

Reference Number: 08/02011/OUT
Applicants Name: Mr J Stirling
Application Type: Outline
Application Description: Erection of three dwellinghouses and formation of vehicular accesses
Location: Land south east of Aldersyde, Toward, Argyll.

SUPPLEMENTARY REPORT

(A) FURTHER INFORMATION

Since preparation of my report to the meeting of the Area Committee on 23 June 2009, the Argyll and Bute Local Plan has made further progress and is now published as the Argyll and Bute Local Plan Proposals for Adoption (June 2009). Although the assessment of this application is unchanged, the recommended reasons for refusal have been revised accordingly.

A further representation has been received from Dr Alison Turner, Westgate, Toward PA23 7UA (letter dated 9 July 2009) making the following points:

- A revised development at lower density with a different access might be considered in order to preserve habitat for bats and squirrels

(B) RECOMMENDATION

It is recommended that planning permission be **Refused** for the reasons set out overleaf.

**Angus J Gilmour
Head of Planning
22 July 2009**

Author: Brian Close
Reviewing Officer: David Eaglesham

Date: 22 July 2009
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REASONS FOR REFUSAL RELATIVE TO APPLICATION 08/02011/OUT

1. The proposal to site three dwellinghouses within woodland (covered by Tree Preservation Order 5/92), would remove a key landscape feature that is considered to contribute to the character of the Toward Point settlement in respect of screening, shelter and habitat. Accordingly, such residential development with its particular siting and layout would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern. Development of the site would result in a continuous line of dwellings located on the northern side of the road that would significantly alter the wooded nature of the site with detrimental impact from not only the immediate surrounding area but from wider viewpoints. The proposal is therefore contrary to: Policies STRAT SI 1 'Sustainable Development', STRAT DC 1 'Development Within The Settlements' and STRAT HO 1 'Housing– 'Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV 19 'Development Setting, Layout and Design' and LP HOU 1 'General Housing Development' of the Argyll and Bute Local Plan Proposals for Adoption (June 2009), all of which presume against the nature of the development proposed.
2. The proposal, by virtue of incorporating large areas of tree felling within the woodland (to accommodate three detached dwellinghouses and their associated servicing and access provision), within the existing Tree Preservation Order area (TPO 5/92), which effectively provides screening, shelter and habitat within the settlement, would have an adverse visual and landscape impact by virtue of removing a key landscape feature and local habitat resource. Accordingly, the proposal is contrary to the provisions of: NPPG14 Natural Heritage; Structure Plan policies STRAT SI 1 Sustainable Development, STRAT FW2 – Development Impact on Woodland, STRAT DC7 – Nature Conservation and Development Control; and STRAT DC8 – Landscape and Development Control; Cowal Local Plan 1993 policies RUR 1, RUR 2, RUR 4 and BE 8; Argyll and Bute Local Plan Proposals for Adoption (June 2009) policies LP ENV 1 Development Impact on the General Environment, ENV 6 Development Impact on Habitats and Species, ENV 7 Development Impact on Trees/Woodland, and LP ENV 8 Development Impact on Local Nature Conservation Sites; and Tree Preservation Order (TPO 5/09), all of which seek to resist such developments.
3. The application and supporting information lacks adequate information on the potential impact on bats, European Annex IV protected species that are known to be present within the woodland. Such information is required in order to fully ascertain and assess the potential impact on bats and to ascertain what mitigation would be required and what would be possible in order to ensure no adverse impact on this protected species.
Additionally, the application and supporting information lacks adequate information on the potential impact on red squirrels, a protected species under Schedules 5 and 6 of the Wildlife and Countryside Act 1981. Such information is required in order to fully ascertain and assess the potential impact on red squirrels and to ascertain what mitigation would be required and what would be possible in order to ensure no adverse impact on this protected species.
Consequently, it is not possible to fully ascertain if the existing woodland has the capacity to allow for the felling of any or all the trees required to accommodate this proposal and if limited felling were to be acceptable what mitigation would be required in order to ensure that there would be no adverse impact on these protected species.
As such the proposal is contrary to the provisions of the European Habitat and Species Directive in terms of bats and the provisions of the Wildlife and Countryside Act 1981 in terms of red squirrel both of which seek to protect, maintain and enhance these species habitats.

The proposal is therefore contrary to: Argyll and Bute Structure Plan policies STRAT SI 1 Sustainable Development, STRAT FW2 – Development Impact on Woodland and STRAT DC7 – Nature Conservation and Development Control; Cowal Local Plan 1993 policies POL RUR 1, POL RUR 2, POL RUR 4 and POL BE 8; and Argyll and Bute Local Plan Proposals for Adoption (June 2009) policies LP ENV 2 Development Impact on Biodiversity, ENV 6 Development Impact on Habitats and Species, ENV 7 Development Impact on Trees/Woodland, ENV 8 Development Impact on Local Nature Conservation Sites, all of which seek to protect the ecological importance of such woodland from potential adverse impacts.
4. The applicant has failed to provide accurate information in respect of surface water drainage proposals (SuDS) for the application site. The lack of precise drainage arrangements incorporating a SuDS scheme to alleviate potential flooding of the site and adjacent properties and their land is contrary to: Scottish Planning Policy SPP7 – *'Planning and Flooding'* and PAN 69 *'Planning and Building Standards Advice on Flooding'*; Policies STRAT SI 1 *'Sustainable Development'* and STRAT DC10 *'Flooding and Land Erosion'* of the Argyll and Bute Structure Plan 2002; and policies LP SERV 2 – *'Sustainable Drainage Systems (SuDS)'*, LP SERV 3 *'Drainage Impact Assessment'* and LP SERV 8 *'Flooding and Land Erosion'* of the Argyll and Bute Local Plan Proposals for Adoption (June 2009), all of which presume against the nature of the development proposed.