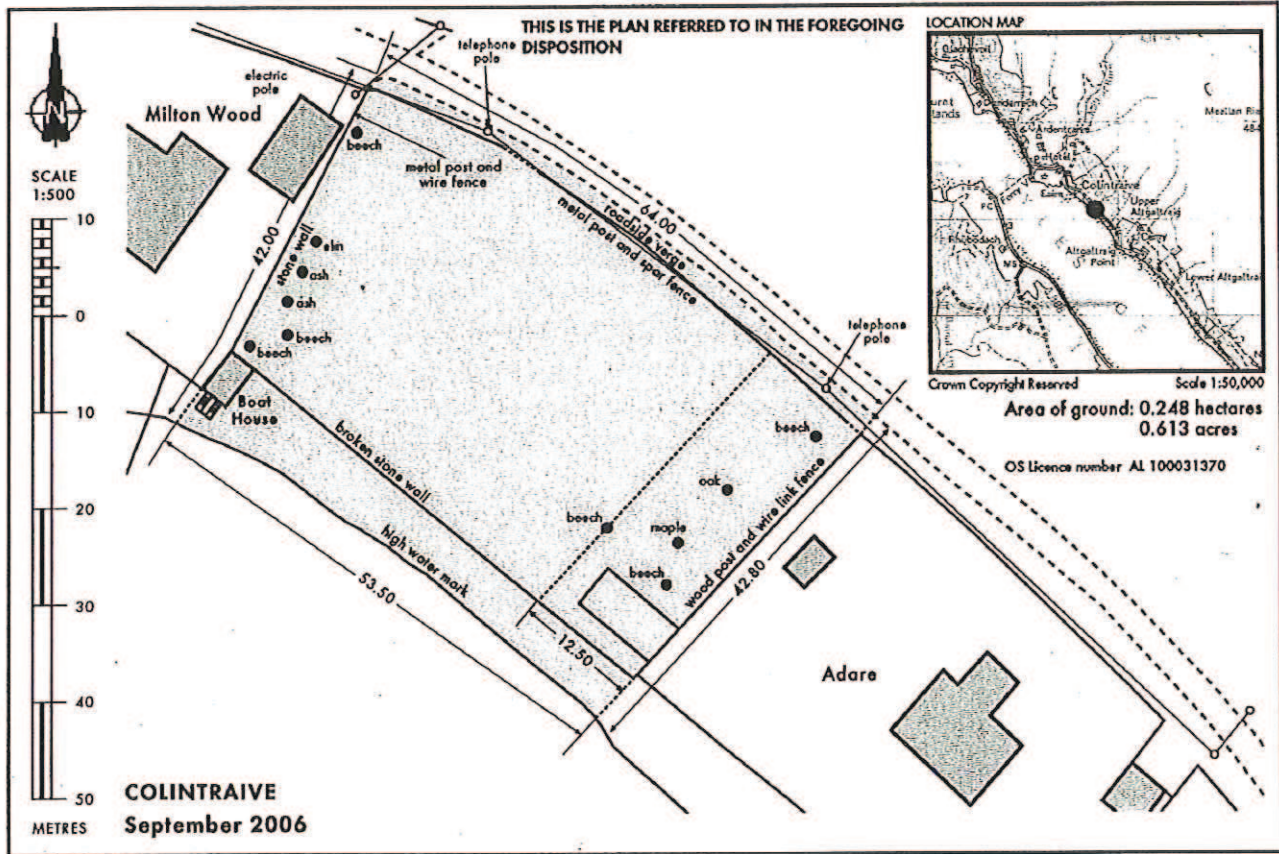
- a) A tree survey should be carried out identifying those trees to be retained and those trees to be removed;
- b) A Site Plan showing the potential position of the dwelling and boathouse within the site together with the location of the vehicular access and the parking/turning area.

I look forward to receiving this information but if you have any queries on the foregoing, please do not hesitate to contact me at the number given at the top of this page.

Yours faithfully

Steven Gove







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Architect

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Staunton-1246-014

Steven Gove
Development Services
Argyll & Bute Council
Milton Avenue
Dunoon
PA23 7DU

3rd March 2010

Dear Sir,

**Proposed House adjacent to Adare, Colintrave.
Ref: SG/DC/15**

I refer to your letter of 8th May 2009 and thank you for your helpful advice. Since that time a full tree survey has been carried out, including contours and a copy of this is enclosed for your information.

Armed with this survey I have prepared a preliminary design to show the sort of accommodation being considered by our client and his family.

In order to progress matters I would be glad to know if the enclosed design would be considered appropriate and if I may proceed with a Planning Application. I look forward to your further advice.

Yours faithfully

James B.G. Houston

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JAMES HOUSTON
Architect

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Staunton-1246-015

Steven Gore
Development Services
Argyll & Bute Council
Milton Avenue
Dunoon
PA23 7DU

1st April 2010

Dear Sir,

Proposed New House by Ardare, Colintrave.
Ref: DO/DC15/SG

Thank you for your letter of 4th March. In your original letter of 8th May 2009 you recommended the following:

- a. A tree survey should be carried out identifying those trees to be retained and those trees to be removed.
- b. A Site Plan showing the potential position of the dwelling and boathouse within the site together with the location of the vehicular access and the parking/turning area.

These recommendations have been implemented and sent to you on 3rd March along with a preliminary design to illustrate the accommodation being considered by the our client and his family.

Since that date I have prepared an alternative scheme based on the same accommodation plan but with a full two storey height and piended roof like the existing house (Ardare). I enclose a copy of drawing 1246 p 03 A along with a photograph of Ardare.

I would very much like to progress matters with this project but really need to have some guidance on Planning issues and would be grateful to hear from you soon.

Yours faithfully

James B.G. Houston

c.c. to client

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Development and Infrastructure Services

Director: Sandy Mactaggart

Milton House, Milton Avenue, Dunoon, PA23 7DU
Tel: (01369) 708606 or 708607
Fax: (01369) 708609

25th May 2010

Our Ref: SG/DC/15
Your Ref: Staunton-1246-015
Contact: Steven Gove
Direct Line: (01369) 708603

DOC JB 8

James Houston
Architect
2 Schoolwynd
Kilbirnie
Ayrshire
KA25 7AY

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
ERECTION OF DWELLINGHOUSE, LAND ADJACENT TO ARDARE, COLINTRAVE**

Thank you for your letters dated 3rd March and 1st April 2010 in respect of the above.

Since our correspondence in May 2009, the Argyll and Bute Local Plan 2009 has been adopted (in August 2009). Under this plan, the site that is the subject of your enquiry is designated as 'Countryside Around Settlement'. Policy LP HOU 1 presumes in favour of residential development within such a designation providing that the development is small in scale (i.e. less than five units) and would be located on infill, rounding-off, change of use or redevelopment sites. There are further provisos in that the development should not result in undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development.

The site that you have identified is located between two residential properties (*Milton Wood* and *Ardare*) and is presently woodland. In your proposed site plan, you are identifying the removal of a relatively small number of trees to facilitate the route of the access and driveway and the erection of the dwellinghouse itself. Providing that tree removal is restricted to that shown, it is considered that the wooded nature of the site would be retained. On this basis, it is considered that an argument could be reasonably made that the site represents an infill development between two existing residential properties and that the wooded nature of the site would be retained.

In terms of the design of the proposed dwellinghouse, you have shown two types. In my opinion, I would consider that the design submitted with your letter dated 3rd March 2010 was more appropriate. The second design might appear somewhat dominant in terms of its scale and massing. I would draw your attention to the introduction, in August 2009, of a requirement for applications for Planning Permission in National Scenic Areas to be accompanied by a Design Statement. I have enclosed some guidance on Design Statements for your information.

If an application for Planning Permission is ultimately submitted, the road safety, water supply and foul drainage issues relating to the proposal will also require to be examined in consultation with the relevant bodies.

*Hope above to be of assistance
Yours faithfully*

I:\PLANNING\PLANNING\WORD\B\BODEVCON 10\15\SG2505_L TO J HOUSTON DWELLING ARDARE COLINTRAVE.DOC

Steven Gove

Development Manager.



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Architect

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Staunton-1246-023

Development Services
Argyll & Bute Council
Dalriada House
Lochgilphead
PA31 8ST

2nd December 2010

Dear Sirs,

Proposed House at Colintrave.

Following instruction from our clients, we wish to apply for Planning Permission to build a new family home on their site just North of Ardare. We therefore enclose the following documentation for your consideration.

1. Application for Planning Permission
2. Locality Plan 1:1250 x 4
3. Topographical Survey of Site 1:200 x 4
4. Site Plan as Proposed 1:200 x 4
5. Floor Plans And Elevations 1:100 x 4
6. Design Statement and photographs
7. Cheque for Planning Fee £319.00
8. Cheque for Advertising Fee £150.00

We trust you will find the foregoing to be in order and look forward to hearing from you in due course.

Yours faithfully

James B.G. Houston

c.c. to client



Reference No:		
Application Type		
National	Major	Local

Please send your completed application to: Planning and Regulatory Services, Dalriada House, Lochnell Street, Lochgilphead, PA31 8ST

The undernoted applicant hereby makes application for planning permission for the development on this form and on the accompanying plans. This form should not be used for applications for Planning Permission in Principle or an application for an approval of a matter specified in a condition, or Mineral Consent, Listed Building Consent, Conservation Area Consent, Advertisement Consent, Certificates of Lawfulness or Prior Notification as separate application forms are available for these.

Note: There is a simpler 'Householder' application form for domestic extensions, garages, dormers etc.

Important: Please check whether you also require a building warrant, or permission under any other enactment in addition to planning permission.

<p>1(a) Applicant (IN BLOCK CAPITALS)</p> <p>Full Name <u>MR NICHOLAS STAUNTON</u></p> <p>Address <u>STOCKFORD, STAUNTON</u> <u>10 SAVILE ROW</u> <u>LONDON</u></p> <p>Post Code <u>W1 S 3 PF</u></p> <p>e-mail</p> <p>Tel No</p>	<p>1(b) Agent (see note 1)</p> <p>Full Name <u>JAMES HAYTON ARCHITECTS</u></p> <p>Address <u>2, SCHAWYND</u> <u>KILBIE</u> <u>AYRSHIRE</u></p> <p>Post Code <u>KA 25 7 AY</u></p> <p>e-mail <u>mail@haytonarchitects.co.uk</u></p> <p>Tel No <u>01505 68 2203</u></p>
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2. Description of Proposed Development (see note 2)
PROPOSED NEW DWELLING HOUSE

3. Location of the land to which the development relates (see note 3)

(A) Postal address of development
.....

OR

(B) In the case where the land in question has no postal address, a description of the location of the land
VACANT LAND NORTH WEST OF ARDRE, COUNTRAVE

4. Use of site/buildings. Please specify the proposed use class in terms of the Town & Country Planning (Use-Classes) Scotland (Order) 1992

(A) Description of uses and operations to be carried out on the site or within the building(s)
.....

(B) Proposed days and hours of operation
N/A

(C) Will the site/buildings be open to visiting members of the public? (tick as appropriate)
Yes No

APPLICATION FOR PLANNING PERMISSION

5. Site/Floor area (complete as appropriate) (see note 5)

Proposed site area of the development (site edged red - taking account of the definition in the notes for guidance).....
2160 M²

Floor area of building (including all floors)
240 M²

6. Demolition (see note 6)

Will any buildings or structures be demolished in connection with the proposed development?

Yes No

If YES, identify the building(s) to be demolished on the site plan.

7. Is a claim of locational need or special circumstances being made (see note 7)

(A) Is a claim of locational need being made (as in the notes for guidance?) If YES, please give details in a covering statement. Yes No

(B) Is a claim of special circumstances being made, after reference to the accompanying notes for guidance, includingcroft or farm diversification. If YES, please give details in a covering statement
 Yes No

8. Development affecting a Registered Croft (see note 8)

Does the site form part of a registered croft? Yes No

If so, please supply the croft registration number/reference _____
 and show on a separate plan the croft boundary on edged in green

Has the croft been the subject of an operational plan approved or submitted to the Crofters Commission
 If YES, please supply a copy Yes N/A. No

Is there an existing croft dwellinghouse(s) within the boundary of the croft? Yes No

If YES, please show the position of the dwellinghouse(s) on the separate plan of the croft boundary

9. Housing development applications (including affordable housing) (see note 9)

For each housing development application please specify the following information:

(A) Types (please tick as appropriate)

Houses	<input type="checkbox"/>	No. of units	<input type="text"/>
Flats	<input type="checkbox"/>	No. of units	<input type="text"/>
Croft houses	<input type="checkbox"/>	No. of units	<input type="text"/>
Other	<input type="checkbox"/>	No. of units	<input type="text"/>

N/A.

For other, please specify the type (i.e. sheltered housing)

.....

(B) Number of "affordable housing" units

The type and number of "affordable housing" units proposed for the site should be detailed below. It should be noted that any proposal for eight or more dwellinghouses will require a minimum of 25% "affordable housing" units and reference should be made to the Council's policy on affordable housing that is available from the website at argyll-bute.gov.uk

Houses	<input type="checkbox"/>	No. of affordable units	<input type="text"/>
Flats	<input type="checkbox"/>	No. of affordable units	<input type="text"/>

(C) (i) What is the means of providing the proposed affordable housing units (e.g. through a Registered Social Landlord)

.....

(ii) A phasing plan should be included to show at what stage(s) in the development the affordable housing will be provided.

10. Licensed Premises (see note 10)

N/A.

(A) Are the existing premises used for the sale or consumption of alcohol under a licence granted in terms of the Licensing (Scotland) Act 2005? Yes No

If YES, please include a copy of the operating plan as submitted to and approved by the Licensing Board.

(B) Is it intended that the existing and/or proposed premises be used for the sale or consumption of alcohol under a licence granted in terms of the Licensing (Scotland) Act 2005? Yes No

If YES, please include a copy of the proposed operating plan that is to be submitted to the Licensing Board.

11. Access Arrangements (see note 11)

- No change New vehicular access
- Existing vehicular access to be used
- Existing vehicular access to be altered/improved
- Separate pedestrian access proposed

12. Parking Arrangements (See note 12)

- No change
- Number of existing on-site parking places
- Number of additional on-site parking places 3 +
- Only off-site park available
- In the case of off-site parking, the location of the parking:

13. Off-site access/road improvements (see note 13)

Is it intended to provide "off-site" access/road improvements? Yes No

If YES, please give a description of the improvements proposed, which should be included on the application site edged red

14. Drainage Arrangements (tick one box only) (see note 15)

- Connection to existing public sewer
- Connection to existing private sewer/septic tank Single septic tank or biodisc proposed
- Two or more septic tanks or biodiscs proposed Other type of private system (specify on plans)
- Please specify type of outfall for septic tank(s) or biodisc(s) outfall to burn

15. Water supply arrangements (tick one box only) (see note 14)

- Connection to existing public main Proposed connection to public main
- Existing private supply to be used Proposed private supply

Please identify the proposed private water supply source, any proposed pipes and storage arrangements on the Site Plan within the site edged in red.

16. Proposed Materials (Complete as appropriate) (see note 16)

- Outside Walls: Material ROUGHCAST Colour IVORY
- Roof Covering: Material NAT. SLATE Colour BLACK
- Hard-standings: Material BITMAC Colour BLACK
- Access Roads/footways: Material BITMAC Colour BLACK
- Windows: Material WOOD Movement VERTICAL Colour IVORY

17. Are any trees to be cleared from the site? (see note 17)

Not Applicable Yes No If YES, show details of trees to be retained/felled/replanted on Site Plan. SEE PLAN.

18. Commercial & Industrial Development (see note 18)

- Nature of proposed Uses/Operations/Processes N/A.
- Number of Employees: Existing Additional jobs created
- Provision for Loading/Unloading

19. Tourist related Development (see note 19)

(A) Proposed type of tourist use(s) *N/A.*

(B) With respect to tourist related development, the type of accommodation proposed

Self contained units Caravans Tent pitches

In the case of hotels/boarding houses etc, number of bedrooms

Other

(C) During which months of the year will the accommodation be available?
.....

20. Landscaping

Is it intended to carry out landscaping within the site? Yes No

If YES, a separate scaled landscaping plan should be submitted giving details of the numbers, type, specification of all trees and plants to be included in the scheme, together with a planting schedule and maintenance proposals.

21. Woodland Management

Is it intended to carry out any Woodland Management as part of the proposal? Yes No

If YES, a separate scaled plan of the woodland should be included together with the proposed management plan, including felling, re-stocking, control of undergrowth and planting proposals.

22. Are any biodiversity improvements proposed? Yes No

If YES, a separate scaled plan of the proposed improvements and schedule of works should be included

THIS SECTION MUST BE COMPLETED IN EVERY CASE

Ownership Certificates under Regulation 15(2) of The Town and Country Planning
(Development Management Procedure) (Scotland) Regulations 2008

Does the land or any part of the land to which this application relates constitute or form part of an agricultural holding (see note (b) overleaf) YES NO

I HEREBY CERTIFY THAT 21 DAYS BEFORE THE DATE OF THE APPLICATION: (Tick one box only)

No person (other than the applicant) was the owner of any of the land to which the application relates, or an agricultural tenant. OR;	<input checked="" type="checkbox"/>
The applicant DOES NOT OWN all the land involved in the application site, but has given a copy of the requisite Regulation 15(1) Notice to the owner(s) (see note (a) overleaf) or agricultural tenant (see note (b) overleaf) of any part of the application site, who are listed below in Section A. OR;	<input type="checkbox"/>
The applicant has been unable to notify all owners / agricultural tenants of the application site, after having taken the measures detailed in Section B to identify them.	<input type="checkbox"/>

Those Notified in terms of Regulation 15(3) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 are:

SECTION A

Name of Owner/ Agricultural Tenant	Address	Date Notified
.....
.....
.....
.....
.....

Details of the measures taken to identify notifiable parties in terms of Regulation 15(3) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 who the applicant has been unable to notify under Regulation 15(1) of said Regulations:

SECTION B

.....

.....

.....

DECLARATION	
I hereby certify that I, the applicant/applicant's agent, have given correct and complete information and given the requisite notices to all parties who have a notifiable interest in terms of Regulation 15(1) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.	
SIGNED	DATE <u>30 NOV 2010</u>

Argyll and Bute Council
Comhairle Earra Gháidheal agus Bhóid



Development and Infrastructure Services
Director: Sandy Mactaggart

Dalriada House, Lochnell Street, Lochgilphead PA31 8ST

Contact e-mail address: amanda.hutton@argyll-bute.gov.uk

Our Ref: 10/02077/PP

DOC JB 10

10 December 2010

Mr Nicholas Staunton
James Houston Architects
2 Schoolwynd
Kilbirnie
Ayrshire
KA25 7AY

Dear Sir/Madam

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

APPLICANT: Mr Nicholas Staunton

PROPOSAL: Erection of dwellinghouse and installation of septic tank

SITE ADDRESS: Land North West Of Ardare Colintrave Argyll And Bute

I refer to your planning application received 3rd December 2010 in respect of the above proposal. Further to checking your application it is considered to be invalid for the reasons given on the Notice attached to this letter.

Please attend to these matters at your earliest convenience and return the required information to the Central Validation Team at the address identified in this letter heading. If I do not hear from you within a period of two months from the date of this letter, I shall assume that you no longer intend to proceed with your proposals and the documents will be returned to you.

If you wish to discuss any of the points raised in the enclosed Notice please telephone and ask for the Technical Officer dealing with your application, **Amanda Hutton** on **01546 604842**.

PLEASE QUOTE THE ABOVE REFERENCE NUMBER IN ANY FUTURE CORRESPONDENCE REGARDING THE APPLICATION.

Yours faithfully

A handwritten signature in black ink, appearing to be 'BC'.

Beth Connelly
Senior Technical Officer
Planning and Regulatory Services



NOTICE IN TERMS OF REGULATION 17(3)

APPLICATION REFERENCE NO: 10/02077/PP

SCHEDULE OF REASONS WHY THE APPLICATION IS INVALID:-

- ✓ 1) Please provide a supplementary Location Plan at a scale of 1:10,000. The north point and the scale should be clearly marked on the plan and the application site boundary should be identified in red. I appreciate you have supplied a Location Plan at a scale of 1:1250 however it does not suitably identify the site as required.
- 2) Please provide a Site Plan at a scale of 1:200 or 1:500 produced in accordance with the attached notes for guidance. In addition to this, as the site edged red will change to incorporate the full extent of the access, your submitted Location Plan at a scale of 1:1250 will also have to be amended to reflect this.
- ✓ 3) As you have supplied an existing site plan, I would be grateful if you could define the application site boundary using a continuous red line as per proposed site plan.
- ✓ 4) Please provide either a manufacturer's specification of the proposed gate (at the access) or an elevational drawing of how it will look, at a scale of 1:20.
- ✓ 5) Unfortunately Q14 of the submitted application form has not been fully completed, I would therefore be grateful if you could clarify what the means of outfall for the proposed drainage arrangements will be and I will then amend the form accordingly on your behalf.



DOC JB 11

JAMES HOUSTON
Architect

• 2 Schoolwynd, Kilbirnie, Ayrshire KA25 7AY Telephone: **01505 682203** Fax: 01505 683321 Email: mail@houstonarchitects.co.uk •

Staunton-1246-024

Planning and Development Services
Argyll & Bute Council
Dalriada House
Lochgilphead
PA31 8ST

F.A.O. Amanda Hutton

20th December 2010

Dear Madam,

Proposed House at Colintraive.

I refer to your communications of 10th inst regarding our Application for Planning Permission and now hasten to respond as follows:

1. Please find enclosed four copies of a supplementary location plan to a scale of 1:10,000 which, for those unfamiliar with the area, should suitably identify the site as required.
2. The Site Plan As Proposed at a scale of 1:200 has been altered to show the boundaries coloured Red instead of Green. The boundary is now shown to embrace the access crossing the verge to meet the edge of the public road. The 1:1250 Location Plan has been adjusted to match. Four copies enclosed.
3. The Site Plan As Existing now incorporates the boundary as a red line.
4. Please find four copies of an illustration of the proposed gate.
5. I confirm drainage to be by Septic Tank or Biodisc unit with outfall to approval of SEPA.

I trust the foregoing information will now enable you to progress the application and look forward to hearing from you in due course.

Yours faithfully


James B.G. Houston

c.c. to client

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Argyll and Bute Council
Comhairle Earra Gháidheal agus Bhóid



Development and Infrastructure Services
Director: Sandy Mactaggart

Dalriada House, Lochnell Street, Lochgilphead PA31 8ST

Technical Officer e-mail address: amanda.hutton@argyll-bute.gov.uk

Our Ref: 10/02077/PP

11 January 2011

DOC JB 12

Mr Nicholas Staunton
James Houston Architects
2 Schoolwynd
Kilbirnie
Ayrshire
KA25 7AY

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

APPLICANT: Mr Nicholas Staunton

PROPOSAL: Erection of dwellinghouse and installation of septic tank

SITE ADDRESS: Land North West Of Ardare Colintrave Argyll And Bute

I refer to your planning application received 3rd December 2010 and to the previous Notice sent to you.

Following receipt of your amended details, I would now advise that the item(s) specified in the revised Notice attached hereto remain outstanding and will therefore require your further attention prior to the application being considered valid.

Please attend to these matters at your earliest convenience and return the required information to the Central Validation Team at the address identified in this letter heading. If I do not hear from you within a period of two months from the initial letter, I shall assume that you no longer intend to proceed with your proposals and the documents will be returned to you.

If you wish to discuss any of the points raised in the enclosed Notice please telephone and ask for the Technical Officer dealing with your application, **Amanda Hutton** on **01546 604842**.

PLEASE QUOTE THE ABOVE REFERENCE NUMBER IN ANY FUTURE CORRESPONDENCE REGARDING THE APPLICATION.

Yours faithfully

A handwritten signature in black ink, appearing to be 'BC'.

Beth Connelly
Senior Technical Officer
Planning and Regulatory Services



NOTICE IN TERMS OF REGULATION 17(3)

APPLICATION REFERENCE NO: 10/02077/PP

SCHEDULE OF REASONS WHY THE APPLICATION IS INVALID:-

- 1) ✓ Thank you for the revised Site Plan you submitted, however the full extent of the pipework from the proposed septic tank into the sea requires to be within the site edged red, please amend accordingly and re-submit. In addition to this, if the area of ground referred to above is not in the applicants ownership, the owner will require to be notified and the submitted application form will also have to be amended to reflect this.



DOC JB 13

JAMES HOUSTON
Architect

• 2 Schoolwynd, Kilbirnie, Ayrshire KA25 7AY Telephone: **01505 682203** Fax:01505 683321 Email:mail@houstonarchitects.co.uk •

Staunton-1246-025

Planning and Development Services
Argyll & Bute Council
Dalriada House
Lochgilphead
PA31 8ST

17th January 2011

Dear Sirs,

Proposed Dwelling House, Colintrave.
Application Ref: 10/02077/PP



We refer to your letter of 11th January 2011 requesting that the site boundary coloured red should be shown to include the full extent of the outfall pipe from the Septic Tank.

While we believe the request to be quite unnecessary, and to avoid further delay, we now enclose another four copies of the site plan showing the Septic Tank with associated pipe work totally contained within the red boundary line.

We now look forward to hearing from you as a matter of urgency.

Yours faithfully


James B.G. Houston

c.c. to client

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Argyll and Bute Council
Comhairle Earra Gháidheal agus Bhóid



Development and Infrastructure Services
Director: Sandy Mactaggart

Milton House Milton Avenue Dunoon PA23 7DU

Our Ref: 10/02077/PP

Your Ref:

20 January 2011

DOC JB 14

Mr Nicholas Staunton
James Houston Architects
2 Schoolwynd
Kilbirnie
Ayrshire
KA25 7AY

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

APPLICANT: Mr Nicholas Staunton

PROPOSAL: Erection of dwellinghouse and installation of septic tank

SITE ADDRESS: Land North West Of Ardare Colintrave Argyll And Bute

I acknowledge receipt of your revised application together with the planning fee of £319.00 and advertisement fee of £150. Further to checking the revised details your application has been found to be valid on 18th January 2011 and has now been registered.

Your application reference number is 10/02077/PP which should be quoted in all communications with the Council. Please note that for the purpose of the planning decision notice, the description of your application will be as described in the "proposal" above. If you disagree with this description in any way, please do not hesitate to contact the Area Office in order for any changes to be made. Contact should be made within 5 working days of this letter to allow for any changes to be made, or it will be assumed that you accept the application description.

If you have not received a formal decision by 17th March 2011 and would wish a review into the non determination of your application you should contact Mr Douglas Hendry, Director of Governance and Law, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8ST. Please note that regulations prescribe that any such review request must be lodged within three months of the above date.

If this situation does arise, I would suggest that you get in touch with the relevant area planning office to discuss the application as a review may not be necessary. If you wish to discuss the application while it is with the Council, please contact the area office on 01369 708606.

If you wish to view the progress of this or any other application you can do so by visiting the Council's Website at www.argyll-bute.gov.uk.



In addition to this facility the public can submit an application electronically by visiting the Scottish Government Website at . Your application will then be electronically forwarded to Argyll and Bute Council for processing.

Yours faithfully

A handwritten signature in black ink, consisting of the letters 'BC' in a cursive, stylized font.

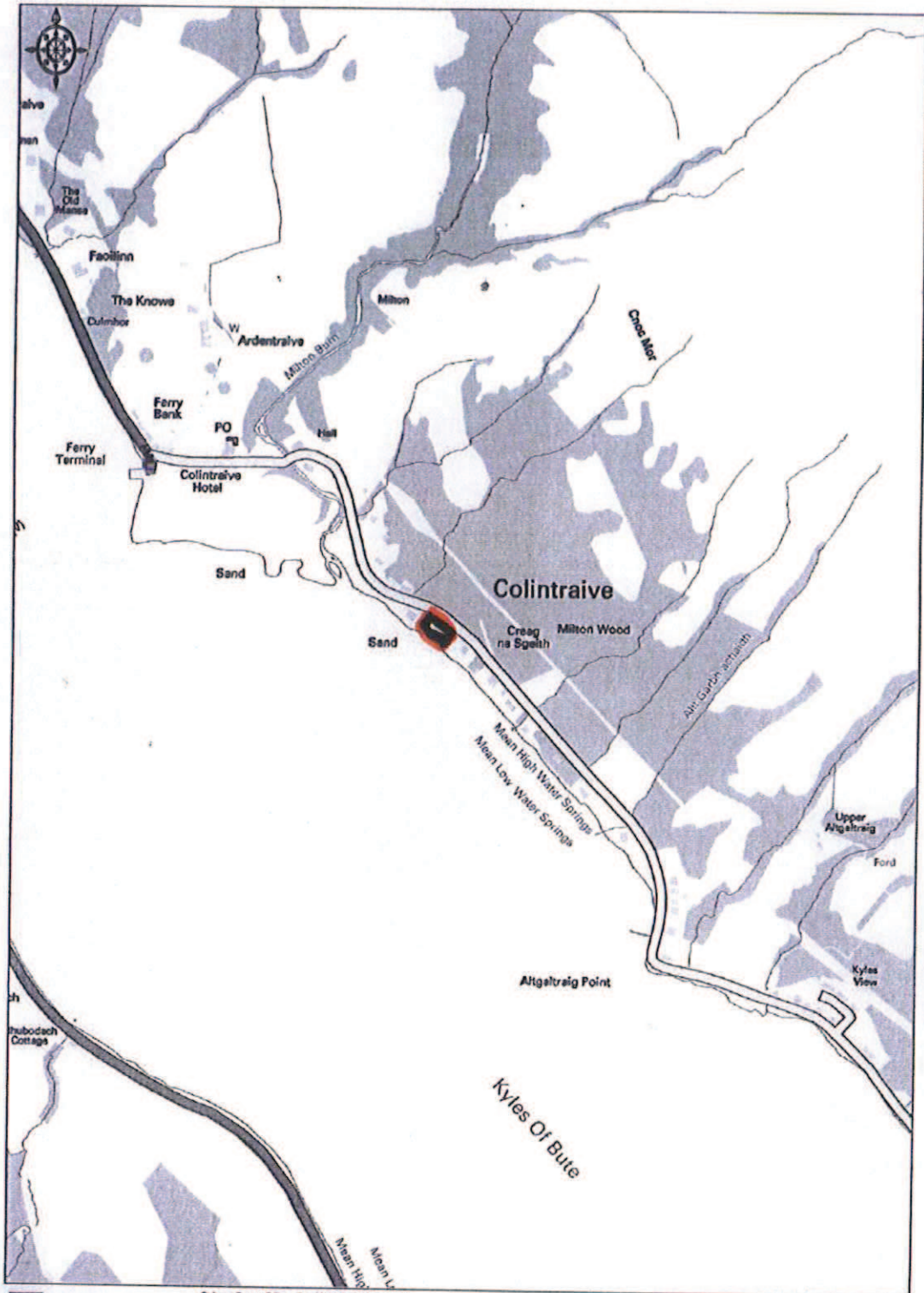
Beth Connelly
Senior Technician
Planning and Regulatory Services

APPLICATION PLANS & DOCUMENTS

APPLICATION REF: 10/02077/PP - LAND NORTH WEST OF COLINTRAIVE

- SITE LOCATION PLAN, SCALE 1:10000
- LOCATION PLAN, SCALE 1:1250. DRAWING NO. 1246 - LP1 A
- SITE PLAN AS EXISTING, SCALE 1:200. DRAWING NO. 1246 SP1 A
- SITE PLAN AS PROPOSED, SCALE 1:200. DRAWING NO. 1246 SP2 B
- ELEVATION/FLOOR PLANS, DESIGN NO. 3A, SCALE 1:100. DRAWING NO. 1246 p01b
- PHOTOGRAPH OF PROPOSED WOODEN GATES
- DESIGN STATEMENT, PREPARED BY HOUSTON ARCHITECTS

Nicholas Staunton
Proposed New House at;
Site to North West of Ardara, Colintraive.



Promap

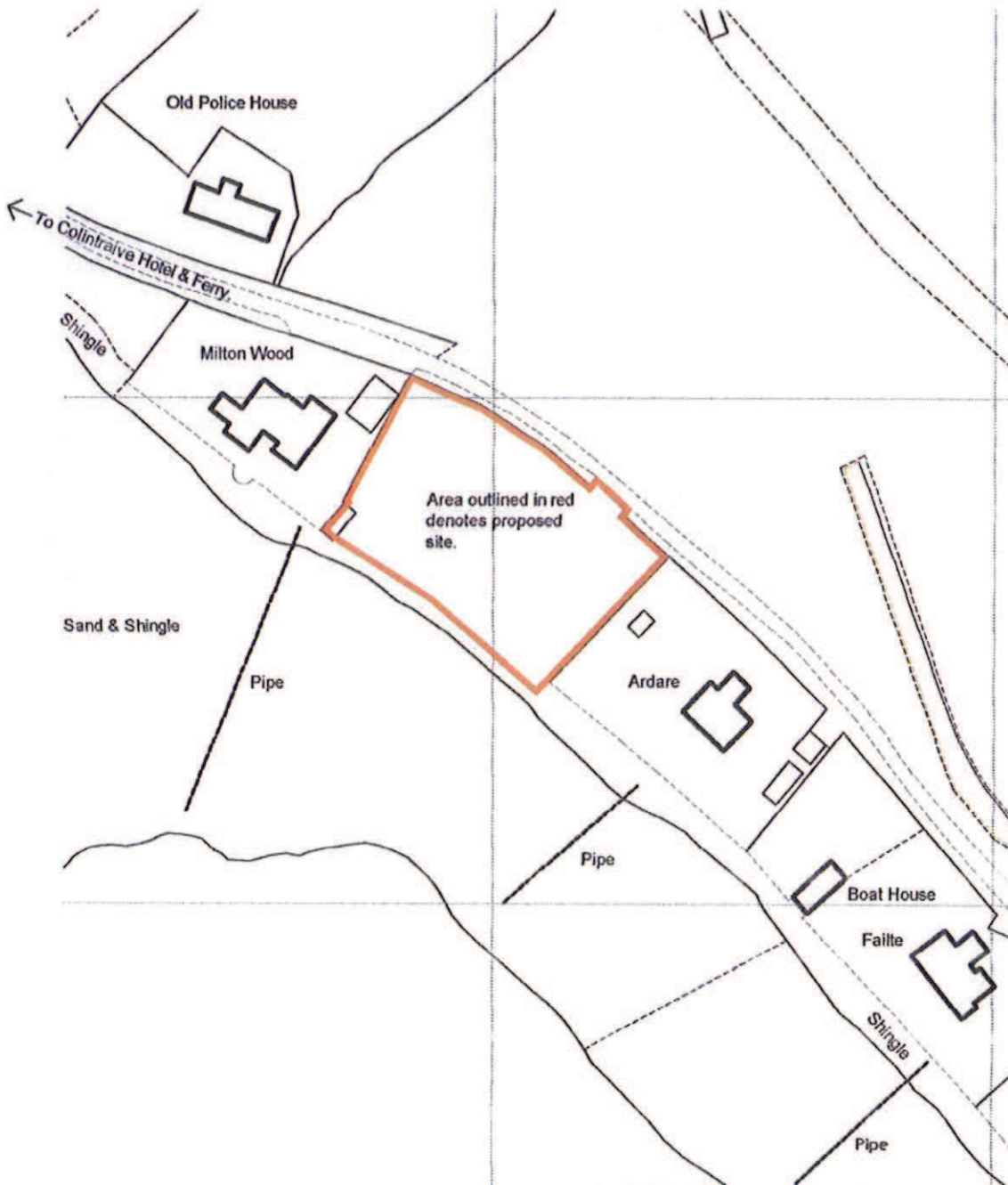
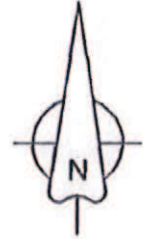
Osborne Barry © Crown Copyright 2010 All rights reserved
License number 100020440 Final Scale - 1:10000

James Houston Architect

SCALE 1:10000

A4

Nicholas Staunton
Proposed New House at:
Site to North West of
Ardare, Colintravaie.
PA22 3AS.



Rev.A Outline added to suit Planning Department.

16/12/10



JAMES HOUSTON
Architects

2, Schoolwynd, Kilbirnie, Ayrshire, KA25 7AY
Tel: 01505 682203 E-mail: mail@houstonarchitects.co.uk

Drwg. Title

Location Plan

Scale 1:1250

Drwg. No.

Date 22nd Nov. 10

1246 - LPI A

A4



Rev.A Outline added to suit Planning Department. 16/12/10

Dwg. Title	
Site Plan as Existing	
Scale 1:200	Drwg. No.
Date 30th Nov. 10	1246 - SP1A

JAMES HOUSTON
Architects



2, Schootwynd, Kibrimie, Ayrshire, KA25 7AY
Tel: 01505 682203 E-mail: mail@joustonarchitects.co.uk

Mr N. Staunton
Proposed New House
Colintraive Retreat, Colintraive.

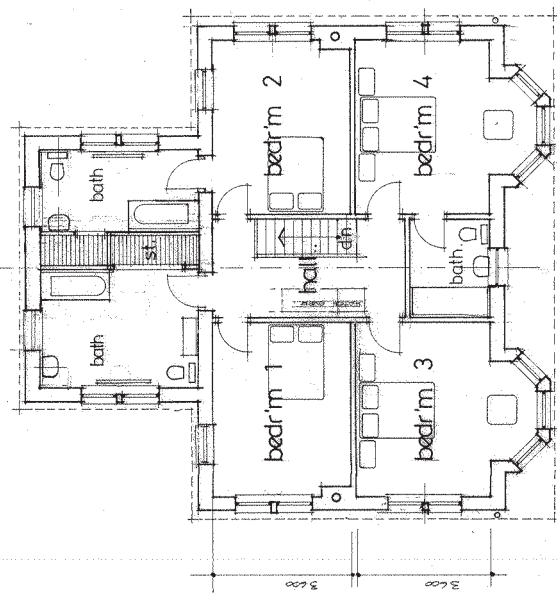
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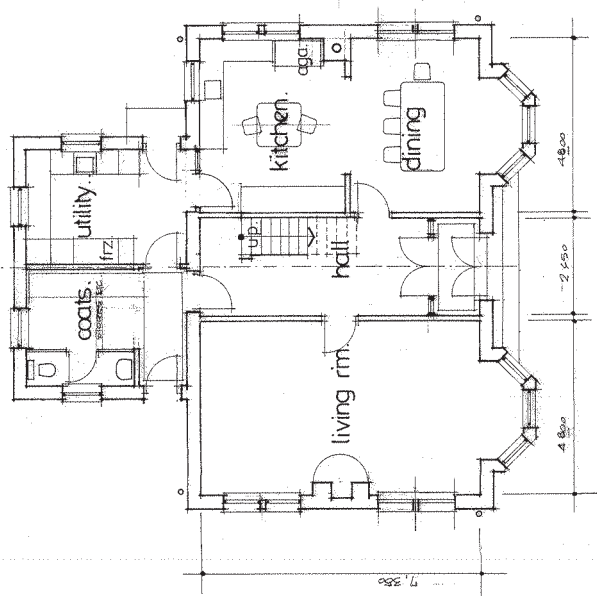
Design Title: design no 3a
Drawg. No.:
Scale: 1:100
Date: 8. NOV. 2010
1246 : p 01b

JAMES HOUSTON Architects
Ind. Kithrine, Ayrshire, KA25 7AY
Tel: 01843 82203 E-mail: james@houstonarchitects.co.uk

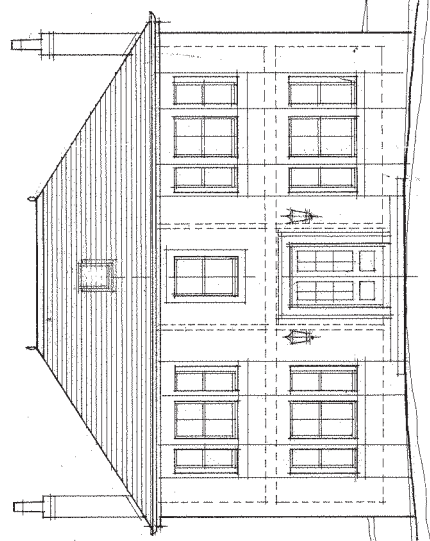
Proposed new house at Colintrave...
Page 89
Nicholas Staunton



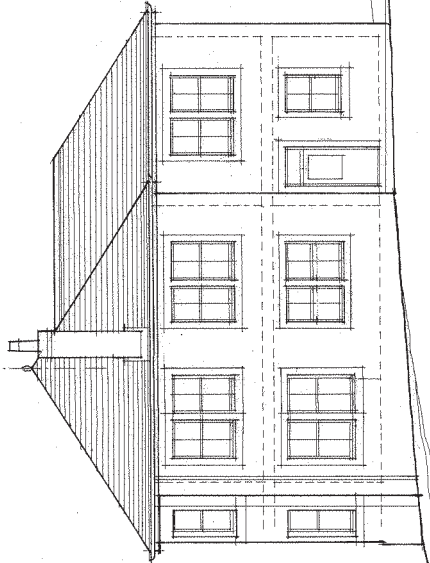
first floor plan. FLOOR AREA = 123 M² APP.



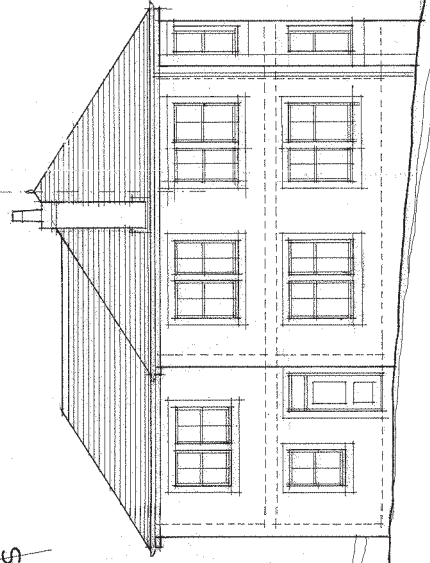
ground floor plan FLOOR AREA = 123 M² APP.



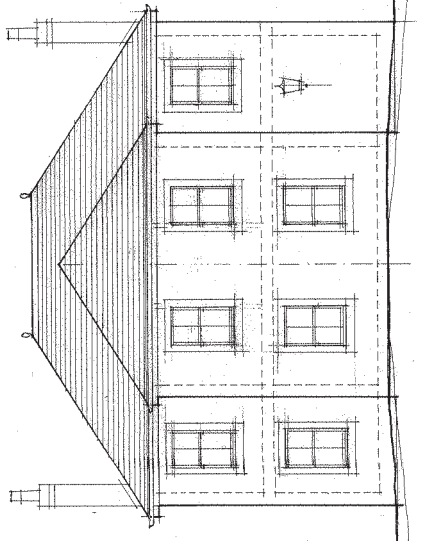
south elevation



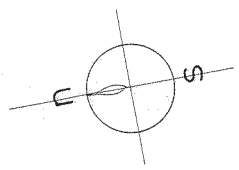
east elevation..



west elevation.



north elevation..





AA

Proposed House on site North West of Ardare, Colintrave.

Design Statement

Site Considerations:

A detailed topographical survey has been carried out showing the contours of the site and the position of all mature trees. It is intended to preserve as many of these trees as possible in order to maintain the well furnished character of the site.

The enclosed drawings 1246 SP1 and SP1A, illustrate the site as it exists at the moment and also as it would be with the proposed new house carefully located to minimise disturbance of the trees and natural appearance of the site.

Design Principles:

The client brief requires a fairly large family house to provide living accommodation for the large family and with adequate accommodation for friends and relatives who would visit the house mainly (but not only) during the summer months.

In consideration of the nature of the site it is recognised that although the overall area of the site is quite extensive, the footprint of the building should be kept to a minimum, so that a minimum number of trees have to be disturbed. Consideration should be given to the architectural style of existing buildings adjacent to the site, particularly Ardare to the South-East.

Proposed Solution:

In order to provide a workable solution to the accommodation requirements it is proposed to form a two storey house in relatively compact form. The character of the existing Ardare House with its piended natural slated roof and vertical proportioned windows has been taken into consideration. See attached photographs.

As at Ardare the proposed design also has a natural slate piended roof and vertical proportioned windows set in traditional ivory roughcast walls.

The access will be formed with 2.4m x 40.0m visibility splays and a traditional 5 bar gate set 6.0m back from edge of road. The access road will be formed to curve between existing trees and will be surfaced with plain kerbless bitmac. A plain stockproof stob and wire fence is proposed along the frontage to the main road

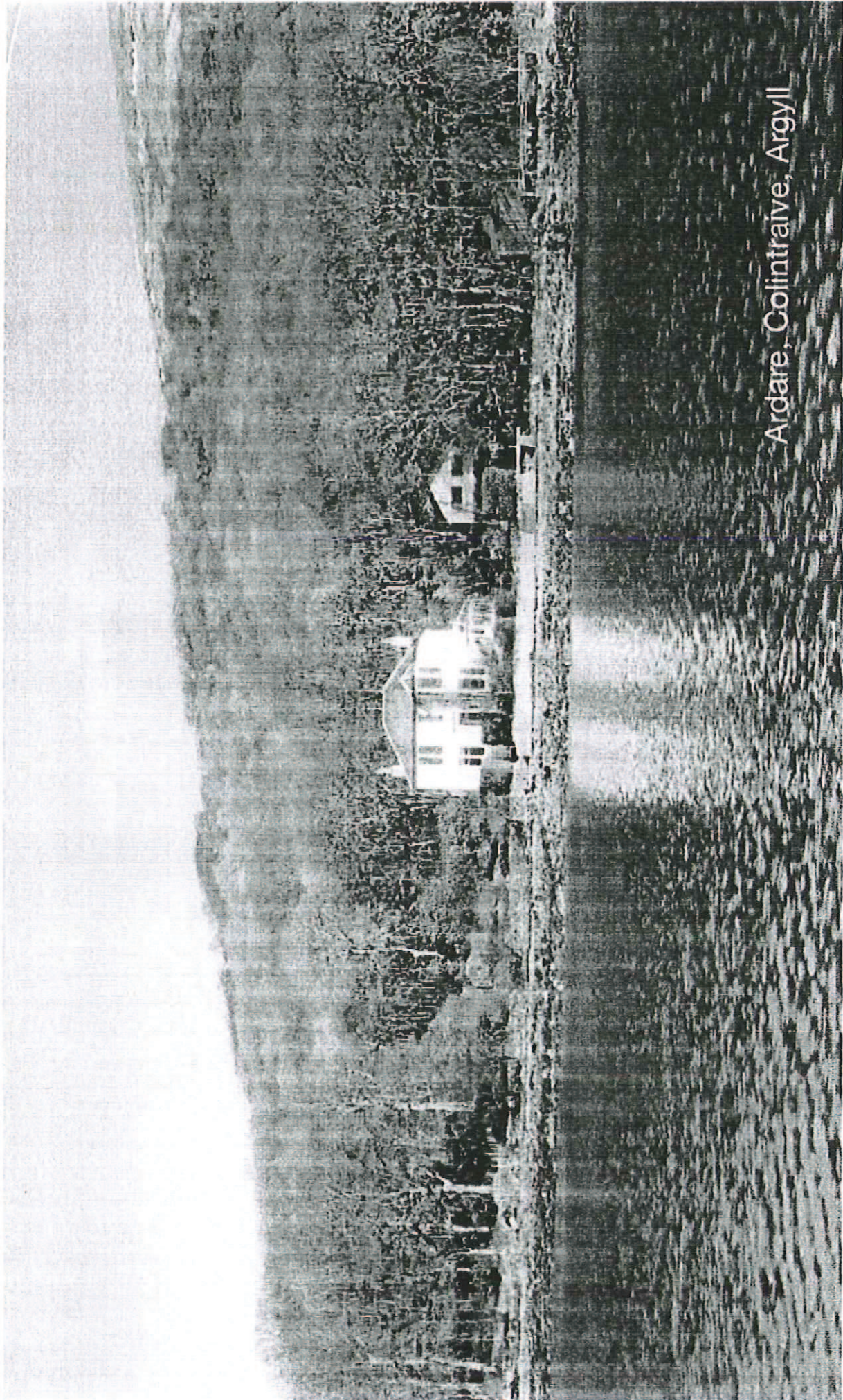
James Houston Architect

1st December 2010

Attached: Photographs of Ardare from West (Garden)
 Photographs of Ardare from West (Seaside)



AA



Ardale, Colintraine, Argyll



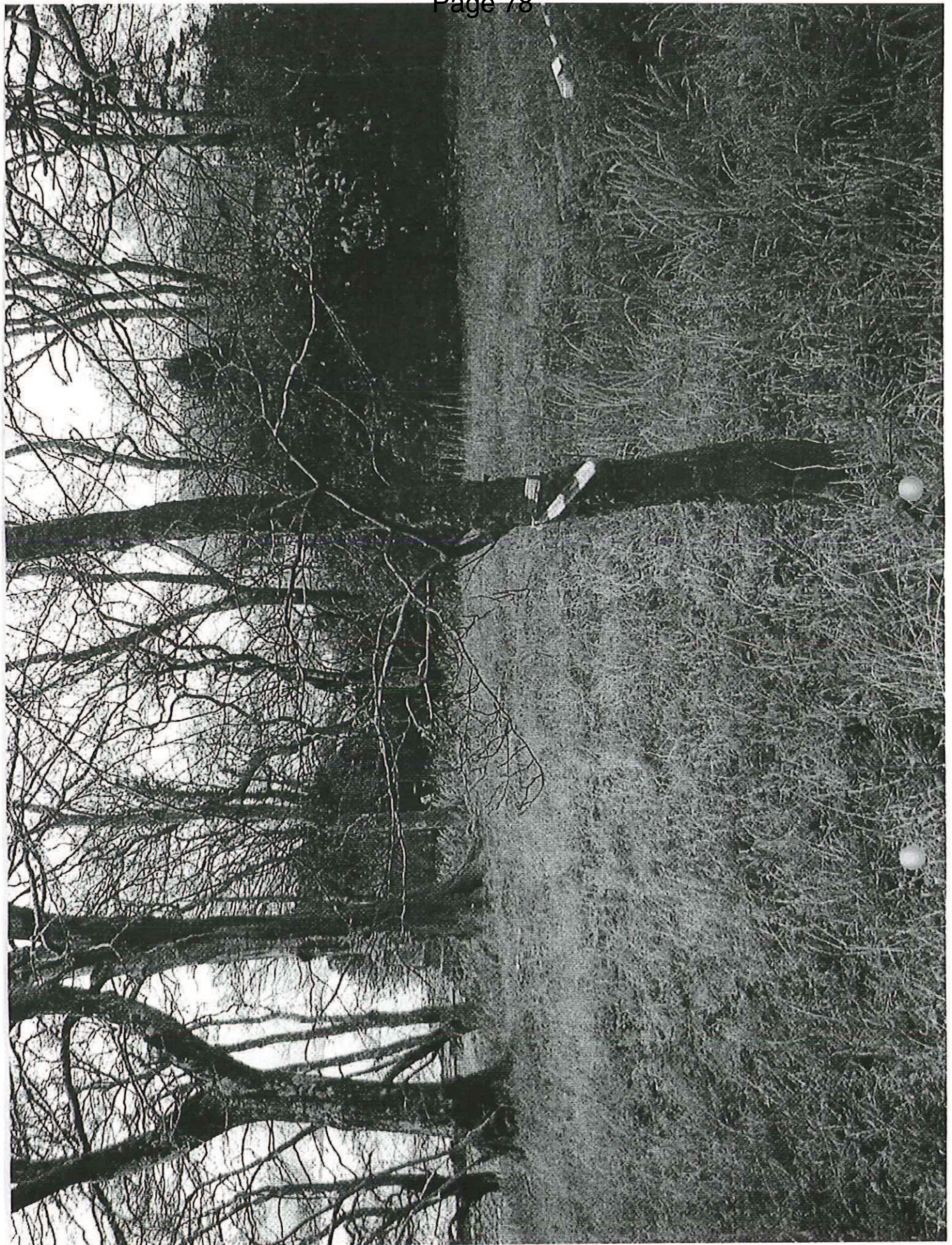
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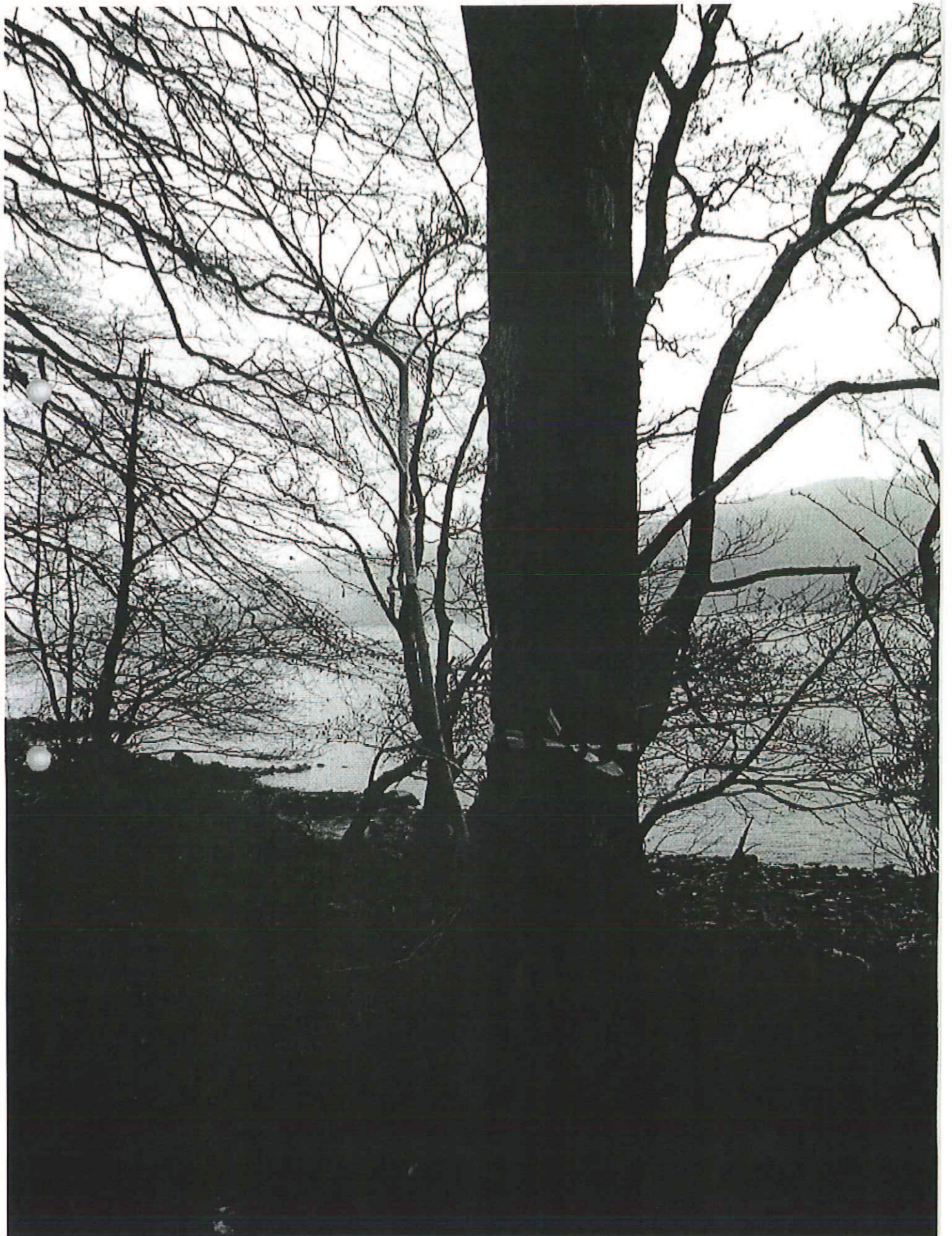
























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**OPERATIONAL SERVICES
BUTE & COWAL AREA
OBSERVATIONS ON PLANNING APPLICATION**

Planning No: 10/02077/PP
Contact: FARRELL PR
Tel: 01369708600

Grid Reference: NS0374

Dated: 20/01/11

Received: 20/01/11

Applicant: Mr N Staunton

Proposed Development: Erection of dwelling house and installation of septic tank

Location: Northwest of Ardare, Colintraive, Argyll

Type of Consent: Detailed

Ref No(s) of Drg(s) submitted: Location & Site Plans and details (7)

DOC JB 18

RECOMMENDATION	No Objections Subject to Conditions	
Proposals Acceptable Y or N	Proposals Acceptable Y or N	Proposals Acceptable Y or N
1. General	3. New Roads N/A	4. Servicing & Car Parking
(a) General impact of development	(a) Widths	(a) Drainage
(b) Safety Audit Required	(b) Pedestrian Provision	(b) Car Parking Provision
Traffic Impact Analysis	(c) Layout (Horizontal/ Vertical alignment)	(c) Layout of Parking Bays/ Garages
Flooding Assessment	(d) Turning Facilities (Circles/Hammerheads)	(d) Servicing Arrangements/ Driveways
2. Existing Roads	(e) Junction Details (Locations/Radii/Sightlines)	5. Signing N/A
(a) Type of Connection (Road Junct/Footway Crossing)	(f) Provision for PU	(a) Location
(b) Location(s) of Connection(s)		(b) Illumination
(c) Sightlines 42 x 2.5m		
(d) Pedestrian Provision		

Item Ref	COMMENTS
1	This development is accessed from U17 Couston Road within a 60mph speed restriction. The required sightlines based on 85%ile speed of 30 mph are 42 x 2.4 m. All walls, fences and hedges within the visibility splays must be maintained at a height not greater than 1 metre above the road. The access to be constructed minimum of 2.75m wide and a sealed surface for the first 5 metres. The gradient of the access not to exceed 5% for the first 5 metres. Parking for 2no. vehicles and a turning area are required within the site. If gates are fitted they must not be able to open out onto the carriageway. A Road opening Permit will be required for construction of the access. A system of surface water drainage may be required to prevent water running onto the road.
2	
4	

Item Ref	CONDITIONS
2	The required sightlines based on 85%ile speed of 30 mph are 42 x 2.4 m. All walls, fences and hedges within the visibility splays must be maintained at a height not greater than 1 metre above the road.
4	The access to be constructed minimum of 2.75m wide and a sealed surface for the first 5 metres. The gradient of the access not to exceed 5% for the first 5 metres. If gates are fitted they must not be able to open out onto the carriageway. Parking for 2no. vehicles and a turning area are required within the site. A system of surface water drainage may be required to prevent water running onto the road. A Road Opening Permit will be required for construction of the access which must be constructed prior to any works on site.

Notes for Intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Required

*Relevant Section of the Roads (Scotland) Act 1984

Signed: _____ Paul R Farrell _____ Date 07/02/11

Copies to: Planning Maint SOID File

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DOC JB 19

28/01/2011

Argyll & Bute Council
Development Services Milton House
Milton Avenue
Dunoon
PA23 7DU
□□□□□

SCOTTISH WATER

Customer Connections
419 Balmore Road
Glasgow
G22 6NU

Customer Support Team
T: 0141 355 5511
F: 0141 355 5386
W: www.scottishwater.co.uk
E: connections@scottishwater.co.uk

Dear Sir/Madam

PLANNING APPLICATION NUMBER: 10/02077/PP
DEVELOPMENT: Land North West Of Ardare Colintrave Argyll And Bute
OUR REFERENCE: 542915
PROPOSAL: Erection of dwellinghouse, formation of vehicular access and installation of septic tank

Please quote our reference in all future correspondence

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

There are no public sewers in the vicinity of the proposed development.

Dhu Loch Water Treatment Works currently has capacity to service this proposed development.

Water Network – Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers.

The Developer should discuss the implications directly with Scottish Water.

In some circumstances, it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will require to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that will require to be implemented by the developer to protect our existing apparatus.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: www.scottishwater.co.uk.

Yours faithfully

Shabana Jamil
Customer Connections Administrator
Tel: 0141 355 5045
shabana.jamil@scottishwater.co.uk

Munroe, Helen

From: MacLean, Marion on behalf of planning.reps
Sent: 09 February 2011 08:53
To: Gove, Steven
Cc: Munroe, Helen; McCabe, Charles
Subject: FW: PublicAccess for Planning - Application Comments (10/02077/PP)

09 FEB 2011

For your attention...

Marion MacLean
 Systems Support Technician
 Planning & Regulatory Services
 Argyll & Bute Council

T: 01546 604853
 E: marion.macleam@argyll-bute.gov.uk
 W: <http://www.argyll-bute.gov.uk>

Argyll and Bute - Realising our potential together

-----Original Message-----

From: publicaccess@argyll-bute.gov.uk [mailto:publicaccess@argyll-bute.gov.uk]
Sent: 09 February 2011 08:38
To: planning.reps; Gove, Steven
Subject: PublicAccess for Planning - Application Comments (10/02077/PP)

PublicAccess for Planning - Application Comments (10/02077/PP)

"Ian and Ruth warnock" has used the PublicAccess for Planning website to submit their comments on a Planning Application. You have received this message because you are the Case Officer for this application or because this is a designated mailbox for PublicAccess comments submissions.

PublicAccessForPlanning - Application comments for 10/02077/PP

"Ian and Ruth warnock" you have been sent this email because you or somebody else has submitted a comment on a Planning Application to Argyll & Bute planning department using your email address.

A summary of your comments is provided below. Comments were submitted at 09/02/2011 08:37:59 from i[REDACTED]

Comments: "We lodge our strong objections to this application, based on the separate points raised below.

1. Planning Policy and Development Plan

We note in the Argyll & Bute Plan, the area which the above planning application refers to, is not designated as a Settlement Zone, It is designated in the plan as 'A National Scenic Area ', and in 'Countryside around Settlement'.

We also note from the Plan , 'There is a general presumption against housing development when it involves: . small-scale housing development inopen/ undeveloped areas within Countryside Around Settlements ..'

The local plan states that one of its aims is :

.Protecting, conserving and enhancing the natural and built environment giving particular priority to those resources that are finite.'

Also:

.Pursuing the objectives of the UK/Scottish and local Biodiversity Action Plans by protecting and enhancing species and habitats.

Our objection and view is that this planning application does not align with either of these stated aims, and we strongly object to it.

2. WILDLIFE HABITAT Policy ENV 4 Legally protected species. The land, and the woods it contains, are the habitat and/or established nesting area for wildlife including:

- . Various land species as listed in the Scottish Biodiversity List, which relates under Section 2(4) of The Nature Conservation (Scotland) Act
- . A heron family and nest site; Wild Ducks, including Eider
- . Otters ; badgers.
- . Owls; Robins, Pheasant and grouse
- . Red Squirrels, which nest in some trees in the area
- . Roe deer; Pine Martens

.Bats

Signs of bat nesting should, in accordance with best practise in planning, be determined and recommendations followed to alleviate their plight or avoid the site altogether. Schedule 5&6 of the Wildlife and Countryside Act 1981 amended by Nature Conservation (Scotland) Act 2004 provides protection for Red Squirrels (which are in abundance in the woods) and Pine Marten.

Section 9 (4) of the Wildlife and Countryside Act also states that it is an offence, intentionally or recklessly, to:

- (a) damage or destroy, or obstruct access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection;
- (b) disturb any such animal while it is occupying a structure or place which it uses for that purpose.

Works whilst developing the site, and subsequent loss of habitat would have an adverse effect on these natural inhabitants of the woodland area.

Environmental Impact Assessment (EIA): Policy ENV 4 Legally protected species Under the European Habitats Directive an EIA is required in areas where development could be potentially damaging to the habitat. This appears to have not been done, and we would propose this is essential before further consideration of the Application.

3 Impact on Nature Conservation - The woodland area that is the subject of the planning application has an established wood,* including many large Beech, which bring significant local amenity to the area. Many will inevitably be removed impacted, and/or damaged, by the proposed building and related works.

An inspection of the site indicates that a minimum of 7 large, mature trees would have to be removed to allow the proposed property to be built.) Plus current UK building insurance terms normally require that no large trees are located with 10-20 metres of a building- decimating the woodland area, habitats, species and biodiversity.

Shoreline woodland in this area of Cowal is designated as A National Scenic Area, and is a finite resource. This application would reduce this resource.

*The UK Biodiversity Action Plan and Scottish Biodiversity List inform which species / habitats should be recognised and protected in planning decision making; also ensures respect for geodiversity, historic and ancient woodland/heritage trees

4 Plan/ Building Related Objections

The proposed house:

.building line does not align with that of the Ardare house.

.has a different, larger (deeper) side elevation, not in keeping with that the neighbouring house referred to- Ardare.

.has a substantial number of windows (8, large) on both the SE & NW elevations, compared with 3 narrow windows on Ardare . These we consider represent a negative impact on the amenity and privacy of neighbours. (worsened if the above tree removal occurs)

5 Access Road issues Policy SUSDEV 1(g)-(All new developments will be required to demonstrate how sustainable development principles have been taken into account, including): Safety and security, including community impact.

The sole access road for the area and any construction traffic to this proposed site is over a small , single carriageway road and bridge with a weight limit of 7.5 tons. Heavy plant traffic for a new build may pose a threat to the structure and safety of this bridge.

It is noted that in the Roads Consultee Response on 7/2/11, no mention of the bridge limitations, or the road conditions, are made.

Further, there are no pavements on this section of road, which is used by locals and visitors to the area for walking, cycling and also wheelchair use. Much of the road has not been resurfaced and is already in poor repair. Construction traffic, mud and deposits

from such vehicles in wet weather will impact on the surface and safety for all road users and pedestrians.

6 Adequacy of infrastructure - Sewerage. The application proposes a further non-mains solution - septic tank, outfall to an existing burn. This is not conducive to the species that have habitat in the woods.

7. Turning/Garage areas. There is in place a legal agreement preventing any building within a specific distance of 12 m from the boundary with the Ardare property, and, should permission be sought for a Garage type or other building, this would need to be sited outwith this zone. This may affect the layout and positioning of parking /turning space to the proposed building.

PublicAccess for Planning. (c) CAPS Solutions Ltd.

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~~11 FEB 2011~~

MILTON WOOD
COLINTRAIVE
ARGYLLSHIRE
PA22 3AS

10th February, 2011

Planning and Regulatory Services,
Milton House,
Milton Avenue,
DUNOON,
PA23 7DU.

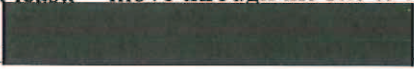
Dear Sirs,

Application Number 10/02077/PP - Land North West of Ardare, Colintraive

I refer to the above application and would like to lodge an objection on the following grounds.

The site as at present forms a valuable wild life preserve. It is mainly covered with mature trees and it forms a valuable corridor between the ancient forestry of the hillside lying to the north of the road and the seashore. It is in fact one of the last remaining undeveloped woodland connections between the shore lands and these ancient forests. Virtually all other areas along the seashore have been developed with housing which forms an unbroken line from beyond the Church past the ferry to the houses on the old shore road. For wild life to have access to the shore and sea the only alternative they have is to cross open ground.

The site forms an important refuge for many birds and animals including red squirrels, herons, hedgehogs and bats, all of which are seen frequently on the site. During the summer there is also an otter which plays in the water opposite the site and we think may perhaps live or, at least, move through the site to the seashore.



11 FEB 2011

2.

10th February, 2011

Planning and Regulatory Services,
Milton House,
Milton Avenue,
DUNOON,
PA23 7DU.
Application Number 10/02077/PP

Development of the site would inevitably lead to the destruction and removal of most of the trees and will seriously affect, or even destroy, the wild life presently using the site.

The access road to the site, and specifically the small bridge adjacent to the Community Hall, will cause problems. Heavy vehicles must be prohibited and the single track road leading to the site will inevitably suffer considerable traffic problems during the construction period and indeed will cause safety and other concerns from all properties lying to the east of the subjects, including the provision of emergency services. The road is narrow and there is no provision for pedestrians, cyclists and wheelchair users. During the construction period off road parking and turning must be provided for which, inevitably, will lead to further destruction of the trees and shrubs on the site.

I suspect that this is a speculative application to establish a housing use and that if permission is granted the site will be sold to the highest bidder and we may see a new application for several houses or flats on the site. Any development of the site will detract substantially from the scenic beauty of the area.

Yours faithfully,



G. GREG MORRIS

10/2/11

Mr. Steve Gove
Planning Department – Argyll & Bute Council
Milton House
Dunoon
Argyll
PA23 7DU

Kilbowie House, Gallanach Road, Oban, Argyll, PA34 4PF

Telephone

Mobile

Email Address:

Our Ref: MCC/LBO

Your

Ref:SG/10/

02077/PP

Date 16/03/2011

If phoning or calling ask for: Marina Curran-Colthart

Website

Dear Steve,

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
PROPOSAL: ERECTION OF DWELLINGHOUSE ON LAND WEST OF ARDARE,
COLINTRAIVE**

I write in response to your letter dated 14th February 2011 with supporting information which raises concerns about the impact of this proposed development on European Protected Species i.e. Red Squirrel, Otter, Bats, Pine Marten and other local species. I note that this area is designated as a National Scenic Area and is identified in the Argyll and Bute Local Plan as 'Countryside around Settlement'. The area has also a Tree Preservation Order in place.

I visited the site on 23 February 2011 and attach my observations- the Biodiversity Assessment Sheet along with some photographs of the site.

In conclusion, the impact of this development does not support 'LP ENV 2- *Impact on Biodiversity*' which I would deem to have a negative impact due to loss of important trees which are subject to a Tree Preservation Order and the unacceptable impact on European Protected Species and species of local interest.

If you require any further information please do not hesitate to contact me.

Yours sincerely

Marina Curran-Colthart
Local Biodiversity Officer

BIODIVERSITY ASSESSMENT SHEET – PLANNING

Assessed by:

Ref: SG/10/02077/PP	Date: 23 Feb 2011	Application Details:	Single two story residence on a woodland site with TPO's Colintraive.
Planning Office: Dunoon		Planning Contact:	Steven Gove
CHECKED AGAINST:			
Argyll & Bute Local Biodiversity Action Plan		OFFICER COMMENTS:	Woodland- Native- Coastal Veg. Shingle, Otter, Bats and Red Squirrel
Scottish Biodiversity Action List			yes
UK Biodiversity Action Plan			yes
Designations (SINCS, SSSI etc.)			National Scenic Area
PAN-Biodiversity			Yes PAN 60
Argyll & Bute Local Plan			Countryside around Settlement designation and LPENV 2- Impact on Biodiversity
Argyll & Bute Structure Plan			yes
PLANNING DOCUMENTS:			
Environmental Impact Assessment			no
Strategic Environmental Assessment			no
Scoping Exercise			no
Consultants – previous contact			no
Communication with Consultees (SNH etc.)			Yes and Officer in charge of TPO'S
CONCLUSION			
I visited the site on 23 February 2011. I walked the boundaries and noted <i>Rhododendron ponticum</i> along the roadside and several bushes dispersed thro' out the North East of the site. I noted there is also a burn to the south west of			

the site and checked for presence of Otter (spraints/lying up areas, holt)- no evidence. I found no evidence of Red Squirrel either a drey, evidence of chewed nuts or sighting or Pine Marten. Bats have been sighted by neighbours, consult with Argyll and Bute Council Planning Case Officer as to appropriateness in view of the Local Plan and designations. TPO on this site and extending along the coastline. Shrubs are mostly *Rhododendron ponticum*- no problem with these being removed and disposed of as for Invasive Non-Native Species best practice. Re Lichens and Bryophytes are consistent with the area and not contentious.

In summary, I have viewed the site and believe that any development here would contravene LP ENV 2- Impact on Biodiversity due to loss of important trees which are subject to a Tree Preservation Order, unacceptable impact on European Protected species and species of local interest.



Out flow of burn to the sea



burn with *Rhododendron
ponticum*



Fern and spagnum moss with beech
nuts



wet area



view from
beach



proposed site of house behind front tree
edge.



edge of house and proposed parking
are



site of house



possible loss of tree to the
right



evidence of rhododendron
ponticum



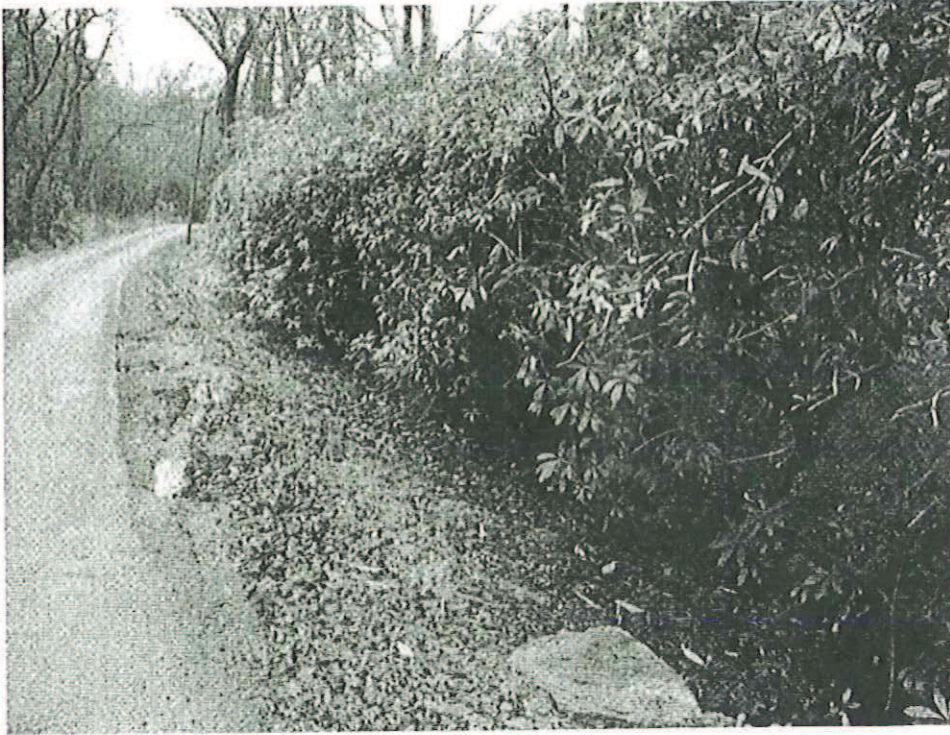
Acess through Rhododendron p.



to road
Colintraive



Burn adjacent to road



south with encroachment from R. P.



foot print of house

**Development and Infrastructure Services**

Director: Sandy Mactaggart

Milton House, Milton Avenue, Dunoon, PA23 7DU

Tel: (01369) 708606 or 708607

Fax: (01369) 708609

21st March 2011Our Ref: SG/10/02077/PP
Contact: Steven Gove
Direct Line: (01369) 708603**DOC JB 23**James Houston
Architect
2 Schoolwynd
Kilbirnie
Ayrshire
KA25 7AY

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
ERECTION OF DWELLINGHOUSE, LAND ADJACENT TO ARDARE, COLINTRAIVE**

I refer to the application (ref: 10/02077/PP) recently submitted in respect of the above.

As discussed in pre-application discussion, the site is within the Kyles of Bute National Scenic Area and is designated as 'Countryside Around Settlement' in the Argyll and Bute Local Plan 2009. Policy LP HOU 1 presumes in favour of residential development within such a designation providing that the development is small in scale (i.e. less than five units) and would be located on infill, rounding-off, change of use or redevelopment sites. There are further provisos in that the development should not result in undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development.

The site that you have identified is located between two residential properties (*Milton Wood* and *Ardare*) and is presently woodland. In principle, it could be argued that the site represents an infill development between two existing residential properties.

You may have noted on the Council's website that two representations have been received from: Ian and Ruth Warnock, Ardare, Colintraive (e-mail dated 9th February 2011) and G Greg Morris, Milton Wood, Colintraive (letter dated 10th February 2011). I have attached a copy of these two representations and I would be grateful for any comments that you may have on the contents therein.

As a result of these objections, I have sought the views of the Council's Local Biodiversity Officer (LBO). It has transpired that there is a Tree Preservation Order on the site (ref: 07/92) which was conferred on 7th November 1992. The LBO has undertaken a survey of the site and, whilst no strong evidence was found of Otter, Red Squirrel or Pine Marten, there is anecdotal evidence of these species together with bats. She has significant concerns regarding the loss of trees that are covered by a Tree Preservation Order. Given the loss of important trees and an unacceptable impact on European Protected Species and species of local interest, she is recommending that the proposal is contrary to Policies LP ENV 2 (Development Impact on

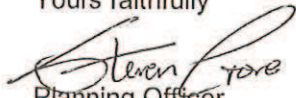


Biodiversity) and LP ENV 7 (Development Impact on Trees/Woodland) of the Argyll and Bute Local Plan 2009.

The purpose of this letter is to advise you of the representations that have been received together with the views of the Local Biodiversity Officer. On the basis of the information currently to hand, the Department would be recommending refusal of the proposal; however, if you have any comments on the above, please provide them by 4th April 2011. The Department will then proceed to determination thereafter.

Please do not hesitate to contact me should you wish to discuss any of the foregoing.

Yours faithfully



Planning Officer
Bute and Cowal
Development Management

11 APR 2011

James Barr

Our Ref: EH/P
Your Ref: 10/02077/PP

226 West George Street, Glasgow, G2 2LN

F.A.O. Steven Gove
Argyll & Bute Council
Development Management - Bute & Cowal Area Office
Milton House
Milton Avenue
DUNOON
PA23 7DU

DOC JB 24

8 April 2011

Dear Mr. Gove

ERECTION OF DWELLINGHOUSE, LAND ADJACENT TO ARDARE, COLINTRAIVE - 10/02077/PP

I have been asked to contact you on behalf of Mr James Houston of Houston Architects regarding the current planning application, as detailed above, for a new dwelling at Colintraive and the recent response from your Local Biodiversity Officer regarding the proposed development on the site.

In light of the recent response from the Local Biodiversity Officer as detailed in your letter of 21 March 2011, Mr Houston has discussed the matter with myself, and is now seeking to instruct professional consultants to address the matters of wildlife/protected species and the Tree Preservation Order on the site. It is believed that subject to appropriate professional surveys and mitigation measures, where required, these matters can be addressed.

We will be in touch shortly to confirm the consultants instructed in this case, and the extent of the work being carried out.

We request an extension of time to allow this information to be collated, and submitted in support for this case prior to the determination of this application. We look forward to hearing from you to confirm that this request for a time extension is acceptable.

If you wish to discuss this matter please don't hesitate to contact me.

Yours sincerely



Elaine Hamilton MRTPI

Direct Dial:
E-mail:



Cc: Mr J Houston, Houston Architects

Chartered Surveyors • Chartered Planners • Architecture • Building Consultancy • Project Management

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Development and Infrastructure Services

Director: Sandy Mactaggart

Milton House, Milton Avenue, Dunoon, PA23 7DU

Tel: (01369) 708606 or 708607

Fax: (01369) 708609

12th April 2011

Our Ref: SG/10/02077/PP
Your Ref: EH/P
Contact: Steven Gove
Direct Line: (01369) 708603

DOC JB 25

Elaine Hamilton
James Barr
226 West George Street
Glasgow
G2 2LN

Dear Ms Hamilton

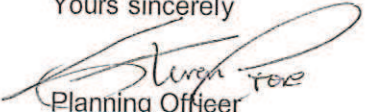
**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
ERECTION OF DWELLINGHOUSE, LAND ADJACENT TO ARDARE, COLINTRAIVE**

Thank you for your letter dated 8th April 2011 in respect of the above.

I note your comments in respect of your intention to instruct consultants to examine the matters of wildlife/protected species and the Tree Preservation Order. I can confirm that your request for a time extension in terms of the determination of the application is acceptable and I look forward to hearing from you further.

Please do not hesitate to contact me should you wish to discuss any of the foregoing.

Yours sincerely


Planning Officer
Bute and Cowal
Development Management



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JAMES HOUSTON
Architect

• 2 Schoolwynd, Kilbirnie, Ayrshire KA25 7AY Telephone: **01505 682203** Fax: 01505 683321 Email: mail@houstonarchitects.co.uk •

Staunton-1246-035

Steven Gove
Planning Department
Argyll & Bute Council
Milton Avenue
Dunoon
PA23 7DU

23rd June 2011

Dear Mr Gove,

House at Colintrave.
Ref: 10/02077/PP

I refer to our recent correspondence regarding the proposed new house at Colintrave and now hasten to comment on the issues raised as follows.

1. Please find enclosed copy of the Ecological report prepared by Helen Lundie of Wild Surveys Ltd. The report indicates that, should the development proceed, there would still be adequate habitat left for the mammals as described.
2. I enclose copy of Architect's response to the objections raised.
3. Note of comments from the applicant Mr Nicholas Staunton.

The content of the foregoing responses would indicate that refusal to grant Planning Permission for a house on this site would not be justifiable on the basis of concerns currently expressed.

I would be grateful if you would consider these responses and that the application may now meet with your approval.

Yours sincerely

James B.G. Houston

c.c. to Elaine Hamilton
Mr Staunton

PROPOSED HOUSE AT COLINTRAIVE

PLANNING PERMISSION 10/02077/PP

ARCHITECT'S RESPONSE TO OBJECTIONS

Comments on Objection by Ian & Ruth Warnock

1. The site is designated as "Countryside Around Settlement" and Policy LP HOU 1 presumes in favour of residential development and meets the conditions of that policy in so far as it is Small (only one unit) and is an infill site.
2. Reference to Building Insurance will not be relevant and "decimating the woodland area, habitats, species and biodiversity" is something of an exaggeration.
3. Building Line: The house is positioned to minimize the loss of trees rather than attempt to form an imaginary Building Line.
4. The new house is intended to complement the style of Ardare but not to be a replica of it. The size and number of windows compared to Ardare is not relevant.
5. Access Road: Construction vehicles can be limited to a size appropriate to the conditions.
6. Turning / Garage: No building is proposed or intended within the 12.0m distance from the boundary of Ardare.

Comments on Objection by G Greg Morris

1. The area of the site which would be occupied by the footprint of the proposed new house is relatively small and will not necessarily prevent wild life access from the Northerly woodland to the Seashore. The watercourse through the site would remain unobstructed.
 2. The entire area of the site is very small compared to the vast area of woodland to the North. The effect on Wildlife would therefore be minimal.
 3. The statement regarding removal of "most of the trees" is not correct. On the contrary, it is the applicant's intention to preserve as many trees as possible.
-
4. Vehicles servicing the construction will be no larger than the bin lorries etc already servicing the other houses along the road. Parking and turning would have to be provided during the construction period.

James Houston Architect.

22ND June 2011.

Houston Architects

From: Nicholas Staunton [ns@stockford-staunton.co.uk]
Sent: 28 March 2011 16:47
To: mail@houstonarchitects.co.uk
Subject: Proposed house at Colintraive.

Dear James,

Thank you for your letter of 23^d March 2011 in connection with the above.

As discussed on the telephone I am surprised to learn of the objections that have been lodged and would respond to each of these as follows:-

COMMENTS FROM THE LOCAL BIODIVERSITY OFFICER

1. With regard to the view of the Local Biodiversity Officer, please could you assure her that we are seeking to build this house to enjoy just the type of environmental amenity that she has highlighted. As you know my mother lived in the adjoining house for some 12 years and we will make every effort to retain the beauty and character of this woodland, and as you are aware we have minimised the proposed loss of trees. I believe that just 7 of a total of 37 mature trees will be lost.
2. I can assure you that we will not be removing any further trees upon the request of any insurance company, and I am happy to give a formal and binding undertaking upon this point.
3. As the plans show, there will still be many trees between the subject property and the adjoining house to the south, Ardare. As such, I do not believe that there will be any material loss of privacy due to the side windows of the proposed house.
4. To the best of my knowledge there is still a builders warehouse/yard across the bridge that is mentioned and so lorries must use this bridge. I cannot see that we would need to use any larger lorries than those for the warehouse/yard.
5. As mentioned there is a legal agreement preventing any building within 12 metres of the boundary with Ardare to the south. However, we have no wish to build any "Garage type or other building" and again I would be happy to give a formal undertaking that we will not do so.

COMMENTS FROM IAN AND RUTH WARNOCK

1. As you are aware, when we sold Ardare to Mr and Mrs Warnock they were well aware that we hoped to build a house on the adjoining land that has been retained. It was for this reason that we agreed not to build within 12 metres of their boundary. I am thus surprised that they are now objecting to our intentions which they were aware of when they purchased their house 5 years ago?

COMMENTS FROM GREG MORRIS

1. Mr Morris tried to acquire the subject site from my mother on a number of occasions and I believe that he is a property developer himself. Indeed he has tried to claim part of our site as his own! I can only assume that he considers it well suited for residential development. However, unlike him I have absolutely no intention of "...a new application for several houses or flats on the site."
2. I believe that the "valuable corridor between the ancient forestry of the hillside lying to the north of the road and the seashore" has been fenced off by Mr Morris!
3. I am not certain whether there are any bats as there is only one small boathouse on the site at present. However, in any event this boathouse will be left untouched. Clearly we will comply with the relevant guidelines if any bats are found to be present.

4. If Mr Morris cares to inspect the plans he will realise that the development will certainly not lead to the "destruction and removal of most of the trees" as suggested. Indeed I we will lose 7 of some 37 mature trees, less than 19%.
5. Mr Morris himself demolished the old house immediately to the north of the subject site and replaced it with a modern alternative. As such his comments regarding vehicular traffic/off road parking/turning seem somewhat strange. He was presumably able to address these issues and we will be able to do likewise.

I look forward to discussing this with you further in due course.

With best wishes, Nick.

NICHOLAS STAUNTON
STOCKFORD STAUNTON

9-10 Savile Row, London, W1S 3PF

Tel. 020 7287 2228

Ob. 07961 300 257

E-mail. ns@stockford-staunton.co.uk



Protected Species Survey

Colintraive Retreat, Colintraive

For

James Houston Architects

21 June 2011

www.wildsurveys.co.uk

Room 125 St James Business Centre Linwood Road Paisley PA3 3AT
Telephone 0141 897 2770 Mobile 07788 826 480 Fax 0871 5030923

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Executive Summary

- 1 Introduction
- 2 Methodology
- 3 Results
- 4 Conclusion and Recommendations
- 5 Contacts and references

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- Appendix 2 Photographs
- Appendix 3 Bats and the Law
- Appendix 4 Badger and the Law
- Appendix 5 Otter and the Law
- Appendix 6 Birds and the Law
- Appendix 7 Data Searches

Project No WS456/11

Prepared by Helen Lundie 20/6/11 Signed by

Helen Lundie

Reviewed by Morna McBean 21/06/11 Signed by

Morna McBean

Executive Summary

Wild Surveys Ltd was commissioned by James Houston Architects to undertake a bat (*Chiroptera sp.*), badger (*Meles meles*), otter (*Lutra lutra*) and water vole (*Arvicola terrestris*) and red squirrel (*Sciurus vulgaris*) survey at the proposed Colintraive Retreat, Colintraive, Argyll and Bute, national grid reference NS036742, to identify any field signs of the above protected species or the potential for protected species to be on the site.

The site was historically the garden of the adjacent Ardare House which is to the east of the site. The proposed site has the road on its northern boundary, Ardare House and Milton Wood to the east and west respectively and the seashore to the south. The site is comprised of individual mature and self seeded broadleaved trees with an under storey mainly of grass and bramble with rhododendron lining the north, west and east boundary. There are two small, wet areas to the south west and south east corners of the site. A narrow water course runs north to south on the western boundary. A small area of Japanese knotweed (approx 1 x1m) was observed on the southern edge of the site at the shore line.

Although suitable habitat exists for otter, badger and bats, no field signs were found to suggest that any are currently using the site. Should the development proceed, there would still be suitable foraging and commuting habitat left for mammals such as badger, otter and bats to move through the area as well as the suitable habitat that currently exists within the gardens on either side of the site and along the road side.

1 Introduction

Wild Surveys Ltd was commissioned by James Houston Architects to undertake a bat (*Chiroptera sp.*), badger (*Meles meles*), otter (*Lutra lutra*) and water vole (*Arvicola terrestris*) and red squirrel (*Sciurus vulgaris*) survey at the proposed Colintraive Retreat, Colintraive, Argyll and Bute, national grid reference NS036742, to identify any field signs of the above protected species or the potential for protected species to be on the site. This report presents the results of the survey carried out.

1.1 Legal and Environmental Context - bats

1.1.1 Bats are European protected species under the Habitats Directive 92/43/EEC, and are the subject of a UK wide Biodiversity Action Plan (BAP).

1.1.2 The Habitats Directive has been transposed into national laws by means of the *Conservation (Natural Habitats, &c.) Regulations 1994* (as amended). This is commonly known as the 'Habitats Regulations'.

1.1.3 The Habitats Regulations transpose the Habitats Directive to give bats, their breeding sites and resting places a high level of strict protection. In summary, it is a criminal offence (subject to certain specific exceptions) to deliberately or recklessly:

- capture or kill a bat;
- disturb a bat whilst in a place of shelter or rest; or
- damage or destroy a bat's breeding site or resting place.

1.1.4 For the purposes of development where a roost would be affected, a section 44 (Habitats Regulations) licence may be granted by the Scottish Government, if the following three tests are met:

- 1 that the licence application must demonstrably relate to one of the purposes specified in Regulation 44(2):
 - Preserving public health or public safety;
 - imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
 - preventing the spread of disease; or
 - preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property, or to fisheries.
- 2 that there is no satisfactory alternative; and
- 3 that the development will not be detrimental to maintaining the populations of the species at a favourable conservation status

1.1.5 The Scottish Biodiversity List includes bats amongst the species considered of principal importance for biodiversity in Scotland.

1.2 Legal and Environmental Context - badgers

1.2.1 Badgers are protected by the Protection of Badgers Act 1992 and further amended by the Nature Conservation (Scotland) Act 2004 (NC(S) A 2004).

1.2.2 The purpose of the Act is to protect the animals from deliberate cruelty and from the incidental effect of lawful activities which could cause them harm. Under this legislation it is an offence to deliberately or recklessly:

- kill, injure, take, possess or cruelly ill-treat a badger or attempt to do so;

- Interfere with a sett by damaging or destroying it;
- Obstruct access to, or any entrance of, a badger sett; or
- Disturb a badger when it is occupying a sett.

1.3 Legal and Environmental Context - otters

1.3.1 Otters are protected under European law, in annexes II and IV of the EC Directive (92/43) The Conservation of Natural Habitats and of Wild Fauna and Flora (The Habitats Directive 1994). Under these regulations it is an offence to deliberately or recklessly:

- To capture, injure or kill a wild animal of a European protected species;
- To harass a wild animal or group of wild animals of a European protected species;
- To disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- To disturb such an animal while it is rearing or otherwise caring for its young;
- To obstruct access to a breeding site or resting place of such an animal, or otherwise to deny the animal use of the breeding site or resting place;
- To disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs;
- To disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young; or
- To damage or destroy a breeding site or resting place of such an animal

1.4 Legal and Environmental Context – water vole

1.4.1 The water vole is in sharp decline in the UK and is listed on Schedule 5 of the Wildlife and Countryside Act (1981) (as amended) in respect of section 9(4) only. This legislation makes it an offence to deliberately or recklessly:

- Damage;
- Destroy;
- Obstruct access to any structure or place used for shelter; or
- Disturb water voles while they are using such a place

1.5 Legal and Environmental Context – birds

1.5.1 All species of wild bird (with the exceptions of certain provisions outlined in Part 1 of the Wildlife and Countryside Act 1981, as amended) and their nests are protected under the Wildlife and Countryside Act 1981, as amended (WCA 1981). This makes it illegal to:

- Deliberately or recklessly kill, injure or take any wild bird;
- Deliberately or recklessly take, damage or destroy the nest of any wild bird while that nest is in use or being built; and
- Deliberately or recklessly take or destroy an egg of any wild bird.

1.6 Legal and Environmental Context – Red Squirrel

1.6.1 The red squirrel is protected by its inclusion on Schedules 5 and 6 of the Wildlife and Countryside Act 1981 as amended by the Nature Conservation Scotland Act 2004. The following provides a brief summary of the provision of this legislation, under which it is an offence to intentionally or recklessly

- **kill, injure or take any red squirrel;**
- **Have possession or control of any red squirrel, or any part of, or anything derived from a red squirrel unless it can be proven that it was obtained lawfully;**
- **Damage, destroy, or obstruct access to any structure or place used by a red squirrel for shelter or protection;**
- **Disturb a red squirrel while it is occupying a structure or place used for shelter or protection;**
- **Sell, offer or expose for sale, or have for the purpose of sale any red squirrel;**
- **Publish or cause to be published any advertisement likely to infer that squirrels can, or are intended to be bought or sold;and**
- **Use certain indiscriminate methods of taking red squirrels, such as snaring or poisoning.**

Red squirrels are also protected under the Wild Mammals (Protection) Act 1996 which makes it illegal to subject them to any wilful act of cruelty or abuse.

There is provision within the Act for some activities, that would be illegal, to be carried out under licence.

2 Methodology

2.1 Desk Study

- 2.1.1 A data search was undertaken by Wild Surveys to review information available within the public domain. The site location is shown in **Appendix 1**.
- 2.1.2 Information was gathered to identify the status of a number of protected species within 5km of the site for bats and within 2km of the site for badger, otter and water vole. The results can be found in **Appendix 7**.
- 2.1.3 The Local Biodiversity Action Plan, Local Bat Group, Scottish badgers and NBN Gateway Site were consulted with the results shown in section 3.
- 2.1.4 In addition a search using MAGIC, SNHi sitelink and the relevant Local Authority nature conservation sites was carried out to discover any statutory or non-statutory designated sites within 2km. These include:
- **Local Nature Reserve (LNR)**
 - **Local Authority designated site e.g. Site of Importance for Nature conservation (SINC)**
 - **Wildlife Nature Reserve (SWT, RSPB etc)**
 - **Site of Special Scientific Interest (SSSI)**
 - **Special Area for Conservation (SAC)**
 - **Special Protection Area (SPA)**
- 2.1.5 The results of the designated site search can also be seen in **Appendix 7**.

2.2 Tree Inspection for bats

- 2.2.1 The tree inspection carried out aimed to identify the following;
- **Roosts on the site**
 - **Potential for roosts**
 - **features that could potentially support bats**
 - **Any requirement for further survey work or for section 44 licensing**
- 2.2.2 Photographs of the trees inspected are shown in **Appendix 2**.
- 2.2.3 Trees were surveyed in accordance with the Bat Survey Guidelines (Bat Conservation Trust 2007).
- 2.2.4 The trees were inspected externally from the ground to identify: Signs of current bat use; signs of historical bat use; and the potential for use by bats. Torches, binoculars and an endoscope were used where necessary. The following field signs were searched for:
- **Bat droppings, for example, on bark or accumulated in a cavity**
 - **Rot holes, woodpecker holes, cracks, splits and loose bark**
 - **Polishing, scratching or staining resulting from bats entering or exiting a cavity**
 - **Live or dead bats**
 - **Any insect remains which may indicate feeding**

2.3 Habitat Assessment

- 2.3.1 The habitat assessment was carried out to establish the sites potential for supporting bats. Any suitable tree roosts, foraging areas and commuting habitat was recorded during the survey.

- 2.3.2 The habitat assessment was carried out in accordance with the Bat Survey Guidelines (Bat Conservation Trust 2007).

2.4 Field Survey for badgers

- 2.4.1 The field survey was carried out to establish the sites potential for supporting badgers. Any suitable foraging areas and commuting habitat were recorded during the survey.

- 2.4.2 The following field signs were searched for:

- Presence of holes with evidence of badgers such as footprints, discarded hairs etc
- Presence of dung pits or latrines
- Presence of well used runs with subsidiary evidence of badger activity; and
- Presence of other indications of badger activity such as signs of foraging, snuffle marks and footprints

- 2.4.3 Setts Classification is described as:

- **Main** – Several Holes with large spoil heaps and obvious paths emanating from and between sett entrances;
- **Annexe** – Normally less than 150m from main sett, comprising several holes. May not be in use all the time, even if main sett is very active;
- **Subsidiary** – Usually at least 50m from main sett with no obvious paths connecting to other setts; and
- **Outlier** – Little spoil outside holes. No obvious paths connecting to other sets and only used sporadically. May be used by foxes and rabbits.

2.5 Field Survey for otter

- 2.5.1 The field survey of all watercourses was carried out to establish the sites potential for supporting otters.

- 2.5.2 The following field signs were searched for:

- **Holts** – below ground resting places
- **Couches** – above ground resting places
- **Prints**; and
- **Sprints** – faeces used as territorial markers

2.6 Field Survey for water vole

- 2.6.1 The field survey of all watercourses was carried out to establish the sites potential for supporting water voles.

- 2.6.2 The following field signs were searched for:

- **Faeces** – recognisable by their size, shape and content, and (if not too dried out) also distinguishable from rat droppings by their smell;
- **Latrines** – Faeces are often deposited at discrete locations know as latrines;
- **Feeding stations** – food items are often brought to feeding stations along pathways and haul out platforms, recognizable by neat piles of chewed vegetation up to 10cm long;
- **Burrows** – appear as a series of holes along the waters edge distinguishable from rat burrows by size and position;
- **Lawns** – may appear as grazed areas around land holes;
- **Nests** – Where the water table is high, above ground woven nests may be found;
- **Footprints** – tracks may occur at the waters edge and lead into vegetation cover, may be distinguishable from rat by size; and

- **Runways in vegetation – Low tunnels pushed through vegetation near the waters edge, less obvious than rat runs**

2.7 Red Squirrel

2.7.1 A non-invasive survey method will be used consisting of a visual survey of the trees within the proposed development site. The site will be walked during which a visual inspection of the trees will be carried out, looking for field signs such as:

- **dreys (commonly found in the forks of trees);and**
- **feeding activity.**

2.8 Birds and other notable species including invasive species of plant

2.8.1 Whilst this survey is only for bats and badger, evidence of other notable species including birds and plants will be recorded. This will include recording:

- **Nesting birds observed**
- **Field signs/sightings of notable birds species such as barn owl**
- **Notable plants (rare, threatened or locally significant)**
- **Invasive plant species i.e. giant hogweed, Japanese knotweed and Himalayan balsam**

2.9 Seasonal and Physical Limitations

2.9.1 Seasonal limitations for bat surveying

2.9.2 This survey was carried out during the active period for bats. No emergence or re-entry surveys were carried out due to there being no buildings on site and a low number of trees that are being removed. The trees were inspected from the ground for features that could support bats. If any features were present then the trees would be climbed and the features checked.

2.9.3 Bats use buildings and trees throughout the year and most importantly in spring and summer they set up maternity roosts. This is when the females come together to have their young and wean them before dispersing to other roost sites. Maternity roosts are difficult to detect out with this time however these maternity roosts are vital in maintaining populations.

2.9.4 Seasonal limitations for badger surveying

Badger surveys can be carried out at any time of the year. However during November to March when the vegetation has died back is the optimum time as signs can be more easily seen. However the site was able to be surveyed fully as the vegetation did not prevent a thorough search being carried out.

2.9.5 Seasonal limitations for otter surveying

Otters can be surveyed for at any time of year. Good practice would be to leave at least two dry days before surveying a water course as heavy rain can wash away evidence of spraint. The water course running through the site is small and narrow. Prominent features and the banks of the water course observed.

2.9.6 Seasonal limitations for water vole surveying

Although water voles do not hibernate they are not very active above ground during the winter, therefore surveys are best carried out between March and October. However an assessment of bank suitability can be made out with the active season

2.9.7 Physical

There were no limitations to carrying out the survey within the site boundary. Due to the adjacent properties being privately owned, the survey did not extend to within their boundaries. The shoreline was surveyed beyond the site boundary for 50m east and west.

3 Results

3.1 Desk Study

From the desk study it is clear that the species known to occur in Colintraive and the region are as follows:

- Common pipistrelle (*Pipistrellus pipistrellus*) - common, widespread

From the desk study the following has been established:

Badger	Present within the 10km grid square
Otter	Present within the 10km grid square
Water vole	Present within the 10km grid square
Red Squirrel	Present within the 10km grid square

- 3.1.1 The Local Biodiversity Action Plan has Species Action Plans (SAP's) for bats, otter, red squirrel, wild cat and water vole.
- 3.1.2 Local Bat Group (still to receive information)
- 3.1.3 Scottish badgers have no records for the area. Full results can be seen within **Appendix 7**.
- 3.1.4 A search of the NBN provided records of badger, otter, red squirrel and water vole. No records were returned for the site itself. The closest record received was for red squirrel approximately 200m from the site.
- 3.1.5 A search for designated sites has revealed that the nearest statutory designated site is the North End of Bute SSSI. The results of the designated site search can be seen in **Appendix 7**.

3.2 Tree Inspection for bats

- 3.2.1 There are approximately 12 mature trees proposed to be removed for the development. The species included are beech (*Fagus sylvatica*), ash (*Fraxinus excelsior*), alder (*Alnus glutinosa*), oak (*Quercus* sp) and rowan (*Sorbus aucuparia*). There is also self seeded oak and rowan over the site.
- 3.2.2 All of the trees identified for removal were inspected for features that could support roosting bats. Only one of the mature beech trees and a mature ash tree had cavities present, which were inspected. No field signs of bats were found during the inspection. The remaining trees had no suitable features for roosting.

3.3 Habitat Assessment

- 3.3.1 The initial walkover assessment identified much of the habitat on site as being suitable for foraging bat, badger, otter and nesting birds.

3.4 Field Survey for badgers

- 3.4.1 The initial walkover assessment of the site identified the site as having potential for badger.
- 3.4.2 No field signs to indicate that badger are using the site were found.

3.5 Field Survey for otters

- 3.5.1 The initial walkover assessment of the site identified the site as having potential for otter.
- 3.5.2 No field signs were found to indicate that otter are currently using the site, however it is highly likely that otter will use the burn and the shoreline for foraging and commuting.

3.6 Field Survey for water vole

- 3.6.1 The initial walkover assessment of the site identified the burn as being unsuitable within the site due to the stony bottom, fast flowing water and steep sided banks with limited vegetation.

3.7 Field Survey for red squirrel

- 3.7.1 The walkover assessment of the site did not observe any signs of squirrel dreys within the trees. No current signs of feeding were found on the site. The habitat and tree species on site are not the preferred habitat for red squirrels, however they may come onto the site to forage or commute through the site.
- 3.7.2 There are several records for red squirrel in the area and in addition to this, the author observed a red squirrel on the road less than 100m from the site.

3.8 Birds and other notable species including invasive species of plant

- 3.8.1 Although a nesting bird survey was not carried out, any nests that were observed during the survey would have been recorded. During the survey no nesting birds were observed within the trees. There is potential for nesting birds to use the vegetation on site for nesting.
- 3.8.2 The walkover assessment of the site identified a small area of Japanese knotweed (*Japonica sp*) approximately 1x1m on the southern edge of the site at the shoreline (NS0360 7425). As it was early on in the growing season, the plant was not fully grown, therefore the area may be larger than recorded. A full invasive plant survey was not undertaken.

4 Conclusions and Recommendations

4.1 Conclusions

- 4.1.1 There are no roost records for the site and the trees on site currently have no potential for roosting bats. There is potential for bats to use the site to commute and forage. The removal of the selected trees within the site would not prevent bats from foraging or commuting within or along the boundaries of the site.
- 4.1.2 No field signs of badger activity were found within the site.
- 4.1.3 No field signs of otter were found on the survey site. There is the potential for otter to use the burn and shoreline for foraging and commuting and as this will not be altered as a result of the proposed development, the opportunity to use the burn and shoreline will still continue.
- 4.1.4 The water course had a very low potential for water vole due to the fast flowing water, stoney river bed and lack of suitable bankside vegetation. No field signs were found.
- 4.1.5 No field signs indicating red squirrel are using the site were found during the survey. Red squirrel may commute through or forage within the site as they are known to be present in the locality.
- 4.1.6 Although a nesting bird survey was not carried out, no nests were observed during the survey.
- 4.1.7 A small area, approximately 1x1sqm was recorded along the southern boundary at the shore line. The plant was only beginning to grow, therefore may spread to a larger area once fully grown. A full invasive plant survey was not carried out.

4.2 Recommendations

- 4.2.1 As bats are highly mobile it is recommended that a re-inspection of the trees is carried out if the tree removal on site has not taken place within six months of the date of this survey.
- 4.2.2 All contractors should be made aware of the potential for bats and the legal protection that surrounds them prior to work beginning. Advice is given in **Appendix 3**.
- 4.2.3 **Protection of otter and badger during construction**
- 4.2.4 Although no field signs of otter or badger were found on site, there is still the potential for them to forage within or commute through the site, therefore best practice guidance during construction is listed below:
- 4.2.5
- A temporary ramp is placed in trenches over 0.5 metres deep in order to allow a potentially trapped otter to exit the trench
 - Site construction fencing should not interfere with the passage of otters through the riparian corridor
 - Lighting is directed away from the water course and that any lighting on the bridges or within 20 – 30 metres of the burn is low intensity lighting
 - Existing vegetation along the water courses should be retained wherever possible and following construction works, bare ground within the stand off should be planted with tree species of native and local provenance
- 4.2.6 All contractors should be made aware of the potential for otter and badger and the legal protection that surrounds them prior to work beginning. Advice is given in **Appendix 4 and 5**.
- 4.2.7 This survey is a baseline record of the site. As mammals, birds and plants are transient in nature, it

is recommended that if no work has taken place within 12 months of the date of this survey then the site should be reassessed prior to any work taking place to re-establish the baseline ecology.

4.2.8 Enhancement

Any amenity planting within the new site could have plants that are native, attractive to insects and would provide a potential food source for foraging bats and birds.

5 Contacts and References

5.1 Contacts

Scottish Natural Heritage
17 John Street
Dunoon
PA43 7JJ

Telephone 01369 705377
Web link www.snh.org.uk

5.2 References

UK-wide Biodiversity Action Plan
Web link www.ukbap.org.uk

The Scottish Biodiversity List
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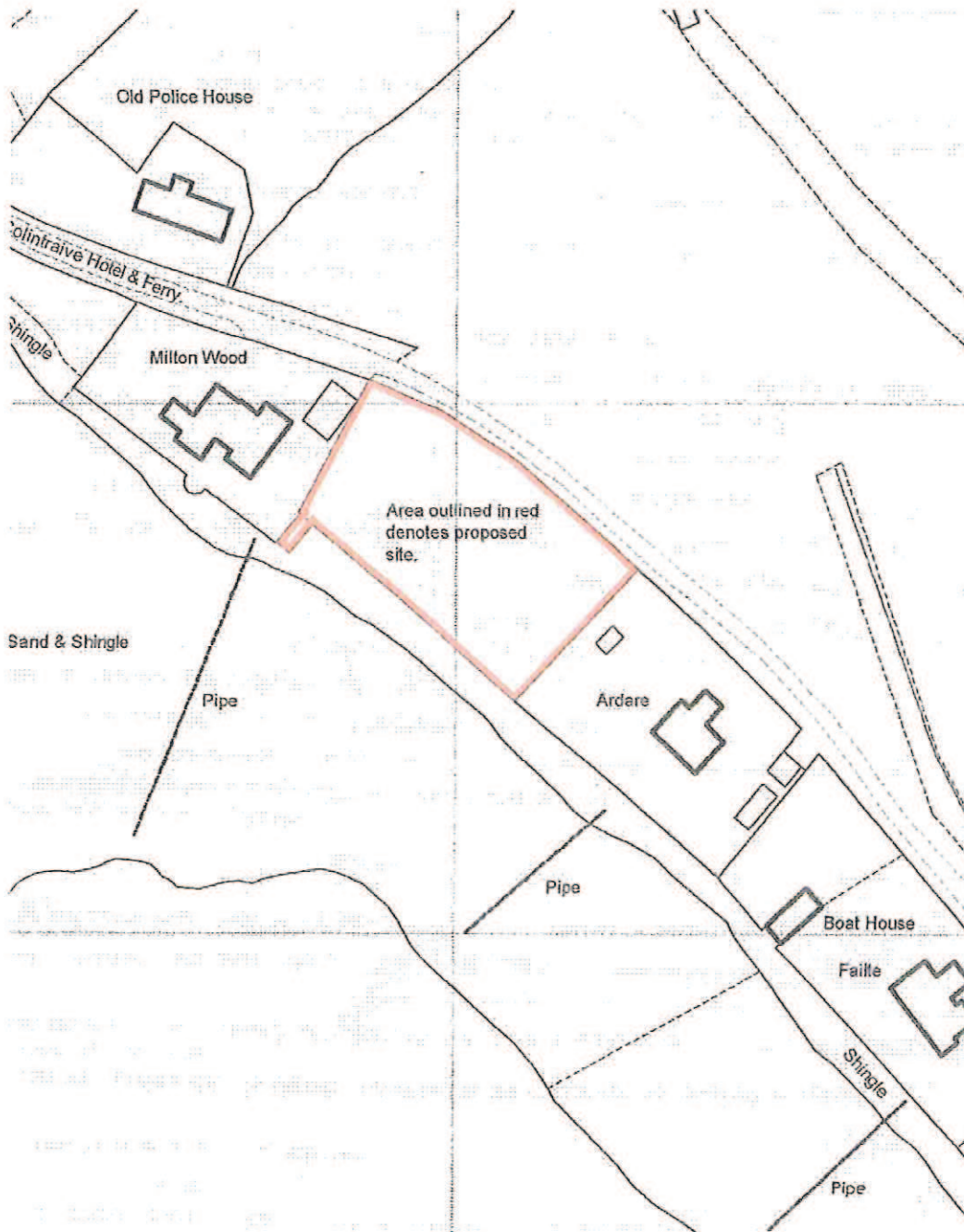
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Appendix 1 – Site Location



Appendix 2 – Photographs



View of the site from the north west corner



View of the water course

Appendix 3 – Bats and the Law

Bats are European protected species under Annex II and IV of the *Council Directive 92/43/EEC 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora* (EC Habitats Directive), and are the subject of a UK wide Biodiversity Action Plan (BAP).

They are fully protected under the *Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)* in Scotland, these are commonly known as the 'Habitats Regulations'.

Bats are included in Schedule 2 of the *Conservation (Natural Habitats, &c.) Regulations 1994* as amended in Scotland, sections 39-41 and 44-46A. This explanation is a guide, for further details please refer to the relevant sections.

The Regulations include provisions making it an offence to:

- deliberately or recklessly kill, injure or capture a bat
- deliberately or recklessly disturb roosting or hibernating bats
- deliberately or recklessly obstruct access to a bat roost
- damage or destroy a bat roost
- possess, control or transport a bat or any part of a bat
- sell or exchange a bat, or any part of a bat

Some activities affecting bats or their roosts may need to be done under and in accordance with the terms of a licence. Licences allow certain illegal actions to be undertaken legitimately. Such activities might include:

- blocking, filling or installing grilles over old mines or tunnels
- building, alteration or maintenance work
- getting rid of unwanted bat colonies
- removing hollow trees
- re-roofing
- remedial timber treatment
- rewiring or plumbing in roofs; and
- treatment of wasps, bees or cluster flies
- demolition

Bats can potentially return to the same roost every year, therefore bat roosts are protected even if there are no bats there all year round.

These laws are not designed to prevent work but to minimize its impact on the long-term survival of bats.

If bats are found:

All work must cease immediately and SNH contacted for advice.

Before any further work can commence a Section 44 Licence from the Scottish Government may be required.

Appendix 4 – Badger and the Law

Badgers are protected by the Protection of Badgers Act 1992 and further amended by the Nature Conservation (Scotland) Act 2004 (NC(S) A 2004).

The purpose of the Act is to protect the animals from deliberate cruelty and from the incidental effect of lawful activities which could cause them harm. Under this legislation it is an offence to deliberately or recklessly:

- kill, injure, take, possess or cruelly ill-treat a badger or attempt to do so;
- Interfere with a sett by damaging or destroying it;
- Obstruct access to, or any entrance of, a badger sett; or
- Disturb a badger when it is occupying a sett.

Protection of foraging badger during construction

The following methods must be undertaken to protect foraging badger as badger will continue to use established badger paths even when construction has started:

- Trenches or other excavations over 0.5 m in depth should be covered at the end of the working day or an escape ramp provided;
- Any open pipes should be capped to prevent badgers gaining access;
- Badger gates should be installed in perimeter fencing or the fence raised approximately 20cm from the ground to allow passage of badger; and
- All excavations and pipe systems should be checked at the start of the working day to confirm absence of badger.

If a badger is found during the period of development:

Contact SNH immediately for advice.

Appendix 5 – Otter and the Law

Otters are protected under European law, in annexes II and IV of the EC Directive (92/43)

The Conservation of Natural Habitats and of Wild Fauna and Flora (The Habitats Directive 1994). Under these regulations it is an offence to deliberately or recklessly:

- To capture, injure or kill a wild animal of a European protected species;
- To harass a wild animal or group of wild animals of a European protected species;
- To disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- To disturb such an animal while it is rearing or otherwise caring for its young;
- To obstruct access to a breeding site or resting place of such an animal, or otherwise to deny the animal use of the breeding site or resting place;
- To disturb such an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs;
- To disturb such an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young; or
- To damage or destroy a breeding site or resting place of such an animal

Protection of otter during construction

The following methods must be undertaken to protect otters as they will continue to use the water course even when construction has started:

- A temporary ramp is placed in trenches over 0.5 meters deep in order to allow a potentially trapped otter to exit the trench
- Site construction fencing should not interfere with the passage of otters through the riparian corridor
- Lighting is directed away from the water course and that any lighting on the bridges or within 20 – 30 meters of the burn is low intensity lighting
- Existing vegetation along the water courses should be retained wherever possible and following construction works, bare ground within the stand off should be planted with tree species of native and local provenance

If an otter is found during the period of development:

Contact SNH immediately for advice.

Appendix 6 – Birds and the Law

All species of wild bird and their nests are protected under the Wildlife and Countryside Act 1981.

This makes it illegal to:

- Deliberately or recklessly kill, injure or take any wild bird;
- Deliberately or recklessly take, damage or destroy the nest of any wild bird while that nest is in use or being built;
and
- Deliberately or recklessly take or destroy an egg of any wild bird

There are also further penalties for birds listed on Schedule 1 of the Act.

If live nests are found:

All work must cease immediately and SNH contacted for advice.

Appendix 7 – Data Searches

Location	Northwest of Ardare Colintraive	Grid	NS035743	Date of Search	16/05/11
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NBN				
Protected species	No of Records within 2km	Approx distance in KM	Site name/Grid Ref	Date
Badger	Present in 10km Square		NS07	1960-1994
Otter	6x100m squares	1.84	Allt Gleckavoil Balnakailly NS022744	1978/84/91
	Present in 10km	1.3		1978/84/91
Water vole	Present		Bute/ Site name not Available	1736/1959
Red squirrel	20x100m square	1.04	Colintraive NS032756	1998
		1.71	NS052745	1905
		1.2	Close to Dundarrach NS027752	2006
		0.2	Milton Wood Colintraive NS035745	2006
		0.2	Milton Wood Colintraive NS035745	2007
		0.2	Milton Wood Colintraive NS035745	2007
		0.2	Milton Wood Colintraive NS035745	2007
		0.64	Failte Colintraive NS039738	2007
		0.2	Colintraive NS037741	2007
		1.98	Colintraive NS048728	2007
		0.57	Colintraive NS039739	2007
		0.14	Colintraive NS036742	2007
		0.14	Colintraive NS036744	2007
		0.22	Colintraive NS037742	2007
		1.44	Colintraive NS047735	2007
		0.71	Colintraive NS040738	2007
1.91	Colintraive NS048729	2007		
0.14	Colintraive NS036744	2007		
0.14	Colintraive NS036744	2007		
Great crested newt	None			

Bat Species	No of Records within 5km	Approx distance in KM	Site name/Grid Ref	Date
Chiroptera sp	None			
Myotis sp	None			
Daubenton's	None			
Plecotus sp	None			
Brown long eared	None			
Natterer's	None			
Noctule	None			
Pipistrelle sp	None			
Common pipistrelle	Present in 10km square		NS07	1960-1994
Soprano pipistrelle	None			
Nathusius pipistrelle	None			
Cowal Bat Group	No of Records within 5km	Approx distance in KM	Site name/Grid Ref	Date
Scottish Badgers				
Site Name	Record description	Approx distance in KM	Grid Ref	Date

Designated Site Search- Statutory, Non Statutory and Local Nature Reserves within 2km		
Site Name/Grid Ref	Status	Approx distance in KM
NorthEnd of Bute	Sites of Special Scientific Interest	1.2
Kyles of Bute	National Scenic Area	0
Ruel Estuary	Sites of Special Scientific Interest	4.7

Argyll and Bute Biodiversity Action Plan

Species Action Plans are in place for the following: Bats (*Chiroptera*), Brown Hare (*Lepus europaeus*), Otter (*Lutra lutra*), Red Squirrel (*Sciurus vulgaris*), Water Vole (*Arvicola amphibious*) and Wild Cat (*Felis silvestris*)

Ian Hutchison
Species Protection Officer
13, Eddie Avenue
Brechin
DD9 6YD

Tel. 01356 624851
Mob. 07866 844232
Email ian@scottishbadgers.org.uk
www.scottishbadgers.org.uk



Wild Surveys Ltd
Room 125
St James Business Centre
Linwood Road
Paisley
PA3 3AT

22nd June. 2011

Badger Data – Colintraive

Dear Morna

Thank you for contacting Scottish Badgers regarding the above study. I have carried out a data search centred on National Grid Square NS 03 74.

0176	0276	0376	0476	0576
0175	0275	0375	0475	0575
0174	0274	0374	0474	0574
0173	0273	0373	0473	0573
0172	0272	0372	0472	0572

On this occasion I found no records relating to either road kills or badger setts. In fact I do not appear to have any records for badgers on the Cowal Peninsula at all apart from one RTA on the A815 near Clachan Strachur some 18.5 miles north of your target area. I suspect that the lack of records is more about under recording rather than a complete lack of badgers the habitat being suitable and similar to other areas where badgers are present.

I would therefore recommend that a survey be carried out to confirm the presence or absence of badgers from the proposed site.

Yours truly,
By Email
Ian Hutchison

Milton House, Milton Avenue, Dunoon, PA23 7DU
Tel: (01369) 708606 or 708607
Fax: (01369) 708609

Date: 1st July 2011

Our Ref: SG/10/02077/PP
Contact: Steven Gove
Direct Line: (01369) 708603

Marina Curran-Colthart
Local Biodiversity Officer
Planning and Regulatory Services
Kilbowie House
Gallanach road
Oban
Argyll
PA34 4PF

Dear Marina

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING APPLICATION 10/02077/PP
ERECTION OF DWELLINGHOUSE
LAND WEST OF ARDARE, COLINTRAVE**

You may recall that we had correspondence earlier this year in respect of the above application. You sent me your comments in your letter dated 16th March 2011, the conclusion of which was the following:

"The impact of this development does not support LP ENV 2 – Impact on Biodiversity which I would deem to have a negative impact due to loss of important trees which are subject to a Tree Preservation Order and the unacceptable impact on European Protected Species and species of local interest".

I relayed your report to the agent for the application, Mr James Houston, and he elected to employ a consultant, Wild Surveys Ltd, to carry out an investigation into the site. I have recently received the report from Wild Surveys Ltd, together with letters/comments from both Mr Houston and the applicant, Mr Nicholas Staunton. I have enclosed a copy of this newly-submitted information and would be extremely grateful if you could examine its contents and provide your comments.

I look forward to hearing from you. Please do not hesitate to contact me should you wish to discuss matters.

Yours sincerely

Planning Officer
Development Management

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Gove, Steven

From: Gove, Steven
Sent: 19 July 2011 11:44
To: Curran-Colthart, Marina
Subject: RE: re SG/10/02077/PP

Hi Marina,

Many thanks for your comments. I shall liaise with Alison in respect of the TPO.

Kind regards,

Steven

From: Curran-Colthart, Marina
Sent: 19 July 2011 11:31
To: Gove, Steven
Subject: re SG/10/02077/PP

Dear Steven,

Thank you for the Ecological report for the proposed dwelling on the land west of Ardare. I have studied the report and I am satisfied that what is proposed in terms of the footprint of the building and access will not compromise the biodiversity of the site provided the woodland integrity is maintained .


In terms of the Tree Preservation Order, I suggest you liaise with Alison McIlroy who is the responsible officer. Best regards

Marina.

Marina Curran-Colthart
Local Biodiversity Officer,
Argyll and Bute Council.
Development and Infrastructure,
Municipal Buildings,
Albany Street,
Oban,
Argyll, PA34 4AW

t: 01631 567900 ext 2191
e: marina.curran-colthart@argyll-bute.gov.uk
w: www.argyll-bute.gov.uk

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 Please don't print this e-mail unless you really need to.

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Houston Architects

From: Gove, Steven [Steven.Gove@argyll-bute.gov.uk]
Sent: 28 September 2011 12:12
To: 'mail@houstonarchitects.co.uk'
Subject: Erection of Dwewllinghouse, Land North West of Ardare, Colintraive (ref: 10/02077/PP)

FOR THE ATTENTION OF MR JAMES HOUSTON

Dear Jimmy,

I refer to our conversation last week in respect of the above application.

On 23rd June 2011, you submitted an ecological report from Wild Surveys Ltd together with you and your client's response to the various points raised by the objectors. The ecological report was passed onto the Council's Local Biodiversity Officer and she has subsequently commented that, having studied the report, she is "*satisfied that what is proposed in terms of the footprint of the building and access will not compromise the biodiversity of the site provided the woodland integrity is maintained*".

As intimated in my letter to you dated 21st March 2011, the site is located within a Tree Preservation Order (TPO) that was conferred on 7th November 1992. Policy LP ENV 7 of the Argyll and Bute Local Plan 2009 seeks to resist development that would be likely to have an adverse impact on trees and this would be of particular significance when the said trees were protected by a TPO. The present application identifies the removal of 7 mature trees and, whilst information indicates that this would be approximately 19% of the total number of mature trees within the site, due regard must be paid to the fact that the trees which would be lost are covered by a TPO.

In summary, therefore, whilst the species issue may have been addressed through the submission of the report from Wild Surveys Ltd, the Department has significant concerns regarding the tree removal. I understand that you may wish to consult with your client and I would be grateful for your response to the foregoing comments. If you consider that a meeting would be useful (either in my office in Dunoon or at the site), I could make myself available at a mutually convenient date and time.

I look forward to hearing from you.

Regards,

Steven

Planning Officer (Bute and Cowal)
Development Management
Planning & Regulatory Services
Argyll and Bute Council

t: 01369 708603

e: steven.gove@argyll-bute.gov.uk

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JAMES HOUSTON
Architect



• 2 Schoolwynd, Kilbirnie, Ayrshire KA25 7AY Telephone [REDACTED]

Staunton-1246-038

DOC JB 30

Steven Gove
Planning Services
Argyll & Bute Council
4 Milton Avenue
Dunoon
PA23 7DU

16th November 2011

Dear Mr Gove,

**House at Colintrave.
Planning Ref: 10/02077/PP**

I refer to our recent correspondence and confirm the arrangement to meet on site at 12 noon on Wednesday 23rd November 2011. I understand that Alison McIlroy will also be in attendance to discuss the TPO situation.

Yours sincerely

[REDACTED]

James B.G. Houston

c.c. to Mr Staunton

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PROPOSED HOUSE AT COLINTRAIVE

Memo of meeting on site at Colintrave held 12.00hrs Wednesday 23rd November 2011

Present: Steven Gove Argyll & Bute Planning
 Alison Mclroy Argyll & Bute
 Mr James Houston Architect

Weather: Heavy rain, becoming light.

1. Mr Houston handed over copies of the Topographical Survey of the site showing which trees would be affected by the proposed new house. The survey was carried out by Kennedy Surveys, Saltcoats (Tel: 07801 076 495). They have confirmed that the main trees shown on the plan were accurately plotted.
2. Mr Houston confirmed that his client was determined to ensure that his new family home would be achieved with the minimum loss of trees.
3. It was confirmed that whatever number of tree had to be removed (probably 7 or 8) they would be replaced by at least the same number of new healthy standards of native species.
4. Alison Mclroy examined the condition of the site with particular reference to the trees and the existence of Ponticum. She was of the opinion that one of the larger Beech trees proposed for removal, near the centre of the site, could soon become unstable and would have to be removed anyway.
5. It was explained that while the majority of mature trees were Beech, it was not essential that all replacements be of the same species. For example the introduction of some Rowan would be appropriate.
6. Alison was concerned about the presence of the Ponticum and it was agreed that these plants would be eradicated.
7. Alison expressed the view that management of the remaining trees and any new planting would be important.
8. Mr Houston confirmed that the proposal was not speculative but very much a family project on the land which our client inherited from his mother. Consequently, there is a strong personal wish to maintain or improve the overall condition of the site.
9. While perhaps not relevant to the Environmental effects of the project, Mr Houston expressed his view that employment of local tradesmen was also important at this time.
10. Mr Houston thanked Steven and Alison for attending and hoped that a positive response would result.

28th November 2011

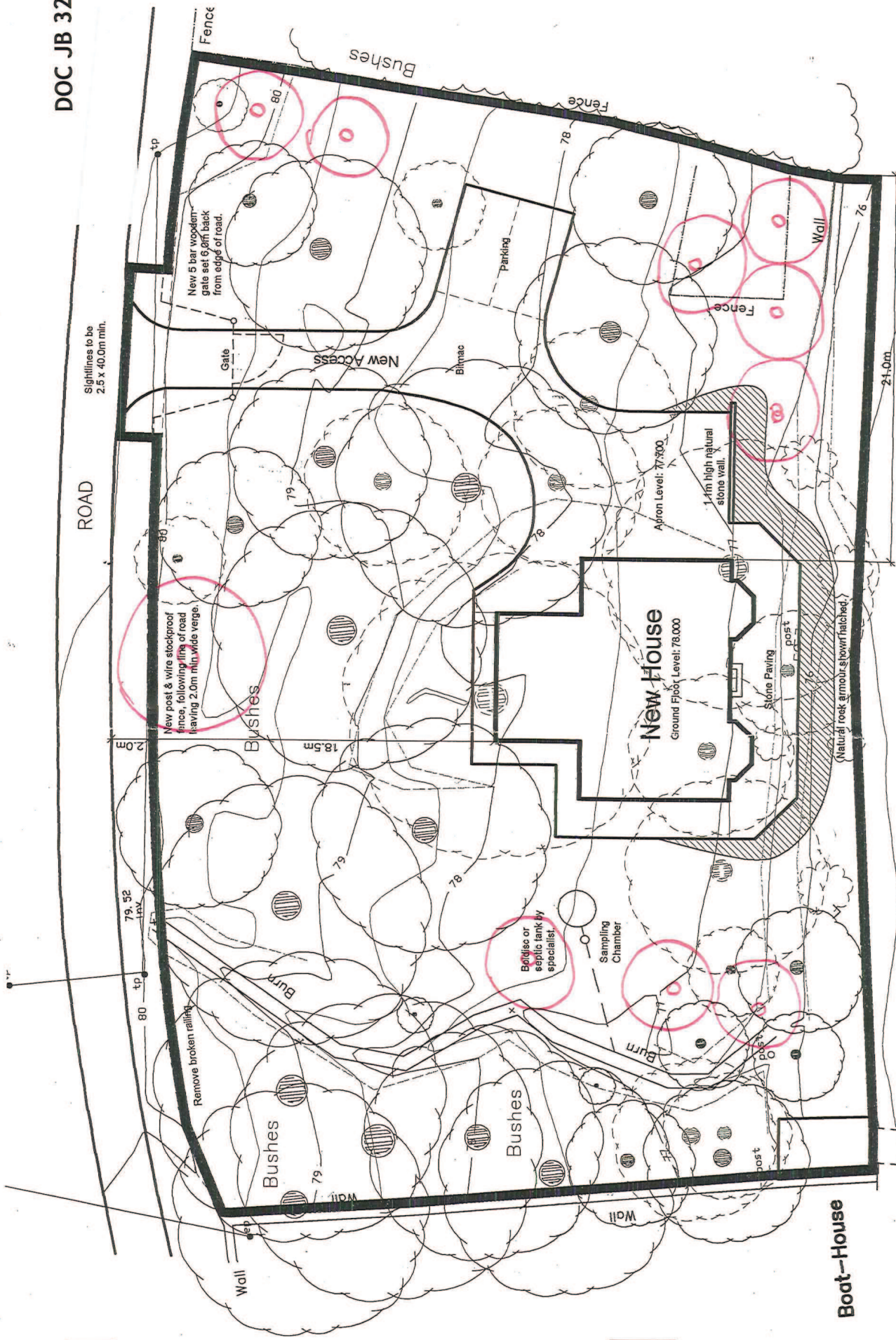
James Houston Architects
 2 Schoolwynd
 Kilbimie
 KA25 7AY

c.c. Mr Staunton
 Mr Steven Gove (x 2)
 Elaine Hamilton
 File

Client
 Argyll & Bute Planning
 Client Planning Consultant

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DOC JB 32



Note:
All trees to be removed shown dashed.



HOUSE (gable)

Note:
Biodisc or septic tank by specialist to comply with SEPA standards. Outfall to burn.

Rev. B Full drawings referred to suit Planning Department. 14/01/11
Rev. A Outline added to suit Planning Department. 18/12/10

Scale 1:200
Date 30th Nov. 10
124G - SP2 B

JAMES HOUSTON
Architects



2, Schoolwynd, Kilbirnie, Ayrshire, KA25 7AY
Tel: 01505 682203 E-mail: mail@joustonarchitects.co.uk

Mr N. Staunton
Proposed New House
Colintraive Retreat, Colintraive.

Site Plan as Proposed

Drwg. Title
Drwg. No.
Date

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Gove, Steven

From: Mclroy, Alison
Sent: 24 November 2011 13:00
To: Gove, Steven
Subject: potential development site Colintrave.
Attachments: BS 3939 nursery stock.TIF; BS5837_2005.pdf

The site consists of some mature *Fagus sylvatica* (beech), *Fraxinus excelsior* (ash) and assorted *Alnus* and *pPrunus avium* (alder and flowering cherry)

The site agent identified the trees to be removed to allow development on the site. This amounted to 6 *Fagus*, 3 *Fraxinus* and *Alnus*.

Retained site are a number of *Fagus* and *Fraxinus* along with assorted *Alnus* and *pPrunus* with an understorey of *Rh ponticum*. The site has not been managed as a woodland, this is apparent from the presence of some dead specimens along with significant *Rh ponticum* growth and a number of unsafe other large specimens.

Alnus on site is assumed to have been self-seeded along the water margins – this being a species drawn to damp soil condition where it will tolerate very poor conditions.

The proposed removal of some trees on site will allow for the replanting of younger specimens which will assist in the longevity of the wood cover.

In the wider context tree cover is generally good in the immediate area and management of this portion will not result in the overall deforestation of the wider area.

A replant of at least 12 trees of standard size using BS 3936 as guidance.

Recommendations made in BS 5837 SHOULD BE put in place to protect trees remaining on site during construction particularly at access point from main road.

The area of trees adjacent to the road will be retained and care should be taken during construction to ensure these are protected from damage, compression of rootball area by material being dumped around them, excavations for services and other construction elements.

Steve
Hope this is sufficient.
Alison

Alison Mclroy
SERVICE OFFICER GROUNDS AND HORTICULTURE
ROADS AND AMENITY SERVICES
DEVELOPMENT AND INFRASTRUCTURE
MANSE BRAE
LOCHGILPHEAD
PA31 8RD
alison.mcilroy@argyll-bute.gov.uk
01546 604690
07795968786
www.argyll-bute.gov.uk

BRITISH STANDARD

BS 3936 :

Part 1

BRITISH STANDARD

BS 3936 :

Part 1 : 1992

Nursery stock

Part 1. Specification for trees and shrubs

Produits de pépinière
Partie 1. Spécification des arbres et
arbrisseaux

Gärtnererzeugnisse
Teil 1. Spezifikation für Bäume und Sträucher

NOTE 2. Periods (in years) for different styles are given by + for transplanting and u for undercutting.

Examples

1+0	≈	1 year old seedling	1u1	≈	2 years in seedbed, undercut after 1 year (2 year old seedling)
2+0	≈	2 year old seedling	2u2	≈	4 years in seedbed, undercut after 2 years (4 year old seedling)
1+1	≈	1 year in seed bed, 1 year transplanted (2 year old seedling)	0+1	≈	1 year old cutting
1+2	≈	1 year in seed bed, 2 years transplanted (3 year old seedling)	0+2	≈	2 year old cutting
2+1	≈	2 years in seed bed, 1 year transplanted (3 year old seedling)	0+1+1	≈	1 year cutting bed, 1 year transplanted (2 year old seedling)
			0+1+2	≈	1 year cutting bed, 2 years transplanted (3 year old seedling)

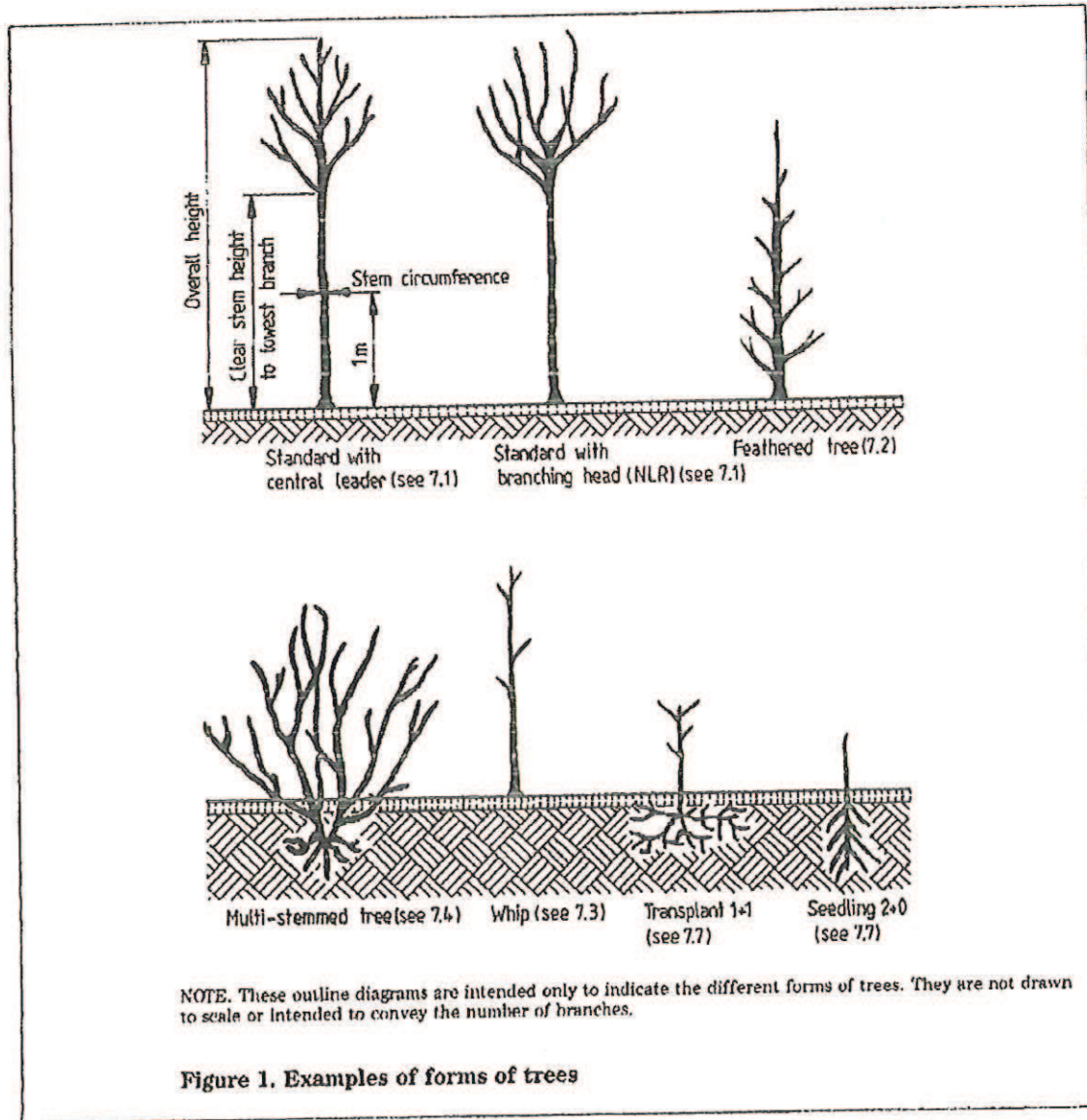


Figure 1. Examples of forms of trees

BS 3936 : Part 1 : 1992

Table 1. Dimensions of trees				
Form	Girth (stem circumference) 1 m from ground	Overall height from the ground (other than top worked weeping standards)	Clear stem height from ground to lowest branch	Container size (if used)
Seedlings, cuttings and transplants	cm	10 to 15	—	L ₁
		15 to 20	—	
		20 to 25	—	
		25 to 30	—	
		30 to 40	—	
		40 to 50	—	
		50 to 60	—	
		60 to 80	—	
		80 to 100	—	
		100 to 125 or any combinations of above according to species and age	—	
Whips	—	100 to 125	—	
	—	125 to 150	—	
	—	150 to 175	—	
	—	175 to 200	—	
	—	over 200	—	
Feathered trees	—	125 to 150	—	—
	—	150 to 175	—	—
	—	175 to 200	—	10
	—	200 to 250	—	10
	6 to 8	250 to 300	—	15
	8 to 10	250 to 300	—	15
10 to 12	over 300	—	15	
Standard trees:				
Half	4 to 6	175 to 250	125 to 150	10
Extra light	4 to 6	200 to 250	150 to 175	15
Light	6 to 8	250 to 300	150 to 175	15
Standard	8 to 10	250 to 300	175 to 200	15
Selected	10 to 12	300 to 350	175 to 200	25
Heavy	12 to 14	350 min.	175 to 200	35
Extra heavy	14 to 16	350 min.	175 to 200	35
NOTE 1. The criteria normally used for tendering and ordering are:				
for seedlings and transplants: age, treatment (see notes to 7.7) and overall height				
for whips: overall height				
for feathered trees: overall height				
for standard trees: girth (stem circumference)				
NOTE 2. The information given in this table differs from that given in BS 3936 : Parts 4 and 5.				

Houston Architects

DOC JB 34

From: Gove, Steven [Steven.Gove@argyll-bute.gov.uk]
Sent: 03 February 2012 16:31
To: 'mail@houstonarchitects.co.uk'
Subject: Dwelling, NW of Ardare, Colintrave (ref: 10/02077/PP)

Dear Jimmy,

Latest update on this application is that the report is currently with David Eaglesham, Area Team Leader. Once he has perused the report, I shall let you know what the decision is.

Regards,

Steven

Planning Officer (Bute and Cowal)
Development Management
Planning & Regulatory Services
Argyll and Bute Council

t: 01369 708603

e: steven.gove@argyll-bute.gov.uk

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Houston Architects

From: Gove, Steven [Steven.Gove@argyll-bute.gov.uk]
Sent: 10 February 2012 10:43
To: 'mail@houstonarchitects.co.uk'
Subject: Dwellinghouse, North West of Ardare, Colintrave (ref: 10/02077/PP)

Dear Jimmy,

I refer to our telephone conversation yesterday in respect of the above application.

I can advise that the Department is minded to refuse the application on the following grounds:

- The site is located within land designated as 'Countryside Around Settlement' in the Argyll and Bute Local Plan 2009. In the justification for Policy LP HOU 1 of the Plan, the issue of housing development within 'Countryside Around Settlement' is discussed. There is support in principle for small-scale housing on infill, rounding-off, change of use of building and redevelopment sites provided that this does not result in undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development.

In the case of your particular site, it is considered that a dwellinghouse would result in an extension of the established settlement boundary (which finishes at the property known as Milton Wood immediately to the north west) and would also extend the ribbon development along this part of the shore. For these reasons, the proposal would be contrary to Policy LP HOU 1, LP ENV 9 (Impact on National Scenic Areas) and LP ENV 19 (Development Setting, Layout and Design).

- Policy LP ENV 7 of the Local Plan relates to the impact of development upon trees and woodland. The site is covered by a Tree Preservation Order and it is considered that the erection of a dwellinghouse would impact adversely upon the wooded nature of the land which acts as a natural buffer between Milton Wood and Ardare. There is also concern that, if a dwellinghouse were to be approved, there would be pressure in the future to fell more trees within the site than is presently proposed thereby further eroding the wooded character.

These would be the principal reasons for refusal. At this moment in time, I would be grateful for your clarification as to how you and your client wish to proceed. In particular, I would ask whether you wish the application to be withdrawn or determined as submitted. If you wish to pursue the latter route, I would be grateful if you could provide any supporting information by the end of February 2012. If you do not wish to submit further information, I would ask that you confirm this as soon as possible to enable the application to be determined.

I look forward to hearing from you as soon as possible.

Regards,

Steven

Planning Officer (Bute and Cowal)
Development Management
Planning & Regulatory Services
Argyll and Bute Council

t: 01369 708603

e: steven.gove@argyll-bute.gov.uk

<http://www.argyll-bute.gov.uk>

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James Barr

Our Ref: EH/P
Your Ref: 10/02077/PP

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tel: +44 (0)141 300 8000
fax: +44 (0)141 300 8001

www.jamesbarr.co.uk

F.A.O. Steven Gove
Planning Officer (Bute & Cowal)
Argyll & Bute Council
Development Management
Milton House
Milton Avenue
DUNOON
PA23 7DU

DOC JB 36

21 February 2012

Dear Mr. Gove,

ERECTION OF DWELLINGHOUSE, LAND ADJACENT TO ARDARE, COLINTRAIVE - 10/02077/PP

I have been asked to contact you on behalf of Mr. James Houston of Houston Architects regarding the current application, as identified above, for the proposed dwellinghouse at Colintraive, and recent correspondence with yourself noting your intention to refuse this application.

I wish to take this opportunity to raise concerns with the proposed reasons for refusal that have been promoted to justify the refusal of planning permission in this instance, and comment on them as follows:

1. This proposal is contrary to Policy HOU 1, ENV 9 and ENV 19 in that it would result in the extension of an existing settlement boundary and extend ribbon development along the shore.

We believe that the Council's assumption that the proposed development of a dwelling house on land adjacent to Ardare would cause extension of the existing settlement boundary and extend ribbon development is unfounded.

The proposed development is an infill site, with existing residential properties bounding to the east and west, both within and beyond the designated settlement boundary identified in the Argyll & Bute Local Plan for Colintraive. The Argyll & Bute Local Plan states that infill development can be defined as being new development on land between existing buildings, and that housing development on an infill site in the countryside is supported in principle.

The Proposals Map for Colintraive sets out a restricted settlement boundary that only covers some of the existing residential premises within the wider local area. In relation to the proposed development site, the site sits between two existing residential premises within an area which boasts housing along the coastline. The settlement boundary promoted by Argyll & Bute Council ends to the immediate west of the site, however, beyond this site to the east there are numerous residential properties which are designated within a countryside location.

The proposed development of a new dwelling house in this location would not cause the extension of the existing settlement boundary, as it is evident in the local plan that there are already a number of residential properties located outwith the designated settlement boundaries in this area.

In addition, the proposed development cannot further encourage or extend ribbon development along the coastline as it constitutes, as agreed by yourself, an infill site. Colintrave consists mainly of residential properties that extend along the coastline, with some included in the settlement boundary, and some outwith. The proposed development of an additional dwelling in this location would not set precedence for further expansion or ribbon development along the coastline, but merely utilise an infill site for a use appropriate in the surrounding area.

This is a sensitive development promoting a residential development proposal that takes full account of the location and setting of the site in the wider rural area of Colintrave.

As a site with existing residential properties on either side, there is no concern that this development would result in further expansion and development along the coastline or outwith the settlement boundary.

As identified in your letters of 25th May 2010 and 21st March 2011, this is purely and simply an infill development site with potential for residential development.

2. It is considered that the erection of a dwellinghouse would impact adversely upon the wooded nature of land which acts as a natural buffer between Milton Wood and Ardare, and that there may be pressure to fell more trees within the site than presently proposed, which would further erode the wooded character of the area.

I would like to take the opportunity to draw your attention to the response of Alison McIlroy of Argyll & Bute Council in relation to the proposed removal of trees on site. We wish to stress that there was no objection raised to the proposed removal of trees, and rather advice and guidance has been provided relating to replanting on the site. In addition, Ms. McIlroy has noted in her comments that there are specimens on site which should be removed.

Overall, Ms. McIlroy, a Service Officer for Grounds and Horticulture in Argyll and Bute Council, has stated that the proposed removal of some trees on site will allow for the replanting of younger specimens and this will assist in the longevity of wood cover. She also states that in the wider context tree cover is generally good in the immediate area and management of this portion will not result in the overall deforestation of the wider area (email to S. Gove dated 24 November 2011).

Presumptions appear to be made regarding future works that are not promoted as part of this proposal, and outwith the remit of the works promoted on site. As a Tree Preservation Order area, it is worthwhile noting that any additional tree works would require approval by Argyll and Bute Council, and therefore can be monitored accordingly.

There is no justification based on the information provided, and the response from Ms. McIlroy, that the proposed tree works and removal of trees on site are in any way detrimental to the overall site and character of the area and would be contrary to policy in order justify refusal in this instance.

We trust that the comments made in light of your recent correspondence will be given due consideration in the progression towards determination of this application.

I look forward to hearing your comments on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'E Hamilton'.

Elaine Hamilton MRTPI

Direct Dial: 0141 300 8007
E-mail: ehamilton@jamesbarr.co.uk

Enc
Cc: Houston Architects

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Argyll and Bute Council
Development and Infrastructure Services

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: 10/02077/PP

Planning Hierarchy: Local

Applicant: Mr Nicholas Staunton

Proposal: Erection of Dwellinghouse

Site Address: Land North West of Ardare, Colintraive

DECISION ROUTE

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

(A) THE APPLICATION

(i) Development Requiring Planning Permission

- Erection of dwellinghouse
- Formation of vehicular access
- Installation of septic tank with outfall to burn

(ii) Other specified operations

- Connection to public water main
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission be **refused** for the reasons below.

(C) HISTORY:

None.

(D) CONSULTATIONS:

Scottish Water (letter dated 28 January 2011): No objections.

Area Roads Manager (report dated 7 February 2011): No objections subject to conditions.

(E) PUBLICITY:

Neighbour Notification (closing date 10th February 2011) and advertised under Regulation 20 (closing date 18th February 2011).

(F) REPRESENTATIONS:

Two representations have been received from Ian and Ruth Warnock, Ardare, Colintrave (e-mail dated 9th February 2011) and G Greg Morris, Milton Wood, Colintrave (letter dated 10th February 2011). The issues raised can be summarised as follows:

- i. The proposal would have an adverse impact upon the habitat and species within the site, including; a heron family, wild ducks, otters, badgers, owls, robins, pheasant, grouse, red squirrels, Roe deer and Pine Martens.
- ii. The proposal would have a significant impact upon trees within the site. Current UK building insurance terms normally require that no large trees are located within 10-20 metres of a building.
- iii. There are issues with the position and design of the building – building line does not align with Ardare; proposed dwelling would have a different and deeper elevation than Ardare; there would be a substantial number of windows on both the north west and south east elevations.
- iv. The sole access road for the area and any construction traffic to the proposed site is over a small, single carriageway road and bridge with a weight limit of 7.5 tons. The heavy plant traffic for a new build may threaten structure and safety of the bridge. Furthermore, there are no pavements on this section of road, which is used by locals and visitors for walking, cycling and also wheelchairs. Much of the road has not been resurfaced and is already in poor repair.
- v. The proposed private sewage treatment arrangements would not be conducive to the habitat in the woods.

Comment: The above issues will be addressed in the Assessment section below.

- vi. There is a legal agreement preventing any building within 12 metres from the boundary with the property known as Ardare. This may affect the layout and positioning of parking and turning space within the plot.

Comment: This is essentially a legal issue between the parties concerned and does not have a material bearing upon the planning aspects of the case.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** Yes

Summary of Design Statement:

- The client brief requires a fairly large family house to provide living accommodation for the sizeable family together with adequate accommodation for friends and relatives who would visit the house mainly (but not only) during the summer months;
- In consideration of the nature of the site, it is recognised that, although the overall area of the site is quite extensive, the footprint of the building should be kept to a minimum so that a limited number of trees have to be disturbed. Consideration should be given to the architectural style of existing buildings adjacent to the site, particularly Ardare to the south east;
- In order to provide a workable solution to the accommodation requirements, it is proposed to form a two storey house in relatively compact form. The character of the existing Ardare with its piended natural slate roof and vertically proportioned windows has been taken into consideration;
- The access will be formed with 40 metres by 2.4 metres visibility splays and a traditional 5 bar gate set 6 metres back from the road. The access road will be formed to curve between existing trees and will be surface with plain kerbless bitumen macadam. A plain stockproof stob and wire fence is proposed along the frontage to the main road.

(iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No**

(v) **Supporting Information**

Information in support of the application has been submitted by James Barr (letter dated 21st February 2012). The points raised can be summarised as follows:

- The proposed development is an infill site, with existing residential properties bounding to the east and west, both within and beyond the designated settlement boundary identified in the Argyll and Bute Local Plan for Colintrave. This plan states that infill development can be defined as being new development on land between existing buildings, and that housing development on an infill site in the countryside is supported in principle.
- The Proposals Map for Colintrave sets out a restricted settlement boundary that only covers some of the existing residential premises within the wider local area. In relation to the proposed development site, the plot sits between two existing residential premises within an area which boasts housing along the coastline. The settlement boundary promoted by the Council ends to the immediate west of the site; however, beyond this site to the east, there are numerous residential properties which are designated within a countryside location.
- The proposed development of a new dwelling in this location would not cause the extension of the existing settlement boundary, as it is evident in the Local Plan that there are already a number of residential properties located outwith the designated settlement boundaries in this area.

- In addition, the proposed development cannot further encourage or extend ribbon development along the coastline as it constitutes an infill site. Colintrave consists mainly of residential properties that extend along the coastline, with some included in the settlement boundary, and some outwith. The proposed development of an additional dwelling in this location would not set precedence for further expansion or ribbon development along the coastline, but merely utilise an infill site for a use appropriate in the surrounding area.
- No objection was received from the Council's Service Officer in relation to the proposed removal of trees on the site. Rather, advice and guidance were provided relating to re-planting on the site. In addition, the Service Officer noted in her comments that there are specimens on site which should be removed.
- Overall, the advice is that the proposed removal of some trees will allow for the replanting of younger specimens and this will assist in the longevity of wood cover. It is also stated that, in the wider context, tree cover is generally good in the immediate area and management of this portion will not result in the overall deforestation of the wider area.
- Presumptions appear to be made regarding future works that are not promoted as part of this proposal and outwith the remit of the works promoted on site. As a Tree Preservation Order area, it is worthwhile noting that any additional tree works would require approval by the Council and, therefore, can be monitored accordingly.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

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

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

Argyll and Bute Structure Plan 2002

STRAT DC 2 – Development within Countryside Around Settlements

STRAT HO 1 – Housing – Development Control Policy

Argyll & Bute Local Plan 2009

LP ENV 6 – Development Impact on Habitats and Species

LP ENV 7 – Development Impact on Trees/Woodland

LP ENV 9 – Development Impact on National Scenic Areas

LP ENV 19 – Development Layout, Setting & Design

LP HOU 1 – General Housing Development

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provision

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Not applicable

(K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** No

(L) **Has the application been the subject of statutory pre-application consultation (PAC):** No

(M) **Has a sustainability check list been submitted:** No

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

(O) **Requirement for a hearing (PAN41 or other):** No

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

A. Settlement Strategy

Planning Permission is sought for the erection of a dwellinghouse on a site measuring 2160 square metres located between the properties known as Milton Wood and Ardare, on the north eastern shores of the Kyles of Bute, Colintraive. In terms of the principle of developing the site for residential purposes, the site is located within the '*Countryside Around Settlement*' (CAS) zone that stretches in a south easterly direction along the shore from the minor settlement of Colintraive in the Argyll and Bute Local Plan 2009.

Within the CAS zone, the presumption in favour of development is limited to small-scale housing on infill, rounding-off, change of use of building and redevelopment sites provided that it does not result in undesirable forms of settlement coalescence, the extension of the established settlement boundary or ribbon development.

Whilst the application site is located between two existing dwellinghouses, it is heavily wooded and is a key environmental feature of special character. The erection of a dwellinghouse on this site would result in the extension of the established settlement boundary into an area which is of significant landscape value and, as such, it would not accord with the settlement strategy for this part of Colintraive.

In view of the foregoing, the proposal is considered to contravene Policies STRAT DC 2, STRAT DC 8 and STRAT HO 1 of the Structure Plan and Policy LP HOU 1 of the Argyll and Bute Local Plan.

B. Location, Nature and Design of Proposed Development (Including Impact upon Built Environment)

The application proposes the erection of a substantial two-storey dwellinghouse with a living room, kitchen/dining room, four bedrooms, two bathrooms and two utility spaces. The external finish will be ivory roughcast with a natural slate roof and ivory-coloured timber windows.

From a purely design perspective, there is a wide variety of designs and finishes along the shore. The design of the dwellinghouse very much borrows from the property to the immediate south east (Ardare) and, in this sense, it is considered to assimilate into this part of the shore.

Colintraive is a relatively dispersed settlement and it contains clusters of housing separated by either undeveloped areas or sporadically-placed dwellings. In terms of the location of the site, as noted in the preceding section, the site is within "*Countryside Around Settlement*" although it is directly adjacent, on its western boundary, to an area termed "*Settlement Zone*". The plot is the beginning of a linear coastal strip that stretches in a south-easterly direction which is characterised by woodland and the previously mentioned sporadically-placed dwellings.

The actual application site was formerly in the ownership of the property known as 'Ardare', which is to the immediate south east. The site is currently not located within the curtilage of 'Ardare' and, given its heavily wooded nature; that it has apparently been unmanaged for a significant number of years; and that there exists a more defined garden ground, there is no evidence to suggest that it was actively used as the curtilage of 'Ardare' for many years. In this sense, the site is a key environment feature that acts as a break between the dwelling to the north west ('Milton Wood') and 'Ardare'.

On the basis of the foregoing, it is considered that the erection of a dwellinghouse would result in the loss of the distinctive wooded appearance of the site that would erode the character of the Kyles of Bute National Scenic Area.

The proposal would, therefore, contravene Policy STRAT DC 8 of the Structure Plan and Policies LP ENV 9, LP ENV 19 and LP HOU 1 of the Argyll and Bute Local Plan 2009.

C. Impact Upon Habitats and Species

At the time of representations being submitted, concerns were expressed regarding the potential effect of the proposed development upon habitats and species within the site. As a result of these concerns, the applicant employed a consultant (Wild Surveys Ltd) to conduct a species survey, the results of which are contained within a report dated 21st June 2011. The conclusions of the report are the following:

- There are no roost records for the site and the trees on site currently have no potential for roosting bats. There is potential for bats to use the site to commute and forage and the removal of the selected trees would not prevent the commuting or foraging taking place;
- No field signs of badger activity were found within the site;

- No field signs of otter were found on the survey site. There is the potential for otter to use the burn and shoreline for foraging and commuting and, as this will not be altered as a result of the proposed development, the opportunity to use the burn and shoreline will continue;
- The water course had a very low potential for water vole due to the fast flowing water, stony river bed and lack of suitable bankside vegetation. No field signs were found;
- No field signs indicating red squirrel were found during the survey. Red squirrel may commute through or forage within the site as they are known to be present in the locality.

Recommendations were made in respect of a further re-inspection of the trees prior to any being removed and best practice guidance for the protection of otters and badgers during construction.

This report was submitted to the Local Biodiversity Officer and she is satisfied that what is proposed in terms of the footprint of the building and access will not compromise the biodiversity of the site providing the integrity of the woodland is maintained.

On the basis of the foregoing, the proposal is considered to be in accordance with Policy LP ENV 6 of the Argyll and Bute Local Plan 2009.

D. Impact Upon Trees

The trees within the application site are protected by a Tree Preservation Order (ref: 07/92) which was originally conferred on 7th November 1992. The Order does not cover just the application site but a fairly sizeable coastal strip stretching from the property known as '*Milton Wood*' at the north west to the property known as '*Millhouse*' at the south east.

The site, which was previously part of the land associated with Ardare, has not been managed as a woodland and this is apparent from the presence of some dead specimens together with the significant *Rhododendron ponticum* growth and a number of relatively unsafe other large specimens. The Alder on the site is assumed to have been self-seeded along the water margins – this being a species drawn to damp soil condition where it will tolerate very poor conditions.

The proposal identifies the removal of six Beech trees, three Ash trees and one Alder and the Council's Horticulture Officer has recommended that at least twelve younger specimens are planted as replacements.

Notwithstanding that the woodland has not been properly managed over the years, the trees within it have been deemed worthy of protection through a Tree Preservation Order. In addition, and as mentioned elsewhere in this report, it is considered that these trees provide a distinctive and valuable buffer between the properties known as '*Milton Wood*' and '*Ardare*'. Furthermore, the woodland contributes to the tree cover in the wider area.

It is considered that the erection of a dwellinghouse would result in the loss of trees and would significantly alter the wooded character of the site. **On this basis, the proposal is considered to contravene Policy LP ENV 7 of the Argyll and Bute Local Plan 2009.**

E. Road Safety

The development proposes the formation of a new vehicular access onto the U17 Couston road, which has a 60 m.p.h. speed restriction. The required sightlines based upon an 85%ile speed of 30 m.p.h. are 42 metres x 2.4 metres. The requirements recommended by the Area Roads Manager can be achieved through suitably-worded conditions whilst sufficient parking spaces are identified within the site.

On the basis of the foregoing, **the proposal is considered to accord with Policies LP TRAN 4 and LP TRAN 6 of the Argyll and Bute Local Plan 2009.**

F. Infrastructure

It is proposed to connect into the public water main and Scottish Water has confirmed that such a connection is feasible. As there are no public sewers available in the vicinity of the site, a septic tank or biodisc unit is proposed with outfall to an existing burn.

No objections have been received to these proposed arrangements and there is nothing to suggest that they are not acceptable.

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

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

Not applicable – application being recommended for refusal

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

Not applicable

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

Author of Report: Steven Gove

Date: 23/3/2012

Reviewing Officer: David Eaglesham

Date: 26/3/2012

Angus Gilmour
Head of Planning & Regulatory Services

REASON FOR REFUSAL RELATIVE TO APPLICATION REF: 10/02077/PP

1. Colintrave is a relatively dispersed settlement and it contains clusters of housing separated by either undeveloped areas or sporadically-placed dwellings. In terms of the location of the site, as noted in the preceding section, the site is within "*Countryside Around Settlement*" although it is directly adjacent, on its western boundary, to an area termed "*Settlement Zone*". The plot is the beginning of a linear coastal strip that stretches in a south-easterly direction which is characterised by woodland and the previously mentioned sporadically-placed dwellings.

The actual application site was formerly in the ownership of the property known as '*Ardare*', which is to the immediate south east. The site is currently not located within the curtilage of '*Ardare*' and, given its heavily wooded nature; that it has apparently been unmanaged for a significant number of years; and that there exists a more defined garden ground, there is no evidence to suggest that it was actively used as the curtilage of '*Ardare*' for many years. In this sense, the site is a key environment feature that acts as a break between the dwelling to the north west ('*Milton Wood*') and '*Ardare*'.

On the basis of the foregoing, it is considered that the erection of a dwellinghouse would result in the loss of the distinctive wooded appearance of the site that would erode the character of the Kyles of Bute National Scenic Area.

The proposal is, therefore, contrary to the following policies:

Argyll and Bute Structure Plan 2002

STRAT DC 2 – Development within Countryside Around Settlements

STRAT DC 8 – Landscape and Development Control

STRAT HO 1 – Housing – Development Control Policy

Argyll & Bute Local Plan 2009

LP ENV 7 – Development Impact on Trees/Woodland

LP ENV 9 – Development Impact on National Scenic Areas

LP ENV 19 – Development Layout, Setting & Design

LP HOU 1 – General Housing Development

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 10/02077/PP

(A) Submitted Drawings

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

Location Plan (Scale 1:10,00); Drawing No. 1246 – LP1 A; Drawing No. 1246 – SP1 A; Drawing No. 1246 – SP2 B; and Drawing No. 1246 : p 01b.

(B) Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No



DOC JB 38

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008**

REFUSAL OF PLANNING PERMISSION

REFERENCE NUMBER: 10/02077/PP

**Mr Nicholas Staunton
James Houston Architects
2 Schoolwynd
Kilbirnie
Ayrshire
KA25 7AY**

I refer to your application dated 3rd December 2010 for planning permission under the above mentioned Act and Regulations in respect of the following development:

**Erection of dwellinghouse, formation of vehicular access and installation of septic tank at
Land North West Of Ardare Colintrave Argyll And Bute**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission for the above development for the **reason(s) contained in the attached appendix**

Dated: 26 March 2012

Angus J. Gilmour
Head of Planning and Regulatory Services

www.argyll-bute.gov.uk



REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER 10/02077/PP

1. Colintrave is a relatively dispersed settlement and it contains clusters of housing separated by either undeveloped areas or sporadically-placed dwellings. In terms of the location of the site, as noted in the preceding section, the site is within "*Countryside Around Settlement*" although it is directly adjacent, on its western boundary, to an area termed "*Settlement Zone*". The plot is the beginning of a linear coastal strip that stretches in a south-easterly direction which is characterised by woodland and the previously mentioned sporadically-placed dwellings.

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STRAT HO 1 – Housing – Development Control Policy

Argyll & Bute Local Plan 2009

LP ENV 7 – Development Impact on Trees/Woodland

LP ENV 9 – Development Impact on National Scenic Areas

LP ENV 19 – Development Layout, Setting & Design

LP HOU 1 – General Housing Development

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 10/02077/PP

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to localreviewprocess@argyll_bute.gov.uk

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 10/02077/PP

(A) Submitted Drawings

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

Location Plan (Scale 1:10,00); Drawing No. 1246 – LP1 A; Drawing No. 1246 – SP1 A; Drawing No. 1246 – SP2 B; and Drawing No. 1246 : p 01b.

- (B)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

COPY
1

PLANNING SERVICES CUSTOMER SATISFACTION SURVEY

Within Planning Services we want to continually improve the service we provide by constantly reviewing and improving what we do.

Our aim is to deliver an efficient, courteous and quality service to all of our customers.

If you feel we haven't achieved this then please tell us. We need to know, in order to put things right.

Of course, we also welcome suggestions and ideas from our customers as to how you think we can improve the service.

If you have any comments or wish to make a suggestion, please complete the tear off portion of this leaflet and return it to us 'Free of Charge'.



Planning Services Customer Service Enquiry

APPLICATION REFERENCE NUMBER (where appropriate)..... 10/02077/PP

PLEASE TICK APPROPRIATE BOX

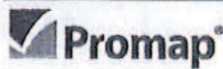
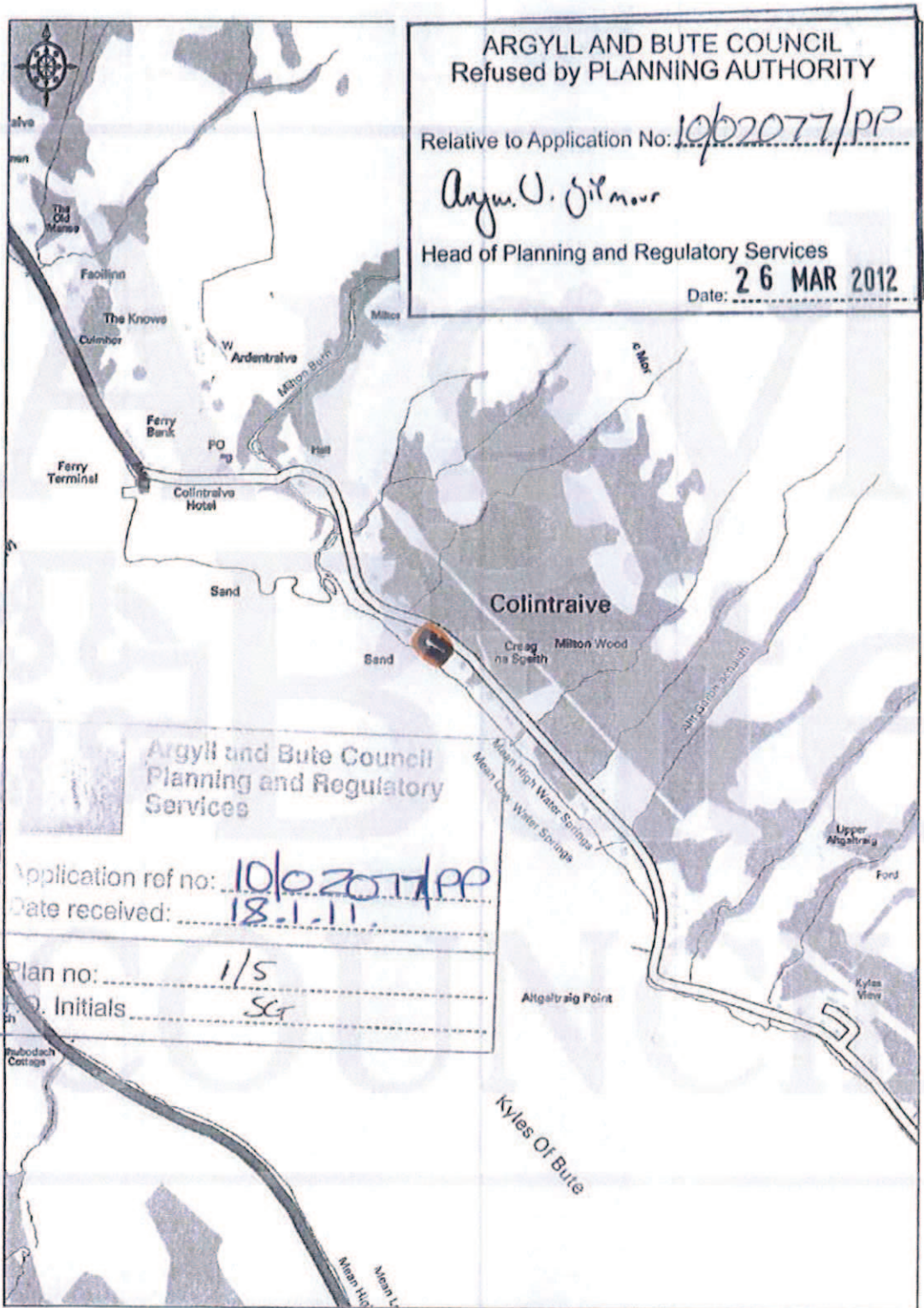
	Unacceptable	Poor	Acceptable	Good	Excellent
1. Was the manner in which your enquiry/application received:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Was the time taken to deal with your enquiry/application:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Was the level and quality of information and advice given:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Was the attitude of the case officer who dealt with you:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Was the overall service:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. What is your ethnic group?	Pakistani <input type="checkbox"/>	Indian <input type="checkbox"/>	Chinese <input type="checkbox"/>	White <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
7. Do you consider yourself to have a disability?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>		
8. If you used the Council's new Sustainable Design Guidance as part of your application,					
a. in what format did you use it?	Hardcopy <input checked="" type="checkbox"/>	Web <input type="checkbox"/>	CD <input type="checkbox"/>		
b. and how useful did you find it?	Didn't use <input type="checkbox"/>	Easy <input checked="" type="checkbox"/>	Difficult <input type="checkbox"/>		
9. Did the new design guidance help you put together a better (sustainable) house design?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		

Any Further Comments:

THE REASONS GIVEN FOR REFUSAL MUST HAVE BEEN KNOWN AT THE OUTSET. WE FEEL SERIOUSLY MISLED INTO INCURRING SUBSTANTIAL EXPENSES, IN ORDER TO PROVE FAVOURABLE RESPONSES - FOR WHAT TURNS OUT TO BE QUITE IRRELEVANT MATTERS !!

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Nicholas Staunton
Proposed New House at;
Site to North West of Ardara, Colintraive.

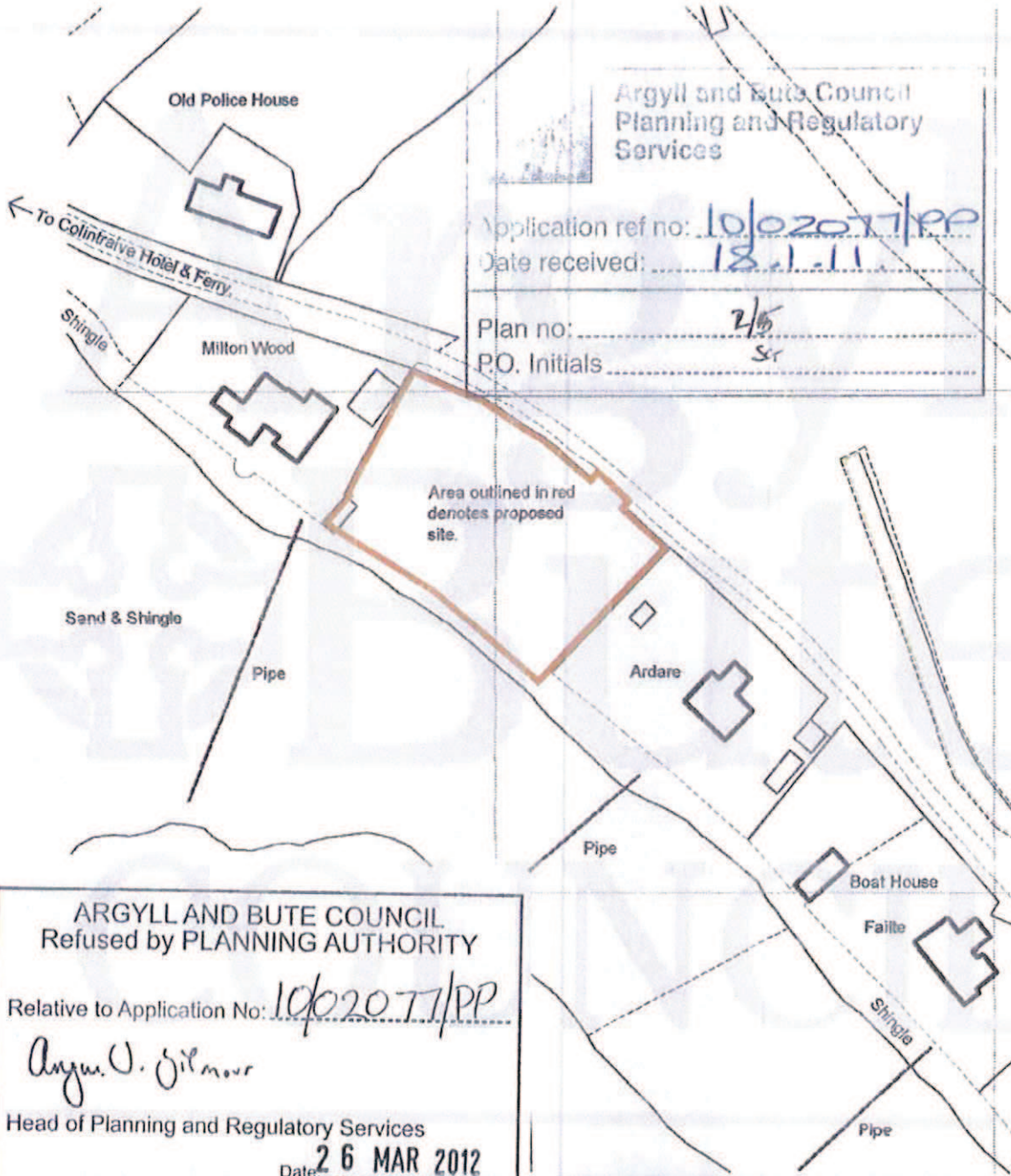


Ordnance Survey © Crown Copyright 2010. All rights reserved.
License number 100020488. Printed Scale - 1:10000

James Houston Architect
SCALE 1:10000

AA

Nicholas Staunton
 Proposed New House at:
 Site to North West of
 Ardare, Colintrave.
 PA22 3AS.



Argyll and Bute Council
 Planning and Regulatory
 Services

Application ref no: 10/02077/PP
 Date received: 18.1.11

Plan no: 2/5
 P.O. Initials: sr

Area outlined in red
 denotes proposed
 site.

ARGYLL AND BUTE COUNCIL
 Refused by PLANNING AUTHORITY

Relative to Application No: 10/02077/PP
Angus J. Gilmore
 Head of Planning and Regulatory Services
 Date: 26 MAR 2012

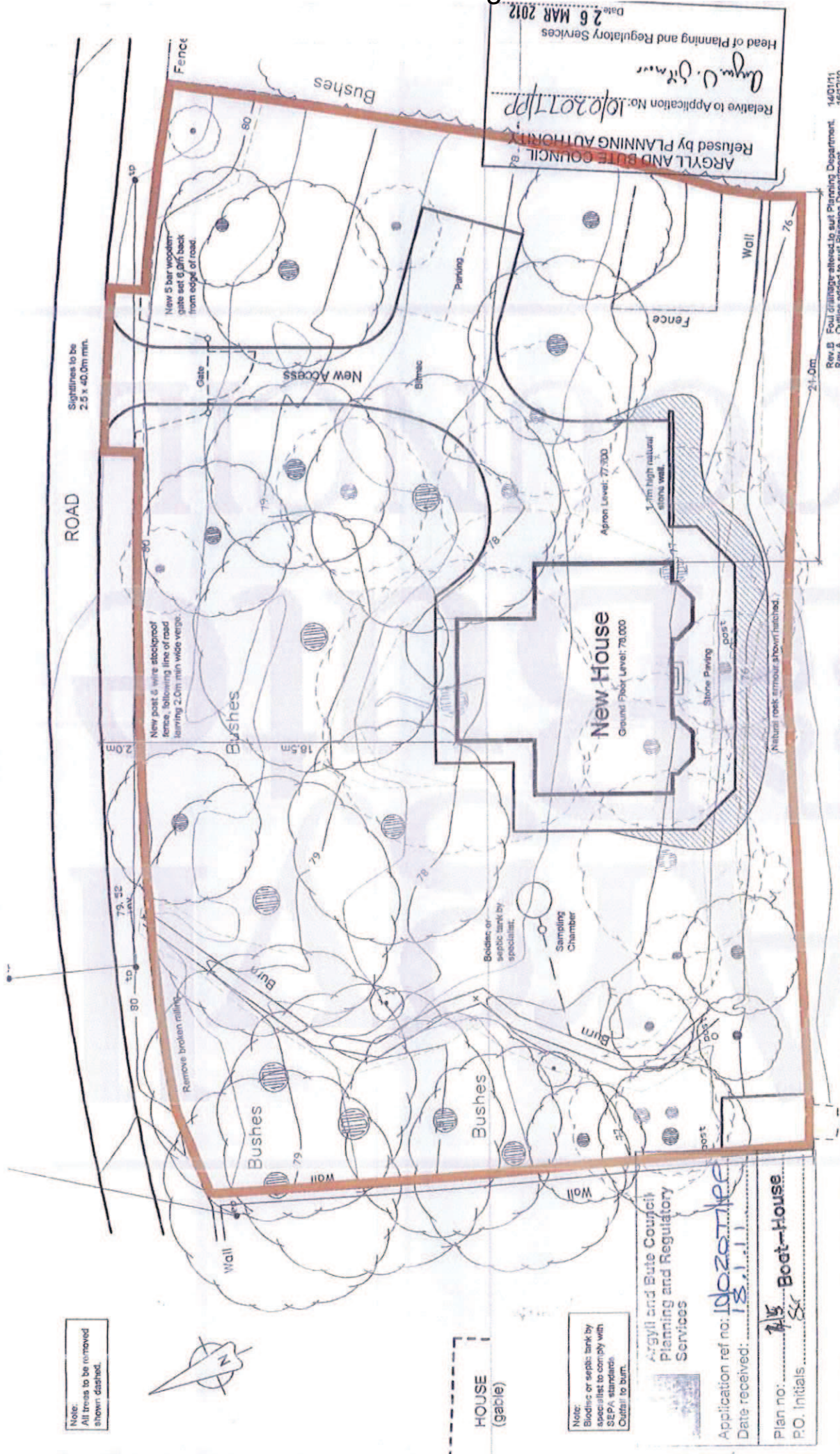
Rev.A Outline added to suit Planning Department. 18/12/10

JAMES HOUSTON
 Architects

2, Schoolwynd, Kilbirnie, Ayrshire, KA25 7AY
 Tel: 01505 682203 E-mail: mail@houstonarchitects.co.uk

Drwg. Title	
Location Plan	
Scale	Drwg. No.
1:1250	1246 - LPI A
Date	
22nd Nov. 10	

A4



Note:
All trees to be removed
shown dashed.



HOUSE
(gable)

Note:
Bodies or septic tank by
specialist to comply with
SEPA standards.
Outfall to burn.

Argyll and Bute Council
Planning and Regulatory
Services

Application ref no: 1002071PP
Date received: 18.1.11

Plan no: 115 Boat-House
P.O. Initials: SK

ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY
Relative to Application No: 10/02071PP
Angus V. Stewart
Head of Planning and Regulatory Services
Date: 26 MAR 2012

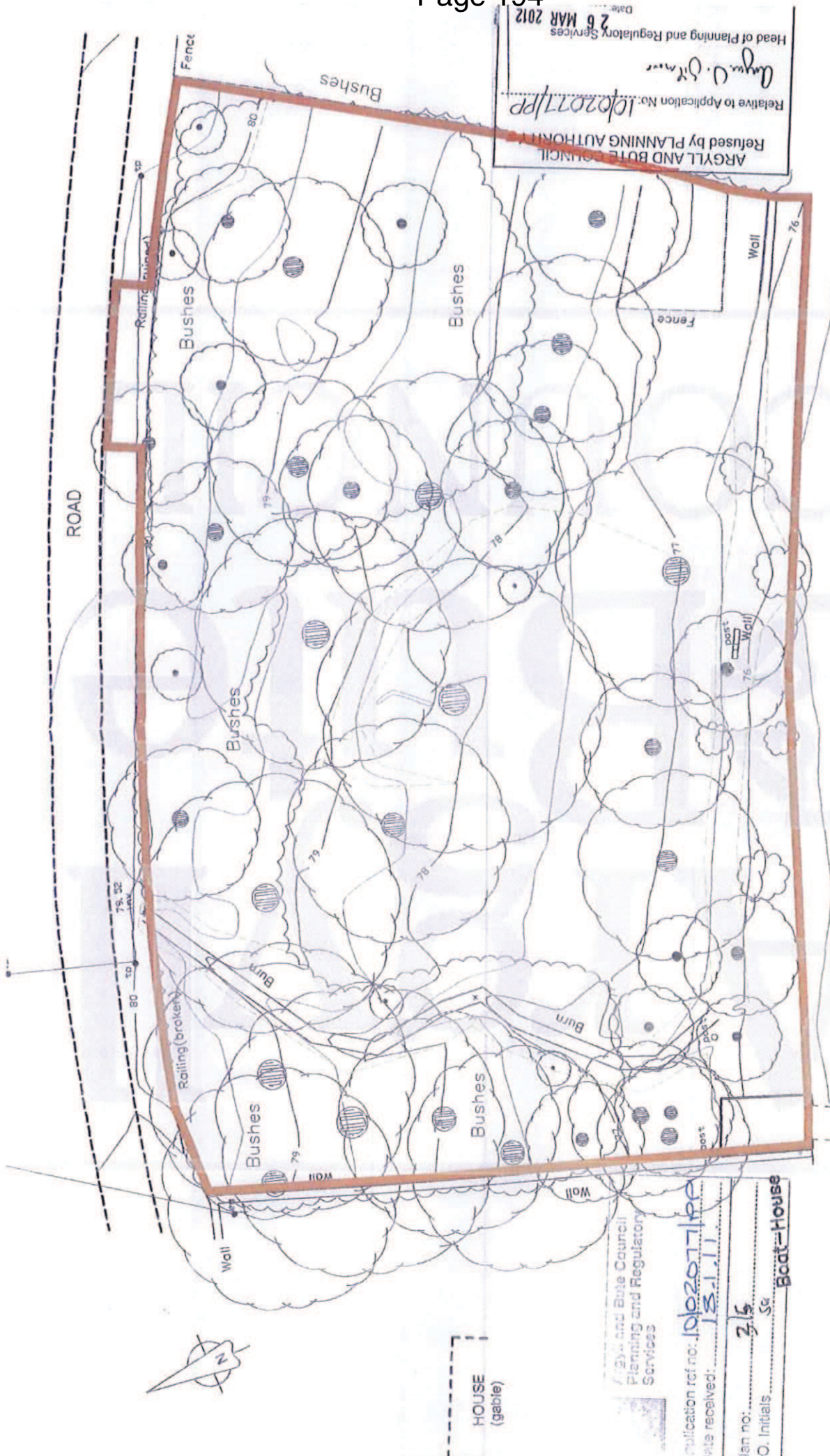
14/01/11
Rev.B Foul drainage altered to suit Planning Department.
Rev.A Outline added to suit Planning Department.
16/12/10

Drawg. Title
Site Plan as Proposed
Scale: 1:200
Drawg. No. 1246 - SP2 B
Date: 30th Nov. 10

JAMES HOUSTON
Architects
2, Schoolwynd, Kilbirnie, Ayrshire, KA25 7AY
Tel: 01505 682203 E-mail: mail@houstonarchitects.co.uk

Mr N. Staunton
Proposed New House
Colintraive Retreat, Colintraive.

AS



HOUSE (gable)

Application ref no: 10/02071/PP
 Date received: 13.11.11
 Plan no: 315
 P.O. Initials: Sc
 Boat-House

ARGYLL AND BUTE COUNCIL
 Refused by PLANNING AUTHORITY
 Relative to Application No: 10/02071/PP
 Date: 26 MAR 2012
 Head of Planning and Regulatory Services
 Myles O'Sullivan

Mr N. Staunton
 Proposed New House
 Colintraive Retreat, Colintraive.

JAMES HOUSTON
 Architects

2, Schoobernd, Kibbriue, Ayrshire, KA25 7AY
 Tel: 01505 682203 E-mail: matt@houstonarchitects.co.uk

Rev. A Outline added to suit Planning Department. 16/12/10

Drawg. Title
Site Plan as Existing

Scale 1:200
 Date 30th Nov. 10
 1246 - SPI A

A3

Nicholas Staunton
Proposed new house at Collintraive..

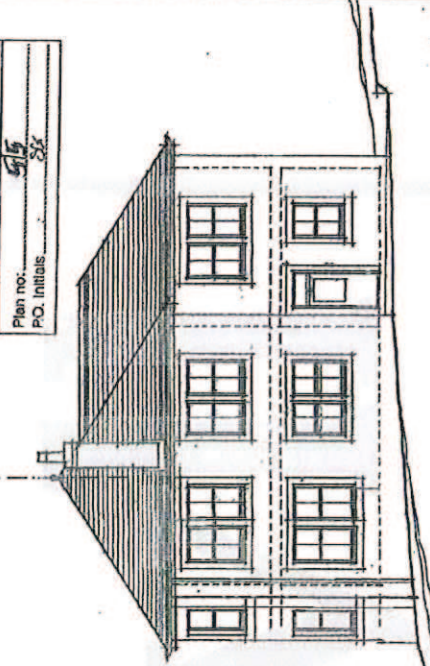
JAMES HOUSTON Architects
2, Schoolyard, Keshalee, Ardara, KASS RAY
Tel: 01905 682303 Email: james@jameshouston.co.uk

Design no 3a
12/6 : p 01b

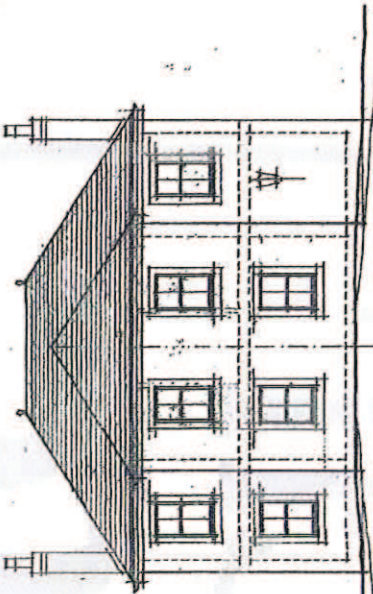
Argyll and Bute Council
Planning and Regulatory Services

Application ref no: 10/02077/PP
Date received: 15.11.11
Plan no: 915
PO Initials: SJS

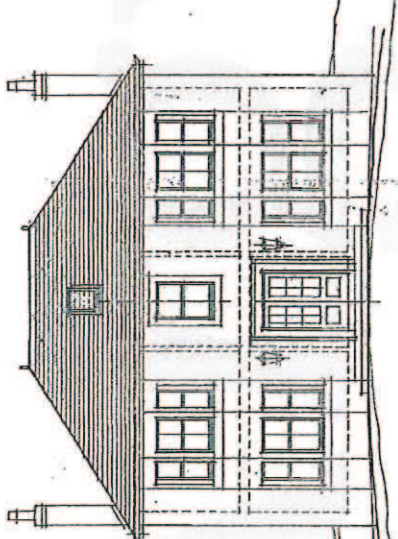
ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY
Relative to Application No: 10/02077/PP
Angus O. Stewart
Head of Planning and Regulatory Services
Date: 26 MAR 2012



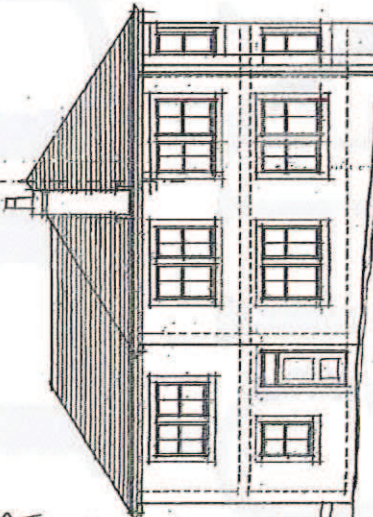
east elevation..



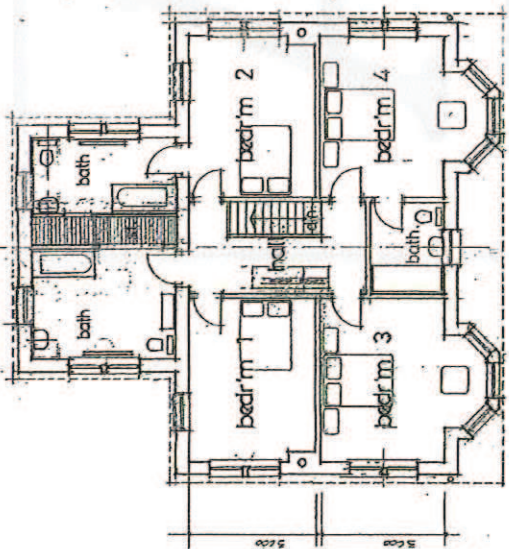
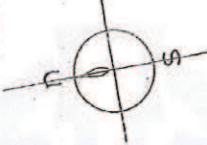
north elevation..



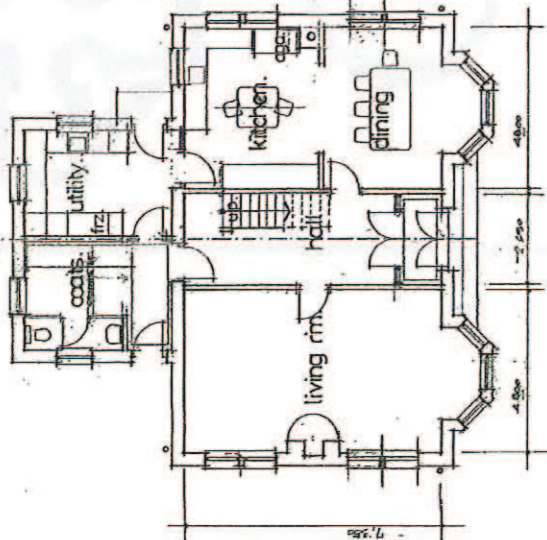
south elevation



west elevation.



first floor plan.

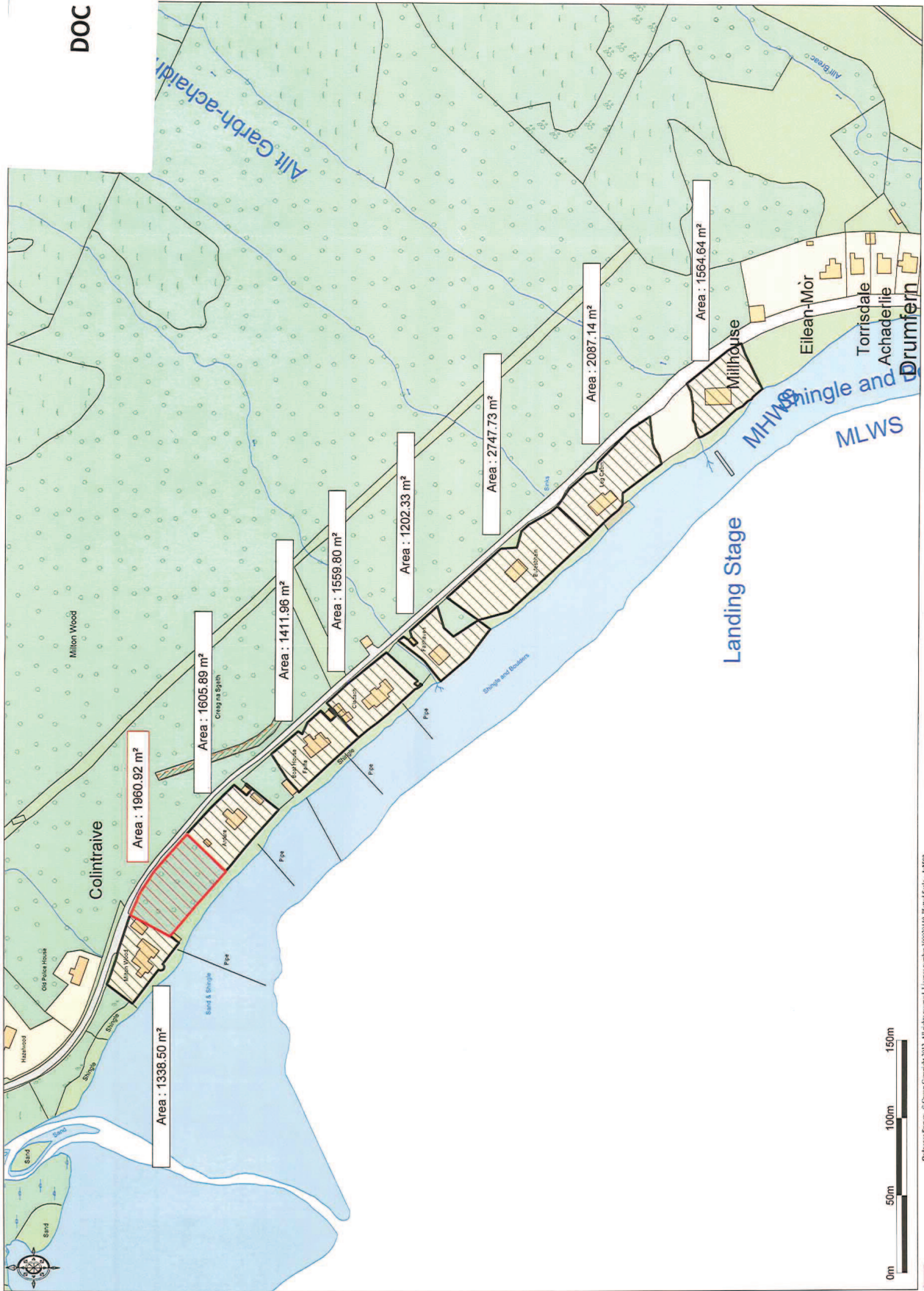


ground floor plan

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COLINTRAIVE

DOC JB 40



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Milton House, Milton Avenue, Dunoon, PA23 7DU
Tel: (01369) 708606 or 708607
Fax: (01369) 708623

27th January 2012

Your Ref: 12/0007/LRB
Our Ref: 12/00010/REFPLA
Contact: Steven Gove
Direct Line: (01369) 708603

Charles Reppke
Head of Governance and Law
Customer Services
Argyll & Bute Council
Kilmory
Lochgilphead
Argyll
PA31 8RT

For the attention of Hazel MacInnes

Dear Mr Reppke,

**LOCAL REVIEW BODY REF. 12/0007/LRB
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
APPEAL REF. 12/00010/REFPLA
ERECTION OF DWELLINGHOUSE, LAND TO THE NORTH WEST OF ARDARE,
COLINTRAIVE**

I refer to your letter dated 19th June 2012 in respect of the above appeal to the Local Review Body. Please accept the contents of this letter as being the response of this Department in terms of Paragraph 7 of the 'Notice of Review' Form.

The appellant's agent has provided a comprehensive list of supporting documents, one of which is this Department's Report of Handling which, it is considered, provides an adequate description of the Department's position on the proposal. On this basis, it is not proposed to send further copies of information that will already be in the possession of the Local Review Body when it determines this matter.

One matter which requires some clarification is the allegation made by the agent that the Planning Officer misled the appellant during the course of the processing of the application. In particular, it is alleged that the principle of the development was not raised as an issue at an early stage and that time and expense were expended on the appellant's behalf in attempting to resolve matters such as ecology and tree maintenance when, ultimately, there was no merit in requesting the additional information.

There is no evidence to suggest that the Department clearly and unequivocally stated positive support for the principle of the development in terms of its location within the "Countryside Around Settlement" zone. The issues of ecology and Tree Preservation Order were raised in the

Department's letter to James Houston dated 21st March 2012 and it was made explicitly clear that, in accordance with the advice given by the Council's Local Biodiversity Officer, the application would be refused should these issues not be satisfactorily addressed. The appellant opted to attempt to resolve these issues; presumably with the knowledge that these issues were fundamental and would result in refusal of the proposal if they were not properly addressed. If the Department had proceeded to determine the application at that particularly time without seeking any response from the agent (which it would have been entitled to do) then the application could have been refused for a number of reasons, more than were used in the eventual decision notice.

I would be grateful if you could convey the above comments to the Local Review Body.

Yours sincerely

Planning Officer
Development Management
Bute and Cowal

Dear Sirs,

With regard to the planning application, refusal and appeal for the Area of Land NW of Ardare, Colintraive.(the Woods)

We are pleased to see that the council declined planning permission and hope that this remains the case, as we feel building in this woodland, protected by a tree preservation order, would set a precedent where other scenic areas in the area and village would become developed over time. This would have a detrimental effect on the village, people and the wildlife that live here and on the scenic beauty of this area.

Other non-woodland 'infill' areas, not covered by mature trees or tree preservation orders, do exist in the Colintraive area that can be and are being developed (such as those close to the Colintraive Hotel, which should provide scope for a small amount of additional property and accommodation, without destroying and depleting natural woodland, beauty and biodiverse areas.

We objected to the proposal to develop the site, as per previous submissions. In light of the refusal and appeal submitted on behalf of the applicant/agent, we have included for the record the following additional information, which is or may be relevant to some aspects. (The reference numbers in the note refer to the Agents appeal document clause numbering).

1. The applicant/agent appears to wish to convey the (incorrect) views that :
 - a. We were aware on our purchase of the Ardare property that they would plan to develop the woods area, and were not selling it with the house for that reason
 - b. That the woods area in question was in simple terms an extension of the Ardare gardens

We are not qualified to see the value of these misleading implications, but below cite information that we trust shows and clarifies these as incorrect.

2. Having purchased the Ardare property in 2006, we had ideally wished to secure the above woodland area also, to ensure it would remain as a woodland and not be developed. We formally offered to buy the woods with the Ardare property. The applicants (Stauntons) refused however, and went to some lengths to state that it was not intended for the woodland area to be developed, as they considered it both a unique woodland area, and one that had specific sentimental aspects (specifically, their mothers' ashes were scattered there)
3. On asking for further clarification of their intentions for the woods, we were finally advised they may camp on it (on occasional trips back to the area from their distant domiciles), and that it was very unlikely, but if any possible (but unlikely) development was to take place, it would be only a small cabin/chalet style building for family holiday use they may intend. This is obviously not the case.
4. We did not at any time agree or accept that future building on the woods was likely or planned by the sellers/applicants, nor was it part of our purchase offer.
5. Further, when advised by SEPA that we may require a septic tank if purchasing Ardare, and advised there may be inadequate or suitable space in the immediate gardens, we asked the sellers (applicants) if they would permit us to place this just inside the woods (no tree removal needed). This was refused, apparently on the grounds they would not wish or need a septic tank within these natural woodlands.
6. Their agents statements in paras. 2.2 and 3.3 we feel infers that we anticipated /agreed with possible building on the woods. **This was and is misleading, not the case, and we object to this incorrect statement. Para 3.3 statement that 'the reason for the split of land was communicates to us as for the purpose of future development is false and untrue. (See point 2 above)**
7. On the advice of our solicitor, we did in the legal offer ask for and obtain the noted pre-emption and restriction on building close to the boundary with Ardare, to try and restrict any future possible

development (we also understand this is largely a legal matter rather than Planning) . Again this action did and does not infer any acceptance of intended building in or on the woods.

8. The applicants state that the land/woods were originally part of the wider garden ground of Ardare. We are aware they were owned by the late Mrs Staunton, but information from Land Restistry indicates they were not originally part of the house feu, and acquired at a date after the original Ardare building works.
9. On our purchase of Ardare, , the woods were (and remain) separated by a substantial fence and large 3 metre high mature hedge from the Ardare gardens - which have previously been opened in the Scottish Open gardens scheme, as of acknowledged interest and beauty.
10. The large hedge separates the land areas and forms a boundary between. The only other connection between Ardare and the woods was a small access gap/gate, blocked over by the applicants at the time of sale.
11. It is our knowledge and observation that the Woods have at no time been managed or used as an extended garden, by any recent previous owners, and they are quite natural and indigenous in form. No paths or formal planting exist there, unlike the Ardare gardens. Note the (very small 5x5m approximately) 'kitchen garden' area mentioned by the applicant was only about 2.5m square (little over 1% of the overall woods area , on our boundary at the shore) had been in disuse in 2006, and has not been used by us or any other party or managed since , and is returned to a wild form.
12. In relation to the amenity and bio diversity, many local residents and visitors also frequent these woodlands to experience the amenity of the area and shore.
13. Regarding the independent habitat report: As can be confirmed by many local residents, Red Squirrels are often seen in the Woods, and use them to access neighbouring gardens. That the report does not confirm this, raises some concerns perhaps over the timing and/ or duration of the study overall. Other species frequently observed in the woods area include Owls, Swans (both protected in Scotland) also woodpecker and heron, which attract birdwatchers and tourists to the area.
14. Point 3.6 suggests a removal of a 'minimal amount of trees' for the proposed development, and a retention of most of the trees. A simple study of the woods site and the proposed plans clearly shows that almost all of the (protected) large, mature trees would have to be removed for the large house and access proposed, plus for the boatshed/bunkhouse (a second large structure?). Most of the trees are healthy and robust, with little damage in the recent heavy storms we endured.
15. On the topic of the Local Plan and infill development, the applicant's agent expresses concern over the clarification and application of these aspects by the Council . Prior to purchasing Ardare in 2006 , we had investigated this, including dialogue with several council and planning officers, to try and determine the potential that the area may become more built up. Our findings were similar to those leading to the current application refusal, ie that whilst the general concept and guide of 'infill' development does exist, other important policies, plans and overall objectives may apply to many and special areas, such as woodland, shoreline, protected areas, and will often result in a planning permission not being granted, for the greater good. We therefore see and respect a consistent message being provided by the council, when adequate and relevant questions are posed.
16. In the appeal, the applicants agent takes a number of pages to list various points and views. We feel only qualified to comment on a few of these, as follows:

3.2 the house proposed is much larger than any recent properties built in the area. Its size and services/outbuildings would necessitate removal and clearance of much of the woods ,losing /breaking the current natural woodland setting and ambiance.

3.3. Incorrect and refuted. This was not the intimated reason for the land split.

3.4 See 3.2.

3.5 Responded to earlier, there are obvious Red Squirrel and Owl presence in the woods.

3.6. One would have hoped the applicant would, on discovering a valid tree preservation order on the area, would respect this and have ceased the application. It may not have been known to all planning staff this was in place also, but once clarified, should surely stand.

The views of the Horticultural officer, assuming they were in context of the application, may also not have been informed re the Tree Protection status, nor the other relating policies of the Kyles of Bute scenic area.

3.7 It is simply naive to suggest that a little replanting of small trees could in any way replace the mature trees, or to provide ‘tree cover in the area ... similar to existing, with minimal visual impact . In our view the planners were quite correct in the statement and findings in the refusal – it would result in the loss of the distinctive woodland appearance of the site and erode the character of Kyles of Bute national scenic area

4.7 The coastline is suggested as ‘developed. In reality it is only sparsely developed, with very few properties per mile, and mature woodland amongst them. If the definition of an infill site is any gap between two properties, there may potentially be a dangerous precedent set here if the application succeeds, to seek ‘infill ‘status for any woodland areas (of any size) along the Cowal/Argyll coast, and development plans. Very concerning, and contrary to many eco and biodiverse policies.

4.8 Incorrect, development does not continue down the coast from the site. No new build has occurred there for many years, other than replacing a fire damaged property. The settlement boundary does as the applicants agent states, lie outwith the appeal site. This to us indicates again that this site should be left as a natural beauty area.

4.10 The proposed building plan is we estimate larger than either of the neighbouring buildings in size. It also appears significantly larger than most of the buildings on the coastal strip from Colintraive to Southhall.

4.11 Most of the more recent houses along the costal strip are in fact small wooden chalet /log cabin types, not large two storey stone houses.

4.12. As 3.7 We would also query whether the overall scenic and woodland appearance has been considered as in-scope here when individual specialists have apparently been asked for input on single aspects?

4.13. as 3.7 again, it is naive to suggest the mature woodland can be replaced or replanted and retain the natural setting. The further suggestion that dead and unsafe trees exist is not we believe factual, otherwise (and if the site had been used or managed by the owners), such trees would have been surely removed previously. This line is a little too convenient in our view.

4.17 The statement that the surrounding area is residential in nature is inaccurate and incorrect. The far greater proportion of land use in the area from the village hall to Southhall farm is under woods and fields, not domestic. It has houses sporadically along its length only, most with woodland between, which is the overarching character of the area.

4.20 as 3.7 again, it is naive to suggest the mature woodland can be replaced or replanted and retain the natural setting except in the very long term.

4.21 Property design – we did in fact raise concerns over the size and position of the property, in the original objections to the application .

4.22. As earlier, the woodland was not part of the Ardare gardens (except in title only), but a separate area of unmanaged woods.

4.24-4.26 as 3.7 again, it is naive to suggest the mature woodland can be replaced or replanted and retain or regain the existing and natural setting.

4.32 Justification? Yes - The application clearly states (7) trees would be lost. Other practical views indicate many more would in fact be removed or damaged in the possible development work, and replacement with young small saplings would take 20-40 years to reach any reasonable cover.

5.1 Disagree – our view is the council have considered the matter thoroughly, sensitively and correctly.

5.2 We fail to see what the applicants issue is, apart from having spent time and money trying to push for approval. This was surely high risk from the outset, in a very scenic area, limited development nearby and a tree preservation order relating.

The phrase '*It could be argued that...*' can be applied to many of the overlapping policies and guides that councils have to use, and should not be an argument grasped at in such a case.

5.3 The applicant seems to feel the council mislead him. We feel a greater misleading of us occurred previously as to their intentions for the land, and in the submitting of the application for a large house in the woodland area.

5.4 Trees. As before, the practical impact of a large house, access and outbuilding is we consider being heavily understated, an many points in the appeal. It can take decades to replace trees.

Yours sincerely,

Ian and Ruth Warnock

07525 323334

Ardare.