

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: 12/02766/PP

Planning Hierarchy: Local

Applicant: The Church of Scotland General Trustees

Proposal: Erection of residential development comprising 11 dwellinghouses (6 affordable), installation of treatment plan and associated vehicular accesses.

Site Address: Land South West of Ardfern House, Ardfern

SUPPLEMENTARY REPORT No. 2

A. SUMMARY

The purpose of this report is to update Members on further information which has been received since completion of the original report dated 3rd May 2013 and Supplementary Report 1 (21st May 2013).

B. FURTHER WRITTEN REPRESENTATION

Two additional letter of representation to the proposal has been received taking the number of third parties raising objection to the current application to 39 in total.

- Mr Angus Bevan, Garden Cottage, Craignish (22.05.13)
- Mrs Jan Brown of the Craignish Community Company (C3) (17.05.13)

A further submission dated 10.06.13 has been received from Mr Christopher Thornhill (who has previously written in support of the application) seeking clarification as to whether the late comments from the Craignish Community Company (C3) had been received in time to allow their participation at the pre-determination hearing.

Comment: It is confirmed for the avoidance of doubt that representations from the Craignish Community Company (C3) have been received in sufficient time to allow their participation at the pre-determination hearing having due regard to the Council's procedure in such matters.

Mr Bevan does not raise any concerns which have not already been addressed in the Head of Planning's report dated 3rd May 2013.

The further submission from Mrs Jan Brown of the Craignish Community Company (C3) augments her personal letter of objection dated 23rd January 2013. The further submission seeks to provide a summary of the pre-application development of the proposal from the perspective of C3 and clarify some misconceptions; the submission is summarised as follows:

- Advise that C3 were originally provided a brief by the General Trustees of the Church of Scotland in August 2009 to put forward a proposal for affordable housing for rent with two 'non-negotiable' clauses that all of the proposed dwellings would be for rent and that an access to the Upper Glebe was included.
- By June 2010, C3 had raised some £14,000 to undertake the feasibility study for this project and entered into a partnership agreement with Fyne Homes whereby C3 would complete the feasibility study and Fyne Homes would take over at the development stage.
- In July 2010, C3 contacted the General Trustees and Kirk Session on behalf of Fyne Homes to enquire whether, instead of 12 houses for affordable rent, they would allow 9 for rent and 3 shared equity as this would help with the funding of the project. The General Trustees at that time responded by enquiring whether C3 could assist by raising finance to meet the short fall in funding; the Kirk Session rejected the proposals for shared equity as this was *"contrary to the requirements which the Kirk Session have previously stated are non-negotiable. These are: The whole of the housing must be for rent only and in perpetuity. All houses shall fill genuine housing needs first. The project must include an access road and right of way to the top of the Glebe Field"*.
- In April 2011 the completed Feasibility Study was presented to the community at a public meeting and in June 2011 the District Valuer valued the site in question at £15,000.
- In August 2011 C3 was informed by the Kirk Session that it would not be proceeding with the proposed development as shown in the feasibility study and the General Trustees stated that they did not accept the DV's valuation of the land.
- In December 2012 the Church submitted the current planning application for a mix of affordable and private housing, the outcome of which is awaited.
- C3 raise concern that the General Trustees, and the Minister and the Kirk Session of Craignish Parish Church must have known from the outset that they would reject the feasibility study given the conditions which they imposed upon C3. They have used C3 to persuade the community to accept building

on the Glebe but are now ignoring the needs and wishes of the community of Craignish in order to maximise profit for the Church.

Comment: The manner in which the current proposal has developed, including the applicant's engagement with C3 and the local community (which has taken place outwith the procedural provisions of the Town and Country Planning (Scotland) Act 1997) is not a material planning consideration. It is however noted that the site remains allocated within the Argyll and Bute Local Plan 2009 for 100% affordable housing development and open space, a designation which has been supported by the local community, most notably of late in the Craignish Community Plan 2012. The inclusion of private housing development in this respect would be contrary to the provisions of the adopted Local Plan and the wishes of the Craignish Community as expressed in their Community Plan. Consideration of these issues and the materiality of other circumstances relating to the inclusion of private housing within the development as a minor departure to the provisions of the Development Plan are addressed in detail in Appendix A, section F of the Head of Planning & Regulatory Services report dated 3rd May 2013.

C. FURTHER SUPPORTING INFORMATION

Otter Report

An Otter Survey Report was submitted by the applicant on 3rd June 2013 in response to a further request for information from Officers issued 16th May 2013.

Whilst the survey did not record any otter activity within the application site itself Otter activity was recorded on the shoreline adjacent to the proposed site and on the burn which runs off to the north-east of the site. Activity recorded in the study area included eight sprainting sites and one resting up site on the burn. There are two freshwater ditches that run up towards the site and a ditch that runs along the road and otter could use these for washing. It is possible that otter could occasionally cross the application site to access resting up sites under tree roots or in dense gorse on the escarpment to the west, or to access the hill lochs for feeding. However, no evidence to indicate any regular crossing of the site by otter was recorded.

The reed bed area close to the church was assessed to have good potential for an otter resting up site and otters are known to use areas such as this. It was not possible to fully survey here due to the dense vegetation and due to active nesting sedge warblers. No strong paths leading into this area were confirmed but otters regularly pass along the burn. The report concludes that the proposed development appears unlikely to have any significant implications for Otter or their habitat but does recommend that in the long-term it should be ensured that development of the site does not create a potential barrier for otters (in reaching the escarpment to the west). It is advised that an Otter specialist should be engaged to advise on how this might be best achieved for example by means of hedgerow planting following up from at least one of the ditches that lead up to the site may prove suitable.

The submitted report includes recommendations to minimise the impact of the development upon Otter. This should include a pre-works otter survey, in particular of the reed bed, and vegetation clearance here should be supervised by an otter specialist. In addition it is recommended that consideration is given to re-routing the drainage system to avoid disturbance of the reed bed area. The report also includes recommendations on best working practices relating to timing of construction activity, use of lighting, ramping of trenches (to prevent accidental entrapment of Otter) and pollution prevention.

In addition to Otter, the report also notes the presence of nesting birds which would be subject to general protection under the Wildlife and Countryside Act 1981 (as amended) and the applicant is advised in this respect that any proposed site clearance works between mid-March and the end of August should be preceded by a survey to confirm that no active bird nests are present, and that if they are that any works within the affected areas should not proceed until breeding has finished.

Consultation comments have been received from both SNH (04.06.13) and the Council's Biodiversity Officer (05.06.13) confirming the acceptability of the report and which do not raise objection to the proposal subject to the mitigation recommended in sections 4.3 and 4.4 of the Otter Survey Report being required by planning conditions.

Having regard to the above the proposal can now be considered to be consistent with the relevant provisions of policies STRAT DC 7 and LP ENV 6 of the Development Plan in so far as they relate to impact upon protected species.

Tree Survey

A woodland report was submitted by the applicant on 21st May in relation to both the Glebe wood to the west of the application site and also the woodland surrounding Craignish Parish Church.

In summary the report identifies a combined total of 192 trees across both woodland locations. The report confirms that the Glebe woodland is in need of active management and suggests options in this respect. It is recommended that dangerous trees are felled, that those within reach of the development have their crowns reduced to minimise risk and that dead wood is removed from trees on the edge where there is likely to be public access. Trees in poor health should be monitored with diseased, cankered or damaged limbs removed with the aim of improving the health of the wood. In particular concern is expressed in relation to the retention of Larch within the woodland as, with a small number of exceptions, these trees are either heavily swept, have suffered limb damage or top damage or are undermined – it is also suggested that this species may be susceptible to disease with Phytophthora Rumour being found locally albeit on Japanese Larch.

The report suggests felling up to twenty-five trees which are either dangerous or in poor health in addition to extensive works relating to crown reduction, dead wooding and limb removal. A further ten trees are identified as being within the area to be

developed and identified to be cleared along with the naturally regenerating trees on the edges of the application site. Following tree works it is recommended that the area is fenced to exclude stock and a programme of replanting with native species Oak, Birch, Hazel, Gean (bird cherry) and Rowan which would, in addition to improving the quality of the woodland in the longer term, would also improve its biodiversity value. It is however noted that the submitted details do not provide a clear mechanism or timescale for the implementation of such management activities although such clarification could reasonably be secured by means of a suspensive planning condition if Members were minded to grant planning permission.

The Council's Horticultural Officer has reviewed the proposals and confirmed (12.06.13) that these do not give cause for concern and that such sensible management of wooded areas is to be positively encouraged.

It is considered that the proposed tree works, including proposals for re-planting and longer term management, are acceptable having regard to the sustainable management of the woodlands in so far as they are unlikely to have any significant effect upon the existing woodland backdrop to the Glebe as a key landscape feature or upon the shoreside woodland area which provides the setting to the category B listed Craignish Church. Having regard to Appendix A, section D, the proposal can now be considered to comply with the relevant provisions of policies STRAT DC 7 and LP ENV 7.

D. RECOMMENDATION

The above additional information has been taken into account and the proposal remains recommended for refusal, although matters relating to impact upon woodland and Otter have now been satisfied and can be removed from the previously recommended schedule of reasons. The remaining reason for now recommending that planning permission be refused is appended to this report.

Author of Report: Peter Bain

Date: 12th June 2013

Reviewing Officer: Richard Kerr

Date: 12th June 2013

Angus Gilmour
Head of Planning and Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 12/02766/PP

1. The proposal, by virtue of a lack of appropriate open space provision and excessive linear form, predominantly two storey design emphasis, excessive mass and elements of utilitarian design is considered to be overtly suburban in appearance and has insufficient regard to its sensitive location within the Knapdale/Melfort Area of Panoramic Quality on the edge of the Ardfern 'settlement area'. The proposal would result in 'ribbon' type development of substantially larger building mass and proportion than the existing dispersed residential properties at Barfad and incorporating elements of inappropriate design (e.g. Substantial expanses of unbroken featureless roof scape and continuous, bland principle building elevations which lack traditional architectural detail or interest) rendering it incompatible with the essentially rural character and appearance of this edge of settlement location and is consequently contrary to the advice set out within the Council's published Sustainable Design Guidance. The development would appear as a prominent and incongruous extension to the Ardfern settlement area which would have a significant adverse effect locally upon the landscape quality of the Knapdale/Melfort Area of Panoramic Quality. The proposal is therefore considered to be contrary to the provisions of STRAT DC 1, STRAT DC 8, LP ENV 10 and LP ENV 19 of the Development Plan.