

Reference Number: 08/00874/NMA  
Applicants Name: Cowal Leisure Ltd  
Application Type: Non-material Amendment  
Application Description: Amendment to Planning Permission 07/00373/DET incorporating changes to design of chalet lodge Z (Retrospective).  
Location: Hunters Quay Holiday Village

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**(A) THE APPLICATION**

This application is a request under Section 64 of the Town and Country Planning (Scotland) Act 1997 to treat a variation in lodge design on one plot as a non-material amendment to that approved under Planning Permission 07/00373/DET.

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**(B) RECOMMENDATION**

It is recommend that the change detailed above be accepted as a non-material amendment to Planning Permission 07/00373/DET under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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**(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS**

**(i) Development Plan Context:**

The site is located within the defined 'Countryside Around Settlement' zone. Policies STRAT DC 2 of the Argyll & Bute Structure Plan and LP HOU 1 of the Finalised Draft Local Plan supports in principle development within the 'Countryside Around Settlements' which accords with the settlement plan for the area including appropriate small scale infill rounding-off and redevelopment.

In the adopted Cowal Local Plan 1993, the site is located between the settlements of Hunter's Quay and Ardnadam covered specifically by Policies POL RUR 1 and TOUR 14.

This application relates solely to changes to in the design and layout of the chalet lodge. In terms of settlement strategy, by virtue of the associated planning permission (Ref: 07/00373/DET), this proposal is consistent with the Development Plan.

**(ii) Representations:**

Two letters of representation have been received.

**(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:**

N/A

**(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.**

N/A

**(v) Is the Proposal a Schedule 1 or 2 EIA development:**

N/A

(vi) Does the Council have an interest in the site:

No

(vii) Need and Reason for Notification to Scottish Ministers.

No

(viii) Has a sustainability Checklist Been Submitted:

No

**Angus J Gilmour**  
**Head of Planning**  
28 July 2008

**Author:** John Irving  
**Reviewing Officer:** David Eaglesham

**Date:** 7<sup>th</sup> July 2008

**Date:** 29 July 2008

**NOTE:** Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 07/00874/NMA

### MATERIAL CONSIDERATIONS AND ADVICE

#### (i) POLICY OVERVIEW AND MATERIAL ADVICE

##### **Argyll & Bute Structure Plan 2006**

Policy STRAT DC 2 '*Development within the Countryside around Settlement*' encouragement shall be given to development that accords with the settlement plan for the area, this includes appropriate small scale infill, rounding-off and redevelopment.

##### **Cowal Local Plan 1993**

Policy POL RUR 1 '*Landscape Quality*' seeks to resist prominent or sporadic development which would have an adverse landscape impact.

Policy POL BE 9 '*Layout & Design of Urban Development*' seeks to achieve a high standard of layout and design where new developments are proposed.

Policy POL TOUR 14 '*Small-Scale Tourist Facilities*' the Council will encourage the improvement and/or development of small-scale facilities at specific locations including Hafton.

##### **Argyll & Bute Modified Finalised Draft Local Plan 2006**

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP SERV 1 '*Private Sewerage Treatment Plants & Wastewater Systems*' sets out circumstances where the connection of the development to the public sewer will not be required.

Policy LP SERV 4 '*Water Supply*' support in principle to for the use of private water supplies only where a public water supply is not available.

Policy LP TRAN 4 '*New & Existing, Public Roads & Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

**Note (i):**           **The applicable elements of the above Policies have not been objected too or have no unresolved material planning issues and are therefore material planning considerations.**

**Note (ii):**           **The Full Policies are available to view on the Council's Web Site at [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)**

#### (ii) SITE HISTORY

Planning permission 07/00373/DET granted on 10<sup>th</sup> July 2007 for the retention of 31 static caravans (amended 'as built' layouts previously approved under planning permission 00/01899/DET), temporary caravan transit parking; *and the erection of 7 chalet lodges*, installation of new water storage tank and septic tank.

#### (iii) CONSULTATIONS

None.

**(iv) PUBLICITY AND REPRESENTATIONS**

No advertisement required. One e-mail received dated 2<sup>nd</sup> June 2008 and a letter of representation received on 3<sup>rd</sup> June 2008 from Mr and Mrs Gerald W Pursley, 15 Deercroft, Hafton, Dunoon, Argyll. E-mail dated 3<sup>rd</sup> June 2007 received from Elaine Marshall, Rose Cottage, Hafton, Hunters Quay, Dunoon. The points raised are detailed below:

i) We strongly object to the granting of this amendment, as planning permission under Application No. 00/01899/DET was granted for seven chalet lodges at three sites within the Hunter's Quay Holiday Village in June of 2007. No permission was granted for caravans to be installed at any of these sites, which is exactly what has taken place at Fircroft.

Comment: See assessment below.

ii) The caravan installed and now occupied, matches neither the caravans directly in front of it, nor the existing chalet lodges behind it and to its immediate left. As Argyll and Bute Planning Department has already agreed with us that this is in fact a caravan and not a chalet lodge, as a caravan, it should have had green aluminium siding cladding, instead of the 'mock wood' coloured siding installed.

Comment: See assessment below.

iii) We are very concerned that if this amendment is granted for this caravan, then the applicant would see this as the 'green light' for installing caravans instead of lodges, on the other sites where he has been granted permission to install chalet lodges, which would totally undermine the original agreement that the caravan and lodge developments should not be mixed.

Comment: The department considers the structure on site to be a 'chalet lodge' (see assessment below). The original planning application report makes no reference to not mixing caravans and lodges throughout the village. Regardless the structure is not a caravan rather a chalet lodge.

iv) We further request that the applicant is instructed to comply fully with the terms agreed in the planning application as approved in June of 2007 and that the caravan installed at Fircroft be removed from the site forthwith.

Comment: See assessment below.

v) It has also come to our attention that a further caravan village known as 'Colonsay' is in the process of being advertised and constructed to the west of the quarry behind the existing Town Village.

Comment: This matter will be the subject of separate enforcement investigation.

vi) Planning permission was granted for 7 chalet lodges at three sites within the holiday village. At the Fircroft site a caravan has been installed instead of a chalet lodge. In our opinion this is a significant deviation from the original planning application and as such should not be permitted and should be removed from the site.

Comment: The department considers the structure on site to be a chalet lodge but at odds to the design and layout of the originally approved structure. See assessment below:

## APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00874/NMA

### PLANNING LAND USE AND POLICY ASSESSMENT

#### A. Settlement Strategy

In the adopted Cowal Local Plan, the site is located between the settlements of Hunter's Quay and Ardnadam covered specifically by Policies POL RUR 1 and TOUR 14.

The site is located within the 'Countryside around Settlement' zone. Policy STRAT DC 2 of the Argyll & Bute Structure Plan supports development within the 'Countryside Around Settlements' which accords with the settlement plan for the area including appropriate small scale infill rounding-off and redevelopment.

This application relates solely to changes in the design and layout of the chalet lodge. In terms of settlement strategy, by virtue of the associated planning permission (Ref: 07/00373/DET), this proposal is consistent with the Development Plan.

**The proposal is therefore consistent with policy STRAT DC 2 of the approved structure plan and policies POL RUR 1, POL RUR 2 and TOUR 14 of the adopted local plan.**

#### B. Location, Nature and Design of Proposed Development

Chalet lodge Z has been sited at the correct location. However, its design and layout varies from that of the chalet lodge detailed on the approved plans of planning permission 07/00373/DET. While this structure is slightly longer its overall footprint is smaller, the fenestration design is also different. However, it is clad in timber panelling and its roof is finished with metal cladding as detailed in the original planning permission. A timber balcony has also been erected onto the front and side elevation.

The department has received a representation raising an objection to this application that the structure is essentially not a chalet lodge but a caravan. The planning report for the original planning permission (dated 11<sup>th</sup> June 2007) states: *'the proposed lodges are different type to those already on site where the cladding would be horizontal but dark stained to match the existing. It is considered that this different specification would not unduly have a significant visual impact either in the design or finish of the modular lodge units'*. Furthermore, the planning report dated 10<sup>th</sup> April 2007 makes reference to the structure's *'hardstandings'*. Hardstandings are not required for buildings with foundations rather modular buildings.

While the design of the structure is at odds with that of the original planning permission, the structure in situ is a modular building which is the type of building/structure approved under planning permission 07/00373/DET.

An objector has also raised a concern that it was agreed the caravan and lodge areas of the holiday village were to be kept separate. The previous planning report makes no reference to this point in assessing the planning application (07/00373/DET). In any event, it would be difficult to find a justifiable planning reason to keep both chalet and caravan development separate within the village as the site is a holiday park and it could be considered appropriate development within the site.

**The proposal is therefore consistent with policy POL BE 9 of the adopted local plan and policy LP ENV 19 and Appendix A of the finalised draft local plan.**

#### F. Conclusion.

While the proposed design and layout changes are at odds with the original planning permission, it is considered that the design changes are acceptable and do not materially alter planning permission 07/00373/DET.