

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 within 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.