

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: 10/01566/PP

Planning Hierarchy: Local application.

Applicant: Mr and Mrs Lowe

Proposal: Demolition of village hall and erection of dwellinghouse and detached garage/office and improvements to vehicular driveways.

Site Address: Former St Catherines Hall, St Catherines, Cairndow, Argyll

DECISION ROUTE

(i) Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Erection of detached dwellinghouse;
Erection of detached garage/office;
Boundary treatments and tree planting / shrub planting;
Installation of wastewater treatment system with outfall to adjacent ditch;
Erection of deer fence;
Alterations to existing access(es).

(ii) Other specified operations

Demolition of village hall;
Connection to public water main;
Removal of conifers.

(B) RECOMMENDATION:

It is recommended that, subject to notification to the Scottish Ministers, planning permission be granted subject to the conditions, reasons and advisory notes set out below.

(C) HISTORY:

Detailed planning permission (ref. 05/02436/COU) was granted on 17th February 2006 for the conversion of the former hall into two holiday units. A previous application (ref. 05/00655/COU) was withdrawn on 11th January 2006 for a similar proposal but with a different drainage system.

Detailed planning permission (ref. 07/01840/COU) for the conversion of village hall to create a dwellinghouse with timber balcony, external alterations and installation of septic tank system was granted on 16th November 2007. The applicants have been living in the former village hall for the past two years.

(D) CONSULTATIONS:

Scottish Natural Heritage (responses dated 8th November, 16th December, 22nd December 2010) - object on the basis that the proposal will have a negative impact on the Ardchylene Wood Site of Special Scientific Interest (SSSI) and that no information on bats has been submitted. An updated response accepts the submitted bat survey but maintains their original objection that the proposal raises natural heritage issues of national interest. SNH comment that if the Council is minded to grant permission against their advice, then the application must be notified to Scottish Ministers.

Area Roads Manager (responses dated 2nd November and 1st December 2010): Original recommendation of deferral now addressed and now no objections subject to conditions regarding sightlines and access improvements and advisory notes regarding a Road Opening Permit.

Scottish Water (response dated 1 February 2011): No objection. Loch Eck treatment works has capacity to serve the development.

(E) PUBLICITY:

The application was advertised under Regulation 20(1) Advert Statement (publication date 22nd October 2010, expiry date 12th November 2010).

(F) REPRESENTATIONS:

No letters of representation have been received.

(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

The applicants have submitted a Design Statement indicating that re-use of the former hall is impracticable due to the undermining of foundations from fir trees to the rear of the hall, lack of energy saving materials/insulation, close proximity of hall to the A815 and limited privacy and existing materials. It is therefore proposed to maximise the use of the site and views onto Loch Fyne, utilise modern innovative energy saving construction materials, allow a phased full-time occupancy of the site during development and integrate into the local amenity.

Phase 1 of the development would involve tree felling and removal, improvements to the accesses and erection of deer fence. Phase 2 involves the installation of the bio-disc, construction of outbuilding and formation of parking. Phase 3 comprises the

demolition of the hall, construction of the dwellinghouse and driveways/pathways. Phase 4 includes landscaping, strategic planting of native saplings to integrate the development with the SSSI and hedging to lessen the impact of the deer fencing. The choice of siting the dwellinghouse at an angle to the A815 was taken due to traffic noise, vibration at unsociable hours, to maintain a level of privacy and to maximise scenic views of Loch Fyne.

- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes

A bat survey was requested and submitted in support of the proposed development. The survey found no bats to be present in the former hall but evidence of activity in the surrounding area. The survey suggests that suitable bat roosts could be provided within the site or development to provide alternative bat roosts.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:**

No

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- (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 SI 1 - Sustainable Development;
STRAT DC 1 Development Within The Settlements;
STRAT DC 7 – Nature Conservation and Development Control;
STRAT HO 1 – Housing – Development Control Policy;
STRAT FW 2 - Development Impact on Woodland.

Argyll and Bute Local Plan (August 2009)

Policy LP ENV 5 Development Impact on Sites of Special Scientific Interest (SSSI);
Policy LP ENV 6 Development Impact on Habitats and Species;
Policy LP ENV 7 Development Impact on Trees/Woodland;
Policy LP ENV 10 Development Impact on Areas of Panoramic Quality;
Policy LP ENV 19 Development Setting, Layout and Design including Appendix A Sustainable Siting and Design Principles;
Policy LP HOU 1 General Housing Development;
Policy LP TRAN 4 New and Existing Public Roads and Private Access Regimes;
Policy LP TRAN 6 Vehicle Parking Provision including Appendix C Access and Car Parking Standards.

- (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.**

Scottish Planning Policy (February 2010);
PAN 60 Planning for Natural Heritage

- (K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** No
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- (L) **Has the application been the subject of statutory pre-application consultation (PAC):**
No
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- (M) **Has a sustainability check list been submitted:** No
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- (N) **Does the Council have an interest in the site:** No
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- (O) **Requirement for a hearing (PAN41 or other):** No
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- (P) **Assessment and summary of determining issues and material considerations**

Planning permission is sought to demolish the former St. Catherines Village Hall and replace it with a one-and-a-half storey dwellinghouse with detached double garage/office and twin vehicular accesses.

Whilst the department considers the proposed design and layout acceptable, the rear portion of the site lies within Ardchyline Wood Site of Special Scientific Interest (SSSI) and Scottish Natural Heritage (SNH) have raised an objection. SNH consider that encroaching into the protected woodland will compromise the conservation objectives and overall integrity of the protected woodland.

SNH originally raised concerns regarding the boundary of the SSSI during the Local Plan process but formally withdrew their objection on 1st February 2007 and the Local Plan was adopted in August 2009. Parts of the Ardchyline Wood SSSI overlap the minor settlement boundary of St. Catherines where the underlying policy criteria must also be assessed for environmental impact.

The small part of the site within the SSSI has no trees on it and forms part of a clearing beside an overhead power line wayleave. On this basis, it is considered that the proposed dwellinghouse and its associated buildings and vehicular access would have no significant impact on the SSSI while the removal of conifer trees (outwith the SSSI) and provision of bat roost facilities and other tree planting may actually improve the surrounding area, without detriment to existing habitats or species. The proposal therefore satisfies development plan policies STRAT DC 7 and LP ENV 5.

No letters of representation have been received and Roads, subject to conditions, find the scheme acceptable.

The proposed development is compliant with development plan settlement strategy in terms of policies STRAT DC 1 and LP HOU 1, and the plot size, layout and design are acceptable in terms of Local plan policy LP ENV 19. There are no other material considerations which would justify refusal of permission.

(Q) Is the proposal consistent with the Development Plan: Yes

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

Given the planning history for development on the western part of the site, the dimensions of the application site within the defined settlement boundary of St. Catherines and a very limited (if any) impact on the Ardchylie Wood SSSI, the department do not concur with the views of Scottish Natural Heritage. On the basis that the proposed dwellinghouse and detached garage/office with appropriate materials and tree planting/shrub planting and boundary treatments will be capable of integrating within its surroundings, it is considered to be acceptable and consistent with policies LP ENV5, ENV6, ENV7, ENV10, ENV19, HOU1, TRAN4 and TRAN6 of the 'Argyll and Bute Local Plan' (2009). There are no reasonable grounds which would justify a recommendation of refusal.

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

(T) Need for notification to Scottish Ministers or Historic Scotland: Yes

Scottish Natural Heritage has objected to this application so, under Category 2: Objection by Government Agency of Circular 3/2009: 'Notification of Planning Applications', this will require formal notification to Scottish Ministers.

Author of Report: Brian Close

Date: 9th February 2011

Reviewing Officer: David Eaglesham

Date: 9th February 2011

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01566/PLANNING PERMISSION

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 14th September 2010 and the approved drawing reference numbers: 1705.03, 1705.01 RevA received 31st January 2011, 1705.02 RevA, unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

3. No development shall commence, including any site works, until details are submitted for the prior written approval of the Planning Authority of a surface water drainage scheme (including any works to the existing watercourse through the site) that shall incorporate the basic principles of *Sustainable Urban Drainage Systems* identified in 'Planning Advice Note 61' and which shall provide details of surface water run-off, measures to slow down run off; methods of treatments and its release into the system, unless prior written consent for variation is obtained in writing from the Planning Authority. The scheme, as may be approved shall be implemented commensurate with this development at a timescale as may be agreed in writing with the Planning Authority.

Reason: In order to provide for sustainable development of the site, and to protect existing and proposed development from the effects of potential increased surface water run-off.

4. No works shall commence until full details of the provision of alternative accommodation for the bat population within the site (including the design and location of the bat buildings, boxes and roosts) and a management regime for the maintenance of this accommodation have been submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. These details shall generally be in accordance with the Protected Species Survey submitted by Mr. A. Kerr dated 12th December 2010.

Reason: In the interests of nature conservation and to ensure that there are sufficient alternative bat roosts within the development.

5. The visibility splays of 75.0 x 2.5 metres in both directions onto the A815 from both the existing access track and widened existing access shall be maintained in perpetuity free from all obstructions (i.e. walls, fences, hedges) over one metre in height.

Reason: In the interests of vehicular and public safety and in order to achieve required sightlines.

6. Prior to any works commencing on the demolition of the hall or construction of the outbuilding, the vehicular access(es) to the site shall be constructed as per standard detail drawing SD 08/005 and shall be constructed in consultation with the Roads Department of Development and Infrastructure Services. The gradient of the access shall not exceed 5% for the first 5m and 8% thereafter and the first 5m shall have a sealed surface to prevent debris running onto the public road/footway.

Reason: In the interests of vehicular and public safety and in order to provide a suitable access.

7. Prior to the occupancy of the dwellinghouse (or temporary habitation of the outbuilding), a parking area for two vehicles, together with a turning area, shall be provided within the curtilage

of the site and shall thereafter be retained in perpetuity for such a dedicated purpose, unless the prior consent for variation is obtained in writing from the planning authority.

Reason: To ensure that adequate off-street car parking provision is provided.

8. The dwellinghouse shall not be occupied until the first 5m of the access onto the A815 from the lane serving Halftown Cottages has been constructed with a sealed surface in accordance with details to be submitted to and approved by the planning authority.

Reason: In the interests of vehicular and public safety and in order to provide a suitable access.

9. No development work shall commence on site until full details regarding the proposed foul water drainage system including effluent discharge calculations have been submitted to and agreed in writing with the Planning Authority.

Reason: To safeguard the waters of Loch Fyne, which are now a shellfish designation.

10. No building, engineering or tree-felling works shall commence until shall commence until a detailed scheme of all boundary treatments has been submitted to and approved in writing by the Planning Authority. The scheme of boundary treatment is expected to comprise a dry stone wall with post and wire fence to the rear portion and frontage of the site with an enclosed area with protective deer fencing in the central portion only. The scheme as may be approved shall be implemented prior to the occupancy of the dwellinghouse, or as otherwise agreed in writing with the Planning Authority.

Reason : In order to protect the visual amenity of the surrounding area.

11. No work shall commence on site (unless consent for variation is approved in writing by the planning authority) until a detailed scheme of native tree planting and shrub planting has been submitted to and approved in writing by the Planning Authority. The planting scheme, as may be approved shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and shall ensure:

- (a) Completion of the scheme during the planting season next following the completion of the building(s) or such other date as may be agreed in writing with the Planning Authority.
- (b) The maintenance of the landscaped areas for a period of ten years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping

12. Notwithstanding the provisions of Article 3 and Class 1 (*the extension, enlargement, improvement, alteration of the dwelling*) and Class 3 (*building, enclosure, pool, incidental to the enjoyment of the dwelling and maintenance, improvement, alteration thereof*) of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no development shall take place within that part of the curtilage of the dwellinghouse hereby permitted which falls within the Ardchylene Woodland Site of Special Scientific Interest without the prior written consent of the Planning Authority.

Reason: In order to protect the nature conservation value of the Ardchylene Woodland Site of Special Scientific Interest

13. Prior to the commencement of any construction works, samples of all external finishes and roof coverings shall be submitted for the written approval of the Planning Authority.

Reason : In the interest of visual amenity and to help integrate the proposal within its surroundings.

NOTES TO APPLICANT

3. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
4. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
5. The Area Roads Manager has advised that the proposed works will require a Road Opening Permit (S56) for the construction of the access. It is also advised that surface water drainage system will be required at the turning area and positive drainage measures should be agreed with the Area Roads Manager. The developer is advised to contact the Area Roads Manager (Mr. Paul Farrell, tel. 01369 708613) directly upon these matters.
6. This permission is for the purposes of the Town and Country Planning (Scotland) Act 1997 only. Works not constituting 'development' in planning terms are further controlled by Scottish Natural Heritage under the Operations Requiring Consent procedure associated with the SSSI designation, with consent being required under Section 16(2) of the Nature Conservation (Scotland) Act 2004 in respect of works likely to damage the natural features of the SSSI. You are advised to contact Scottish Natural Heritage in advance of carry out any works within the confines of the SSSI to establish the works requiring consent in this case and to ensure that any necessary consents are in place before works are carried out on the land.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 10/01566/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the 'Argyll and Bute Local Plan' (August 2009) the application site is located within the 'minor settlement' of St. Catherines, within an Area of Panoramic Quality and partially within Ardchyline Wood a Site of Special Scientific Interest (SSSI), where policies POL LP ENV5, ENV 6, ENV 7, ENV 10, HOU 1, TRAN 4 and TRAN 6 are all applicable.

Within the settlements, there is a general presumption in favour of development unless there is an unacceptable environmental, servicing or access impact. Whilst the boundary of the SSSI overlaps the settlement boundary, this should not rule out the potential for development within the 'settlement' zone provided the conservation objectives and overall integrity of the SSSI is not compromised (refer to Section C below). The principle of development has already been established by the granting of permission (ref. 07/01840/COU) to convert the former village hall to a dwellinghouse, but is considered that extending the site of the hall into a small part of the SSSI boundary would not undermine the conservation objectives or the integrity of the woodland while being consistent with the settlement character of dispersed dwellings backing onto the woodland.

Accordingly, the proposal would be consistent with policy STRAT DC1 of the Argyll and Bute Structure Plan and policies LP ENV 1 and LP HOU1 of the Argyll and Bute Local Plan.

B. Location, Nature and Design of Proposed Development

Site and Surroundings

The site includes the former St. Catherines Village Hall, a single storey corrugated iron building located to the south of St. Catherine's village. The hall is currently occupied by the applicants. The site is currently served by twin accesses from the A815 to allow car parking within the site. A separate private access is located adjacent to the southern boundary of the application site and this serves Halftown Cottages to the rear. A row of mature conifer trees are located along the rear boundary of the site.

The application site is larger than previous schemes that sought to convert only the hall. The applicants have purchased land to the rear to make the site more suitable for a dwellinghouse and associated outbuildings, car parking and turning. The rear portion of the site lies within Ardchyline Wood, a Site of Special Scientific Interest.

Proposal

It is proposed to demolish the former hall and erect a one-and-a-half storey dwellinghouse with detached garage/office. The dwellinghouse (16 x 8 x 7.7 metres) would be set back from the A815 at an angle with the garage/office to the rear of the site. It is proposed to close off an existing access at the northern end of the site (by the siting of the septic tank) and improve the existing access in to the site at the southern end. It is also proposed to create a secondary access from the private access track serving Halftown Cottages where the applicants have a right of servitude.

The dwellinghouse would have a pitched and gabled roof with traditional dormer features on front and rear roof slopes and gabled chimneys. External materials would be white wet dash render with grey concrete roof tiles and white upvc windows. The garage/office outbuilding (13.0 x 10.7 x 5.65 metres) would be finished in vertical larch boarding or stained softwood with grey concrete roof tiles and stained softwood windows.

It is proposed to use a sunken Klargester bio-disc plant with filter tank soakaway system within the curtilage of the site and outfall to the adjacent burn. Connections are to be made to the public water main. The applicants have a right of servitude on adjacent land to lay an outfall pipe to discharge from the sewage treatment plant.

It is proposed to fell a row of Douglas fir trees that are located immediately to the rear of the hall. Tree planting and shrub planting is proposed around the site and a 2-metre high deer fence is proposed around the rear boundaries of the site.

Permission was previously granted for the conversion of the hall to two holiday units and a single dwellinghouse on a smaller site that only contained the hall with limited space for car parking, turning and amenity space. Due to site dimensions and issues in converting the hall, the applicants have purchased land to the rear to enable a modern dwellinghouse to be erected within the site together with associated outbuildings, access, turning, car parking and amenity space. In terms of siting, scale and design of the dwellinghouse and outbuilding, the proposal is considered to be acceptable and similar in design to nearby dwellings within St. Catherines village.

Within the settlements, there is a general presumption in favour of development unless there is an unacceptable environmental, servicing or access impact. In this case, the angled siting of the proposed dwellinghouse does not raise any significant design issues and is considered to be acceptable in terms of Policies LP ENV19 and LP HOU1 of the Argyll and Bute Local Plan.

It is considered that the proposed development is acceptable in layout, design and materials and would not have a significant visual impact, consistent with Policies LP ENV 19 (including Sustainable Design Guidance) and LP HOU1 of the Argyll and Bute Local Plan.

C. Impact on Woodland

The rear portion of the site lies within Ardchylene Wood, which is designated as a Site of Special Scientific Interest (SSSI). Ardchylene Wood is one of the largest and most species rich ancient semi-natural woodlands in Cowal supporting the largest area of downy birch and purple moor grass woodland in Argyll. The SNH designation of the Ardchylene Wood SSSI shows the boundaries of the protected woodland enveloping the former hall that only extends some 4.4 metres from the rear of the hall. The proposal extends some 25 metres beyond the hall and it is this additional 20 metres encroaching into the woodland area to which SNH express serious concerns. SNH originally raised concerns regarding the boundary of the SSSI and these concerns were taken into account in the preparation of the 'Argyll and Bute Local Plan'. The Local Plan was drawn up with the SSSI zoning overlapping this part of the minor settlement. SNH raised no objections at that stage and the Local Plan was adopted in August 2009.

SNH object to the application on the basis that the protected natural features of Ardchylene Wood SSSI will be compromised as a result of the development and in particular regarding the construction of the built structures encroaching onto the SSSI that will essentially remove ground permanently from the woodland. It is also considered that the fencing out of this ground will remove it from the woodland in terms of its functionality and therefore threaten the integrity of the overall woodland feature. SNH consider that the proposal raises natural heritage issues of national interest which are not outweighed by wider benefits in the public interest. SNH also confirm that the applicants were made aware of the SSSI status in July 2007.

Policy LP ENV5 of the 'Argyll and Bute Local Plan' states that development in SSSIs will only be permitted where it can be adequately demonstrated that either the proposed development will not compromise the conservation objectives and overall integrity of the site or there is a proven public interest where national, social, economic or safety considerations outweigh the

ecological interest of the site and the need for the development cannot be met in other less ecologically damaging locations or by reasonable alternative means. SNH consider that even with mitigation, the proposal raises natural heritage issues of national interest.

The applicants have submitted supporting information suggesting that Ardchyline Wood covers 175 hectares. The whole application site measures approximately 1100m² with some treeless 600m² within the SSSI, resulting in the loss of approximately 0.03% of the SSSI. While SNH consider that the area of SSSI included in the application primarily constitutes open grassland with scrub birch, the applicants suggest that the removal of the row of Douglas Firs to be replaced with native shrub and tree planting would enhance rather than compromise the SSSI. As a goodwill gesture, the applicants suggest that they will convert the loft area above the office/garage as a bat maternity roost to support the lack of bat maternity roosts in the SSSI, erect a bat box, in addition to placing bird feeders and a bird table.

Whilst acknowledging that the site is slightly larger than the previous permissions, it is important to put the development proposal into perspective. Ardchyline Wood covers approximately 175 hectares that stretches for approximately 5km of hillside from St. Catherines to Ardnagowan. The land to the rear of the hall is scrub and, while SNH consider that the area of SSSI included in the application primarily constitutes open grassland with scrub birch, it is considered that the removal of the row of Douglas Firs to be replaced with native shrub and tree planting would enhance rather than compromise the SSSI. SNH consider that the erection of a fence would remove the site from the woodland but the SSSI already overlaps part of the settlement boundaries of St. Catherines, Poll and Ardnagowan settlements where deer fences are in evidence and necessary to protect gardens.

Whilst the proposal includes the felling of mature conifers to the rear of the site, SNH previously (for application ref. 05/02436/COU) were agreeable to the planting of birch trees to ensure a buffer zone between the application site and the SSSI. Even if such additional tree planting were proposed to the rear of the application site an overhead power line runs along the back of the site where wayleave restrictions exist. For the reasons above, the department cannot give significant weight to the comments from Scottish Natural Heritage.

It is considered that the proposal to include 600m² (approximately 0.03%) of the SSSI, will not compromise the conservation objectives or the overall integrity of Ardchyline Wood and that the development is therefore not contrary to Policy LP ENV5. The department does not accept the views of SNH, and considers that approval of the proposed development would not result in a dangerous precedent or (with safeguarding conditions) have an adverse impact on this small part of the SSSI.

In terms of the proposed deer fence, it is suggested that the area to the rear of the proposed dwellinghouse should have a dry stone wall with post and wire fence and any area of deer fencing to be restricted to the central portion of the site. The applicants agree to the erection of a dry stone wall but may need temporary deer fencing to act as an enclosure for their dogs during the construction period. This aspect can be covered by a recommended condition.

It should also be noted that recommended condition 12 removes domestic 'permitted development' rights from that part of the curtilage of the dwelling falling within the SSSI, thereby precluding the erection of walls, fences, outbuildings and other ancillary development within the confines of the designated area, unless specific permission has been granted. Additionally, works not constituting 'development' in planning terms are further controlled by Scottish Natural Heritage under the Operations Requiring Consent procedure associated with the SSSI designation, where consent would be required under Section 16(2) of the Nature Conservation (Scotland) Act 2004 in order to control works likely to damage the natural features of the SSSI.

On the basis of this, the proposal is considered consistent with the provisions of Policy ENV5 and ENV7 of the Argyll and Bute Local Plan.

E. Natural Environment

In terms of bats, a bat survey has been submitted for the former hall. The survey finds no evidence of bat roosts within the building but identifies that the area has a good number of bats but few roosts, particularly maternity roosts for Brown Long Eared Bats, Soprano and common Pipistrelles. It is suggested that the new build office/garage loft space has the potential to provide a roosts site for bats in this area with the careful provision of the recommendations as outlined in the Method Statement.

SNH accept the findings of this survey. In terms of the Douglas firs, SNH have accepted their removal without the need for a bat survey. A suspensive condition is recommended that will require the provision of a bat roost within the proposed office/garage building and the provision of a further bat box on a nearby mature oak or a single topped mature Sitka spruce behind the hall.

On the basis of the above, the proposal is considered consistent with Policy ENV6 of the Argyll and Bute Local Plan.

F. Road Network, Parking and Associated Transport Matters

Roads previously deferred their decision until a single access only was formed, but now find that the proposal to utilise two accesses acceptable, on the basis that both are improved to required standards in terms of access design, sightlines, surfacing and drainage. The applicants are aware of these requirements and have indicated their willingness and ability to carry out the works required.

The applicants have a right of servitude and agreement with the land owner to upgrade the existing private access track in terms of surfacing and bellmouth improvements.

On the basis of the above, the proposal is considered consistent with Policies LP TRAN4 and LP TRAN 6 of the Argyll and Bute Local Plan.

G. Conclusion

The demolition of the former hall and erection of a dwellinghouse with detached garage/office outbuilding raises no design, privacy or amenity issues, and is considered to be acceptable and consistent with policies contained in the 'Argyll and Bute Local Plan' (August 2009).

Roads matters can be addressed by suspensive conditions where both of the southern accesses will be improved and the northern one removed by virtue of the siting of the septic tank and soakaway.

Whilst the applicants consider that the removal of a small part of the SSSI woodland area is not significant, SNH object strongly to the proposal that would essentially remove this area of ground from the woodland in terms of its functionality and therefore threaten the integrity of the overall woodland feature. It is considered that a reasoned justification has been made by the applicants, where the application site lies within the identified settlement boundary of St. Catherines and only relates to a very small treeless part of the SSSI. On the basis that part of the site is already developed and given the nature of the site, it is unlikely that approval would establish a precedent.

Given the size of the site and negligible impact on the Ardchylne Wood SSSI, the department does not concur with the views from SNH and consider that the proposed dwellinghouse with appropriate materials and tree planting/shrub planting will be capable of integrating within its surroundings and considered to be acceptable and consistent with policies LP ENV5, ENV6, ENV7, ENV10, ENV19, HOU1, TRAN4 and TRAN6 of the Argyll and Bute Local Plan (2009).

In the event that Members accept the recommendation to grant permission, notification of the application will be required to the Scottish Ministers in view of the conflict with the stated opinion of a statutory consultee.

APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application 10/01566/PP

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- (A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No

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- (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.

Yes. Minor changes made to the external materials of the garage/office from render to vertical timber boarding.

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- (C)** The reason why planning permission has been approved.

Given the planning history for development on the western part of the site, the dimensions of the application site within the defined settlement boundary of St. Catherines and a very limited (if any) impact on the Ardchylene Wood SSSI, the Council does not concur with the stated views of SNH. On the basis that the proposed dwellinghouse and detached garage/office with appropriate materials and tree planting/shrub planting and boundary treatments will be capable of integrating within its surroundings, and on the basis that it will not threaten the integrity of the wider SSSI, it is considered to be acceptable and consistent with policies LP ENV5, ENV6, ENV7, ENV10, ENV19, HOU1, TRAN4 and TRAN6 of the ‘Argyll and Bute Local Plan’ (2009).