

**MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the QUEEN'S HALL,  
DUNOON  
on THURSDAY, 30 JULY 2009**

**Present:** Councillor B Marshall (Chair)

Councillor A MacAlister	Councillor J McQueen
Councillor R Macintyre	Councillor L Scoullar
Councillor A McNaughton	Councillor R Simon

**Attending:** Shirley MacLeod, Area Corporate Services Manager  
David Eaglesham, Area Team Leader, Development Control

Mr Kennedy, Applicants Agent

Paul Farrrell, Roads Engineer, Consultee

Mr Carey, Objector

**1. APOLOGIES**

Apologies for absence were intimated on behalf of Councillors Strong and Walsh.

**2. DECLARATIONS OF INTEREST**

None

**3. OUTLINE PLANNING APPLICATION 08/02011/OUT, MR J STIRLING, LAND SOUTH EAST OF ALDERSYDE, TOWARD**

The Chair introduced the Members of the Area Committee, and welcomed the Director of Development Services' representative, the applicant, consultees and objectors to the Formal Planning Hearing. The Chair outlined the procedure and purpose of the Hearing which was to allow all interested parties to state their case to the Area Committee, and for Members to debate the merits of the case and reach a decision on the planning application.

Planning Department

David Eaglesham, Team Leader, Development Control, gave a detailed and illustrated description of the proposed development. He said the application was for the erection of 3 detached dwellinghouses, vehicular access, the felling of 58 trees within TPO 5/92 landscaping and tree planting. Mr Eaglesham said that he had received no objection from consultees, however the local Biodiversity Officer said there had not been a sufficient survey for bat and red squirrel in the area. There had been 10 letters of representation from members of the public on the impact on the woodland, wildlife habitat and the amount of sites with planning permission in the area. Mr Eaglesham asked Members to agree the Department's recommendation to refuse the application.

## Applicant

Mr Kennedy advised that he had been involved with a great deal of architectural development in Toward including the Meadows where the houses were sold before they were built, he also dealt with the houses along Lighthouse Road which was a very boggy area and the houses there have been very successful. The present site at Machair Cottages has been a very successful 4 plot development which enhances the area.

Mr Kennedy said that the objectors noted that the applicant went to expense of hiring consultants for a tree report on the wooded area which clarified that it was less than 50 years old with limited good species and no local species were found. The area is of poor quality with limited birds and mammals. Mr Kennedy said the planners report contradicts the specialists report and state that it is a good woodland. Mr Kennedy advised that if the application was permitted to go to detailed stage then he would present suitable housing to complete the Machair Cottages Development.

## Consultee

Paul Farrell advised that his Department had asked for a 2m wide verge for a footway and the access to have displaces of 35m x 2.5m and no wall or hedge has to be above 1m in height.

## Objector

Mrs Carey advised that she was speaking on behalf of a number of residents and had split her objections into areas.

Environment & Geographic Impact:- Mrs Carey said the whole development would cause an impact on the trees which are protected by a TPO and if they were allowed to cut them down then the landscape would become flatter visually. As detailed in the report "this would result in unacceptable environmental impact with a detrimental effect on the character of the Toward Point settlement"  
Ecological: There is a wide range of flora and fauna that would be lost; Mrs Carey asked that the Biodiversity Office come out to check the woods because there are sightings of red squirrels on a daily basis.

Land Management:- There has been no maintenance of the woodland, some trees have fallen there are drainage issues, and deep holes that could be dangerous, and there has been no submission of surface drainage details.

Housing Development:- Mrs Carey advised that there was no need for additional houses because there were a number of "for sale" signs in the area.

Tree Planting:- Trees take time to grow and the delay in provision of mature trees would be unacceptable.

Road Access:- Mrs Carey advised that the documents she received did not show any information on access and she was alarmed that the Roads Department have no objections.

South Cowal Community Council:- Mrs Carey was disappointed with the Community Council and advised that it was their responsibility to object to this application in line with the community's wishes.

Mrs Carey asked that the application be refused as per the Planning Department's recommendation.

The Chairman then invited questions from Members of the Committee.

#### Questions for Members

Members asked questions on South Cowal Community Council's opinion, if there was planning permission for 8 houses, total number of trees to be cut down, aborticultural report, the remit of the TPO, red squirrel and bat populations, surface water drainage, land management, and if there was a SUDS scheme

The Chairman then invited the speakers to sum up.

#### Summing Up

David Eaglesham said he had little to add, he wished to clarify that the Council would not oversee the maintenance of the wood because it is in private ownership. He advised of his Departments position in relation to sending out drawings and recommended that the application be refused.

Mr Kennedy said that the development would be an infill to the village and therefore would benefit the community by providing children for the school and more residents.

Paul Farrell advised that surface water is dealt with under the Roads Scotland Act and this can be done on any site.

Mr Carey advised that she had put her case forward as well as she could and raised all her concerns and asked that the application be refused.

The Chairman asked, and the participants confirmed, they had each had a fair hearing.

The Committee then debated the merits of the application.

#### Motion

To refuse the application in terms of the report by the Head of Planning.

Proposed: Councillor B Marshall

Seconded: Councillor L Scoullar

#### Amendment

The development proposed is compatible with the existing settlement pattern in terms of scale, shape proposed layout, plot density and size and relationship with neighbouring properties.

In terms of location the development proposed whilst removing what is considered to be scrub and trees that are of poor quality and following independent advice will seek to promote a development that can sit in harmony with the woodland, enhance the amenity of the woodland with improved management and post development tree planting.

Independent ecological advice advises that there are no sufficient sites for bat roosts in this area nor is there any evidence of red squirrels in the woodland and Scottish Natural Heritage have not objected. Despite the evidence of objectors, there will be little impact on the overall habitat available for these species.

In terms of access and servicing the development proposed will have no adverse impact and will serve to enhance and improve the current appearance of an incomplete development. The application clearly indicates surface water disposal to a sea outfall, details of which can be considered at reserved matters stage.

I therefore, move that the application be approved as a minor departure from the Cowal Local Plan 1993, the Argyll and Bute Structure Plan 2002 and the Argyll and Bute Local Plan Proposals for Adoption 2009 subject to conditions and reasons to be agreed by the Head of Planning in consultation with the Chair and Vice Chair.

Proposed: Councillor R Macintyre  
Seconded: Councillor A McNaughton

On being put to the vote, 3 voted for the Motion and 4 for the Amendment.

### Decision

The application be approved subject to conditions and reasons to be agreed by the Head of Planning in consultation with the Chair and Vice Chair. The Committee noted that since this decision was not unanimous the application would be referred to the Planning, Protective Services and Licensing Committee.