



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

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21 August 2019

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **MAIN HALL, QUEENS HALL, ARGYLL STREET, DUNOON** on **WEDNESDAY, 28 AUGUST 2019** at **10:45 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**
- 3. ARGYLL HOLIDAYS: USE OF LAND FOR THE SITING OF 40 NO. HOLIDAY CARAVAN PITCHES, FORMATION OF ACCESSES AND ASSOCIATED INFRASTRUCTURE WORKS: HUNTERS QUAY HOLIDAY VILLAGE, HUNTERS QUAY, DUNOON, ARGYLL (REF: 18/02596/PP)**

Report by Head of Development and Economic Growth (Pages 3 – 54)

Planning, Protective Services and Licensing Committee

Councillor Gordon Blair	Councillor Rory Colville (Vice-Chair)
Councillor Robin Currie	Councillor Mary-Jean Devon
Councillor Lorna Douglas	Councillor Audrey Forrest
Councillor George Freeman	Councillor Graham Hardie
Councillor David Kinniburgh (Chair)	Councillor Donald MacMillan
Councillor Roderick McCuish	Councillor Jean Moffat
Councillor Alastair Redman	Councillor Sandy Taylor
Councillor Richard Trail	

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**Argyll and Bute Council
Development and Infrastructure Services**

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 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 18/02596/PP

Planning Hierarchy: Major

Applicant: Argyll Holidays

Proposal: Use of land for the siting of 40 no. holiday caravan pitches, formation of accesses and associated infrastructure works.

Site Address: Hunters Quay Holiday Village, Hunters Quay, Dunoon, Argyll.

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Use of land for the siting of 40 no. holiday caravan pitches, formation of accesses and associated infrastructure works;
- Removal of 88 trees.

(ii) Other specified operations

- Tree planting scheme providing 400 no. mixed species;
 - Connection to public sewer and public water supply;
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations it is recommended that, subject to a discretionary hearing taking place, Members approve the associated Area Capacity Evaluation (ACE) and subsequently that planning permission be granted subject to the conditions, reasons and advisory notes set out below.

(C) HISTORY:

There is a substantial planning history to this site with the most relevant applications detailed below.

Outline planning permission (ref. 118/81) was granted on 10th June 1981 for the siting of 150 holiday chalets close to Hafton House.

Reserved matters (ref. 118/81) for the erection of 63 timber lodges, 4 dwellinghouses with associated roads and services, related recreational facilities and outline landscape proposals was granted to Eurecosse Business Agencies Ltd on 14th April 1982.

A detailed 'Masterplan' application (ref. 04/02439/DET) was refused on 5th September 2006 due to visual impact and serious adverse impact on the integrity and appearance of the woodland habitats and species including Pipistrelle Bats and Red Squirrel.

Planning permission (ref. 07/00373/DET) for the retention of 31 static caravans (amended 'as-built' layouts previously approved under 00/01899/DET), temporary caravan transit parking; and the erection of 8 chalet lodges, installation of new water storage tank and septic tank was granted on 10 July 2007.

Planning permission (ref. 07/00379/DET) for the formation of three 'holiday villages' comprising 66 static caravans, formation of vehicular accesses, earth works/remodelling and tree planting/landscaping was granted on 29th June 2007 and implemented.

A planning application (ref. 15/03186/PP) for a change of use of land for the formation of 8 holiday caravan pitches (Beechcroft) and associated works, granted 23rd June 2016.

Planning permission (ref. 15/03503/PP) to vary condition 9 relative to planning permission ref. 07/00379/DET to allow static caravans to be occupied for holiday use for 12 months of the year, granted 14th June 2016.

17/01653/PAN Change of use of land for the formation of holiday caravan pitches and associated works, closed 23rd June 2017.

17/01985/SCREEN Screening opinion for the change of use of land for formation of holiday caravan pitches and associated works issued 18th September 2017.

There have been numerous Tree Preservation Order requests to fell, lop or prune trees that were affecting caravans or chalets. The vast majority of these requests have been approved but the applicant has been advised that the siting of caravans close to tree canopies and root systems will inevitably result in further TPO requests.

(D) CONSULTATIONS:

Roads Bute and Cowal (response dated 15th January 2019): No objections subject to condition requiring 2 parking spaces to be provided adjacent to each caravan which is covered by an appropriate condition. The development is served by an acceptable internal private access.

Scottish Water (response dated 4th January 2019): No objection in principle. Sufficient capacity in Loch Eck Water Treatment Works. Proposed development will be serviced by Dunoon Waste Water Treatment Works but SW unable to confirm capacity. Comments regarding surface water and general advice.

Local Biodiversity Officer (response dated 24th January 2019): Confirms involvement with the pre-application process and has advised the applicant on a range of biodiversity and ecological issues. In summary, the proposed development site is listed on the Ancient Woodland Inventory with the woodland protected under a Tree Preservation Order. The site is also under a Woodland Management Plan which has been implemented in part for the removal of *Rhododendron ponticum* (an invasive non-native species which by its very nature compromises biodiversity by excluding any natural regeneration or habitat expansion associated with this type of woodland) and trees which were either dead or pose a safety issue for the public who can access the site. The woodland management works has presented the applicant with an opportunity to restock as per the proposed planting scheme, protection of existing trees and the retention and use of the reed bed as

part of the SUDs allied with the creation of a pond as an additional habitat, these are considered a net gain allied with the advisory note for bird and bat boxes. In terms of the application, the current management of the woodland has provided an opportunity to increase their established holiday accommodation business.

Recommends that the applicant provides bird and bat boxes and that the information submitted provides a supporting base for a CEMP.

Loch Lomond and The Trossachs National Park (response dated 15th March 2019) : No objections. Suggest that the entrance to the extension is protected by suitable screening to protect views from Strone which lies within the National Park.

Forestry Commission Scotland (response dated 21st March 2019): Concern regarding loss of woodland cover. Recommend a condition requiring suitable compensatory planting to offset the permanent woodland loss due to the proposal.

The Woodland Trust (response dated 23rd January 2019): Objects to the application in question on account of the potential for this development to impact on an area of 2b LEPO (Long-Established of Plantation Origin) known as Camas Rainich Wood, designated on Scottish Natural Heritage's Ancient Woodland Inventory (AWI).

Scottish Natural Heritage (response dated 17th January 2019): No comments to make.

Hunters Quay Community Council (email dated 7th January 2019): Concerned about this development and its many subsequent impingements, etc. on and further disruptions to our community and environment. Not least its additional traffic problems on our narrow, ancient main roads through our residential and many tourist accommodation. This will lead to more unsafe driving and road blocking due to even more queuing on Marine Parade by Western Ferries at times of change at the Holiday Park.

The community council has canvassed residents and we have received much verbal adverse comment from them that, as we councillors also do, strongly object to this application.

There has been extreme difficulty in downloading this application. This is exacerbated by the volume of material. It is felt that there is now little time to consider properly and fully the proposal. As such we request an extension (granted). The e-mail from Hunters Quay Community Council is dated 6th January 2019. Additional views awaited.

Sandbank Community Council (expiry date 24th January 2019): No response.

(E) PUBLICITY:

The application was advertised under Regulation 20(1) Advert Statement (publication date 18th January 2019, expiry date 8th February 2019). Neighbour notification expired on 22nd January 2019.

(F) REPRESENTATIONS:

There have been a total of 62 representations with 39 objections and 23 in support of the proposals. The names and addresses are contained in the Appendix.

The concerns and issues raised by the objectors are summarised below:

- *Cammesreinach woodland is classified as Long Established of Plantation Origin (LEPO) under the Natural Capital Committee's (NCC) 1986 Ancient Semi-Natural Woodland (ASNW) assessment. The woodland is mature and consists in the main of a mosaic of mature Scots Pine/Birch, Oak and Larch. Previous silvicultural management of the woodland has led to a natural woodland appearance with a woodland structure of several age classes of trees and a shrub layer. The woodland structure provides a high amenity value for walkers and visitors, makes a significant contribution to the wider landscape and provides a valuable habitat for fauna such as red squirrel and very importantly, Pipistrelle bats which are classed as European protected species and receive full protection under the Conservation (Natural Habitats and Conservation) Regulations 1994 (as amended).*

Comment: See assessment under Sections C & D.

- *Cammesreinach woods also support over 100 species of Vascular plants with 50 plus mosses and liverworts, all essential to the biodiversity and ecosystem of these woods and the whole area.*

Comment: See assessment under Section C

- *Recreation: the local community currently heavily use the woodlands for informal recreation and as such it is surprising and very disappointing the neighbouring householders (namely Eccles Road and Victoria Road) have not been sent 'Neighbourhood Notifications' regarding the likely loss of this amenity. In addition the exclusion of members of the public from a recognised recreational resource may have implications under Part 1 of the Land Reform (Scotland) Act 2003. It is a widely held view that woodlands and natural spaces such as these benefit the mental health and well-being of the community as a whole.*

Comment: Neighbour Notification was carried out as per the regulations. The application was also advertised. This is a holiday village which is accessible to the public. The well-being of the public in relation to the recreational use of Camas Rainach Woods is a minor material consideration in the assessment of this application. It is not considered that the development will have any significant impact on the recreational use of these woods or on well-being.

- *Landscape and Visual Assessment: Cammesreinach woodland is very prominent in the landscape and the proposed development as it stands will result in significant changes to the contribution that the woodland makes to the character and quality of the wider landscape. This area is visible not only from Gourock but Kilmun, Strone and indeed Cove and Kilcreggan. The woodland backdrop to Hunters Quay, when viewed from the Clyde always fills visitors with awe, a vista which is so typical of Scotland's beautiful and iconic landscape that should not be compromised.*

Comment: See assessment under Section D.

- *This area of woodland has also been protected by Tree Preservation Orders (TPOs). National Planning Policy Guidelines (NPPG) 14: Natural Heritage states that "planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands have the greatest value for nature conservation". Though not a specific natural heritage designation, ancient and semi-natural woodland interests are covered under other designations such as Sites of Special Scientific Interest (SSSIs). NPPG 14 also indicates that development plans should "provide for the conservation of biodiversity and the protection and enhancement of the natural heritage out with designated areas".*

Comment: See assessment under Sections C & D.

- *As residents of Eccles Road we have already seen the impact of the continuing expansion of Hunters Quay Holiday Park, an increase in the number of pedestrians who come through the woods at the North end of Eccles Road, through the ground of Renfield House thinking it is a short cut to Western Ferries and Dunoon. We have also noticed an increase in the level of noise from the existing caravans and chalets. Should you grant this application, this inconvenience to local residents and the intrusion into private properties would greatly increase, notwithstanding the huge impact on the wildlife flora and fauna with which Cammesreinach woods are so rich.*

Comment: See assessment under Sections B, D & J.

- *Hunters Quay Holiday Park is a bad neighbourhood development. I have been an adjoining neighbour of this development for the past 20 years and during this period all issues arising from this developer including flooding due to non-maintenance of drainage ditches and trees fallen into my garden from their land have been completely ignored. There are trees that have fallen into neighbouring gardens from 5 years ago that have still been left lying and have destroyed private fencing without any action been taken.*

Comment: See assessment under Section F, G & J.

- *Previous planning consent that has been awarded to this development had included a woodland management program condition that to my knowledge has not been adhered to.*

Comment: See assessment under Section C & D.

- *Previous Planning consent for this additional village has already been refused by Argyll and Bute Planning Dept.*

Comment: This point is noted. Each application is judged on its merits against development plan policy and other material considerations. See also the assessment.

- *The visual impact of this holiday park is already quite alarming and I would suggest that its appearance resembles more in common of a military barracks than any holiday village that I have seen, the tranquil woodland setting that this developer promotes is far from reality with almost all of the original woodland having been destroyed.*

Comment: See assessment under Section B.

- *The privacy impact of this development would grossly intrude on my property and indeed several other properties within Cammesreinach Crescent, with overlooking caravans straight into the bedroom windows of these properties and holidaymakers taking shortcuts through our gardens as is already happening.*

Comment: See assessment under Section B.

- *The noise impact of this development would be unacceptable, as already stated, bedrooms within all properties at Cammesreinach Crescent are to the rear and would be directly facing this new proposed village. Due to the constant thinning out of the woodland and felling of trees within, the noise levels that already exists from regular weekend events at the main buildings is extreme and this along with regular fireworks being set off late into the night has not been addressed by the owners of the Park who seem to have no consideration for those living nearby.*

Comment: See assessment under Section J.

- *The nuisance of light pollution emitting from street lighting and from car headlights at the proposed 96 car spaces would shine directly and glare through all our bedroom windows during the evening, adversely affecting the quality of our living.*

Comment: See assessment under Section J.

- *Environmental impact of any further development at this site would be catastrophic, there has already been a steady decline of the protected and natural wildlife within the woodland due to the already over-development and destruction of this natural woodland. Trees and shrubbery have been cut down needlessly and proper woodland management has been unheeded.*

Comment: See assessment under Sections B, C & D.

- *I consider this development could present a major fire hazard as its location within the park being so remote may prevent any emergency services reaching the area quickly enough to prevent a major disaster thus any ensuring fire could spread rapidly within reach of properties at Cammesreinach Crescent and also Victoria Road.*

Comment: There is access for emergency vehicles.

- *Scottish Water have failed to provide my property and also neighbouring properties with the minimum guaranteed standard of 1 bar water pressure during the past 3 years despite many complaints from myself and my neighbours to resolve the problem along with communications by Councillor Alan Reid. I consider that any further demand on the current water supply to this area would only exasperate the current situation.*

Comment: Scottish Water has advised no objections in terms of water supply with Loch Eck having sufficient capacity. The issue of water pressure is a civil matter between residents and Scottish Water.

- *Infrastructure – I consider that current infrastructure with regards to Western Ferries is already inadequate at certain peak times in relation to the volume of holidaymakers at this Park departing on mass at the same time, causing major traffic congestion on Marine Parade waiting to enter the inadequate marshalling area at the ferry. These spikes not only cause traffic congestion but also cause severe delay to local residents that live in this area and commute daily to their work. While a delay of an hour or so would have very little impact on any holidaymaker it would however have severe consequences on daily commuters arriving 2 hours late for work on a regular basis. In my opinion local residents do contribute more to our local economy than peak time holidaymakers and should therefore be given important consideration. Any further expansion of this holiday village would only cause further disruption.*

Comment: The Area Roads Manager has indicated no objections.

- *Camas Rainach Woods are a source of recreation for many in Hunters Quay and environs. Such well known recreation spaces are necessary for the health and wellbeing of the public;*

Comment: See assessment under Sections C & D. The well-being of the public in relation to the recreational use of Camas Rainach Woods is a minor material consideration in the assessment of this application. It is not considered that the development will have any significant impact on the recreational use of these woods or on well-being.

- *Camas Rainach woods are protected by Tree Preservation Orders therefore to remove these trees would contravene regulations.*

Comment: See assessment under Sections C & D.

- *15 residents / owners in Manor Park consider that this is a very quiet residential area where the majority of the residents are elderly, 15 residents / owners in Manor Park consider that if approved, will increase the amount of traffic both motor and pedestrian to the area and also increase noise levels and the risk of nuisance behaviour in this currently peaceful area.*

Comment: The Area Roads manager has indicated no objections. See also the assessment under Section J.

- *I strongly feel that the number of caravan pitches, caravans, lodges, etc., on this applicants Hunters Quay Holiday Village Site is currently, even without further development, completely out of proportion to the actual original village of Hunters Quay with its current population totalling approx. only 900 residents, its narrow "twisting" road network, its number of existing hotels, holiday accommodation, absence of any shops, and its mainly retired community, etc..*

Comment: See assessment under Sections A & B.

- *From the response to a FOI to the A&B Planning Department dated 13/02/2012 there were 17 licensed such sites in Cowal alone, licensed for 1893 "caravans". Of these Hunter Quay Holiday Village were the largest, then licensed for 686 "caravans". This excluded the number of holiday "chalets" also on this site. I am aware that now the number of "caravans" on site is well in excess of 850 plus chalets.*

The following figures are interesting and relevant:-

If 2 people occupied each "van" total for Cowal would be 3786 and for HQHV 1372.

If 3 people occupied each "van" total for Cowal would be 5679 and for HQHV 2058.

If 4 people occupied each "van" total for Cowal would be 7572 and for HQHV 2744.

If 5 people occupied each "van" total for Cowal would be 9465 and for HQHV 3430.

I am aware that these figures are out of date and now the number of "vans" (plus chalets) on the HQ Site are many more than a total of 686 and that many of these "van" can and do at busy times have more than 5 occupants.

An increase of 45 "vans" if this application is approved would add considerably to the above figures which would as already stated seem totally inappropriate to this semi-rural relatively low populated area, and will add further to congestion on its narrow road network, increase pollution from increased transport requirements, further weaken the already declining Hotel and tourist accommodation facilities in the Hunters Quay area, further reduce the property values and residential attractiveness of the area to new residents which has reduced considerably in recent years and would and may be more appropriately added elsewhere in Cowal or Argyll which has much more need, even on one of the applicants many other "sites" .

Comment: Each application is assessed on its merits against development plan policy and other material considerations. See also the assessment under Sections B, C, E & K.

- *If this proposed development is allowed to proceed it will give easy exit from, or entrance to, the HQ Holiday Village, onto existing residents' back gardens, which it will overlook, and though existing pathways, etc., onto Victoria Road at many places. These could then become an uncontrolled and non-monitored major foot exit / entrance which surely is undesirable to both the Holiday Village owners and their security personnel, as well as currently generating fear among many HQ residents in these areas. The Police are already no strangers to the Caravan Park, this would only make it more difficult for them to deal with some of the more undesirable "holiday makers".*

Comment: It is not clear if the comments are a reference to possible anti-social and criminal behaviour. This is a matter for the Police and the Park owners.

- *The Holiday Village has to date done nothing to improve the life of, or been of benefit to, residents of the Hunters Quay area.*

Comment: It is considered that the Holiday Village has a positive economic benefit to the area.

- *Road traffic and congestion has drastically increased to the extent that residents cannot at times drive from or to their property and traffic regularly uses the narrow pavements as a road extension. Atmospheric pollution has increased. Litter on the roads, on the shore, into adjacent gardens and entrances has vastly increased.*

Comment: The Area Roads Manager has indicated no objections.

- *The pavements are inadequate for the now current foot traffic with families, baggage, pushchairs and animals etc. who of necessity use the roadway causing potential danger to themselves and the passing traffic. Any increase, as proposed, will therefore make life for local residents even more untenable.*

Comment: The Area Roads Manager has indicated no objections.

- *The water pressure from the mains adjacent to the proposed development is at times currently inadequate to the extent that local residents cannot use washing machines and the main street fire hydrants do not work. Even if the HQ Village can provide its own water supply and sewage drainage to the proposed development, which it would have to, surely a working at all times, adjacent fire hydrant would be beneficial?*

Comment: Scottish Water has advised no objections in terms of water supply with Loch Eck having sufficient capacity. The issue of water pressure is a civil matter between residents and Scottish Water. The issue of a fire hydrant is a matter for the owners to consider.

- *The water runoff from the slopes behind through the property of the residents of Hunters Quay due to the earth works and deforestation within the Holiday Village to date has drastically increased as far down as Marine Parade. Currently it is now totally unacceptable and has totally overcome the traditional land drainage systems originally installed to the extent the residents have had to cut channels round their properties and keep them clear and draining down their drives onto the roads whose drains can then not cope, block and cause road flooding.*

Comment: See the assessment under Sections B, F & G.

- *Any more such earth works and deforestation, reduction of natural drainage there through will only aggravate this problem.*

Comment: Compensatory planting of 400 trees is proposed. See also the assessment under Sections F & G.

- *There appears to be many inaccuracies in this application and its accompanying many page reports some of which are actually 3 years old!!*

Comment: It is considered there is sufficient information to formally assess the application.

- *In relation to wildlife, only 3 specific species are mentioned and all others disregarded. This is surely wrong and could be considered somewhat biased.*

Comment: See assessment under Section D

- *Their proposed access road at 5.5 meters wide is actually wider than some of our existing main roads. If this is required surely our main roads could be considered inadequate and FIRSTLY should be widened before such a development as this is approved??*

Comment: The Area Roads Manager has indicated no objections.

- *Within their justification statement they refer to a need for good quality accommodation. Personally I feel if closely packed caravans as seen in the Holiday Village can be so classed when compared to the many local hotels in Cowal, some long established, some of which are still up for sale or already closed down due to lack of business, etc..*

Comment: See the assessment under Section C.

- *Resident of Hunters Grove next to Hafton site, where exactly is the land situated? More specifics would be helpful.*

Comment: The plans submitted include a location and site plan.

The reasons for support are summarised below:

- *Having looked through all of the supporting information feel that the proposal is a positive move for the local community and the surrounding area;*
- *Area of woodland in question has long needed maintenance to enhance the biodiversity of the area. Such work is unlikely to take place unless the project goes ahead;*
- *The Park and the visitors it brings to the area contribute significantly to the local economy;*
- *A positive proposal which fits in with the natural assets and encourage business development;*
- *Economic benefits to the Cowal Peninsula and wider Argyll and Bute area are significant and should be taken into proper consideration;*
- *Positive enhancement to the landscape for wildlife within the application site;*
- *Positive benefit in providing additional accommodation to visitors to Cowal;*
- *Provision of holiday homes sensitively placed within a unique woodland environment would be an asset to Cowal and to attract visitors to the area;*

- *I have always been impressed with the well-kept grounds when using the facilities at the park. I note that this application will increase the number of trees on the site which would be in an area currently infested with rhododendron. The site is an important source of local employment and brings tourists to our area who also spend money with other local businesses when they visit.*
- *Left as it is, the woodland will suffer from invasion of non-native / invasive species such as Rhododendron ponticum and Japanese Knotweed. Proposed development will reverse that process with replanting and control of ponticum to allow natural regeneration to take place;*
- *This is fantastic in terms of woodland management and raising the biodiversity in that part of the woodland. I understand that a lot of planning and careful thought has gone into this proposed development which will enhance the woodland while developing the holiday park;*
- *Very happy to see this planned development which will bring much needed revenue to the area and with a high level of conservation included will also be great for local wildlife;*
- *The planning application can only be applauded. The detail which has gone into this application is evident as it strives to balance the development of the woodland while maintaining the ecology of the existing woodland. Great care has gone into protecting the biodiversity while developing the business opportunities for the holiday park. It is refreshing to see the level of understanding which has been applied to acquire this balance.*

I have been watching the application with interest and see that there are a number of objections. I am writing in order to take the opportunity to balance the opinion of the application and show support. Dunoon is, and has been for some time, suffering from a lack of investment and I understand BID23 are trying to entice visitors back to the area in order to enhance the economy. The latest news is that the McGills bus from Dunoon to Glasgow will cease to operate in March which is yet another blow to a town trying to build up visitor numbers. With this in mind, I feel that the proposals are fulfilling that very aim. We need investment, it's as simple as that;

- *Managing Director of Western Ferries comments that Hunters Quay Holiday Village has over its long existence, been very important to the local economy with regards to employment, tourism and associated direct spend of these visitors in local businesses. The improvements to their onsite facilities has attracted more visitors and this application is surely correlated to prior reinvestment and diversification, their successes in relation to attracting guests and marketing the local area as well as their ambitions for their future. The owners of the Holiday Village own a number of sites within Argyll and Bute and concern that is expansion is not permitted on this site , their ambitions for investment and expansion will be focused on developing other sites to the detriment of the wider Dunoon community re local jobs and visitor spend. Moreover, with the availability of visitor accommodation in Dunoon on the wane, any investment to increase this number should be encouraged.*

Lastly, these are challenging times for all retail business and in no way is Dunoon isolated from these market forces, as such these proposals, which will bring additional tourists to Dunoon and the associated increase in visitor spend should be supported by all those who have a sincere interest in Dunoon's long-term economic well-being.

The above comments in support are noted. Refer to report below (Appendix A) for a full assessment.

(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**

A Design and Access Statement by Peter Drummond Architects dated November 2018 has been submitted in support of the application.

“The applicant has been considering the development of Camas Rainich Glade as a woodland village within the wider holiday park. Discussions on the development proposals have been ongoing with the Local Authority since 2015. In 2017 the site context and approach to developing Camas Rainich Glade went through an evolution. The potential site envelope being enlarged and moved to the west. Importantly the layout and design approach for the revised proposals were to be led by the landscape setting and design.

The current proposals are set out to maximize the retention of the existing trees and optimize the landscape design, with all of the units designed around a landscape corridor and natural water feature. The proposed red line application site, which extends to some 4.2 Hectares, is predominately former woodland plantation, dominated by Rhododendron Ponticum that has recently been cleared. It sits to the east of the main centre building, and extends some 480m to the south and 120 to the east. The easternmost boundary of the site is defined by an existing forestry track, and is the northern boundary. To the south and east the site extent is noted by the existing tree belt and an understory of dense Rhododendron Ponticum.

There is a significant level change running north south on the eastern boundary. This level change provides the opportunity to fragment the layout of the stances and in doing so work towards minimising visual impact of the proposals against the landscape setting. In addition, the levels with the proposed development site act as a natural screen for external receptors.

The proposed development of Camas Rainich Glade is a village sensitively immersed within the natural woodland setting. The proposals for this village offer a significant change in style and layout, with landscape-led design approach.

Critical in the development of the proposals was to maximise the retention of the existing trees and landscape character, and setting the stances within this context, with the early proposals and layout being significantly reworked to prioritise the retention of trees and enhance the biodiversity of the woodland.

The current proposals are for provision of 45 stances including associated infrastructure. The caravans are circa 12.5x4m. Provision is made for each stance to have a private amenity deck and car parking within close proximity for ease of access.

The current proposals have been developed with consideration of the landscape context as a principle driver to the layout of the stances. The concept design is to integrate with the landscape to give those using and visiting the holiday homes the experience of immersion within the natural environment. A key driver of the design was the retention of the vast majority of the existing trees and existing biodiversity whilst integrating the proposed development into the natural landscape. In addition to this the stream that runs from south to north through the site has been retained

and developed as part of an open space landscape feature including an informal pond that the holiday homes look over.

In summary, the agents “consider that the proposals are of merit for the following reasons:

- a) The proposal takes a landscape led approach to ensure the development respects and enhances the setting, and*
- b) The vehicular and pedestrian access has been set to allow ease of access to the development whilst minimising its impact on the landscape, and*
- c) The layout has been set to encourage pedestrian and cycle movement and usage over that of the private motor car, and*
- d) The siting and orientation of the stances respects the natural topography of the site and blends with the landscape character of the surrounding countryside to minimise any visual impact; and*
- e) The existing site wide services and infrastructure have the capacity for a further 45no stances, and*
- f) The layout of the development will have no impact on the amenity or aspect for existing stances in Hunters Quay, and*
- g) The proposals enhance the existing footpath network and wider connectivity through the Holiday Park; and*
- h) The landscape proposals provide and enhance the existing habitat and improve the bio-diversity of the site; and*

The proposals are consistent with the Local Development Plan and we submit that the Local Authority should seek to approve the planning permission as submitted”.

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

Pre-Application Consultation Report by Montagu Evans dated November 2018;
Tree and Ecological Survey by Craig McBurney Cert Arb RFS dated 24th May 2017;
Proposed Planting Scheme;
Indicative image of typical caravan types in a woodland setting.
Woodland Management Plan by Craig McBurney Cert Arb RFS dated 31st May 2018
Visual Impact Statement by Jackie McBurney dated 6th November 2018

Landscape and Visual Impact Assessment by Hirst Landscape Architects dated September 2018

LVIA comments that, “With the dispersed layout of the proposed development; the retention and protection of over 89% of the tree cover on site (including a significant proportion of evergreen trees), the use of muted tones, colours and non-reflective surfaces for the proposed caravan units; the proposed methodology for minimising disturbance to existing peat and protected species; and the proposed new planting and habitat creation, the impact on the immediate site and landscape resource is considered to be moderate in the initial instance, becoming minor over time. Within the wider landscape context, the impact is considered to be negligible. Visual impact will largely be limited to receptors in close proximity to the development site, using the existing forestry/woodland access road and viewing the existing caravan show area adjacent to the Leisure/Reception Centre. The sensitivity of the majority of these receptors is considered to be low and the significance of the change in visual effect is medium in the short-term and minor over time, as new planting takes effect. Consideration of distant views has demonstrated that the development site is unlikely to be visible and therefore any change to the wider landscape scene perceived by a variety of receptors in the surrounding landscape will be negligible. In terms of the overall context of the site and the prevailing landscape character, the

receiving landscape has the capacity to accommodate the proposed development, which is therefore considered to be appropriate in nature and scale.

Method Statement: Construction and Reinstatement of Camas Rainich Glade by Argyll Holidays

Peat Depth Analysis by Jackie McBurney 2018 Including Peat Depth Analysis Map
"The survey was carried out in March 2018. A total of 64 points were surveyed and mapped and shown on a backdrop topographic survey by GM Geomatics."

Peat Management Plan by Jackie McBurney 2018
*"This Management Plan provides details of the predicted volumes of proposed peat excavation on the site, the characteristics of the peat excavated, and methodology for storage and re-use.
The plan also details quantities and thicknesses of peat to be excavated and re-used.*

During construction of the development, all measures, as reasonably practicable, would be taken to avoid or minimise excavations and minimise disturbance to peat and peatland habitats.

- *For the construction of roads, it is proposed to float roads and tracks where peat is greater than 1m in depth and to cut/excavate tracks where peat is less than 0.30m in depth;*
- *Formation of cut track would involve the removal and temporary storage of turves, as appropriate, followed by excavation down to formation level;*
- *Ground disturbance areas around excavations would be kept to a minimum and would be clearly defined on site. Access to working areas during construction would be restricted to specified routes;*
- *All peat excavated would be reused on site for specific restoration activities, including the reinstatement of road edges and landscaping of site;*
- *Bog mats would also be used, if required, for working within the designated areas*

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 obligation required: No.

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No

(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.

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Local Development Plan (26th March 2015)

LDP STRAT 1 Sustainable Development;
LDP DM1 Development within the Development Management Zones;
LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment;
LDP 5 Supporting the Sustainable Growth of our Economy;
LDP 9 Development Setting, Layout and Design.

Argyll and Bute Supplementary Guidance (approved March 2016)

SG LDP ENV 1 Development Impact on Habitats, Species and our Biodiversity (i.e. biological diversity);
SG LDP ENV 6 Development Impact on Trees / Woodland;
SG LDP TOUR 1 Tourist Facilities and Accommodation including Static and Touring Caravans;
SG LDP ENV 14 Landscape;
SG LDP ENV 16(a) Development Impact on Listed Buildings;
SG LDP SERV 1 Private Sewage Treatment Plants and Wastewater Systems;
SG LDP SERV 2 Incorporation of Natural Features/Sustainable Drainage Systems (SuDS);
SG LDP SERV 6 Private Water Supplies and Water Conservation;
SG LDP TRAN 1 Public Access and Rights of Way;
SG LDP TRAN 4 New and Existing Public Roads and Private Access Regimes;
SG LDP TRAN 6 Vehicle Parking Provision including Appendix C Access and Car Parking Standards.
SG LDP BAD 1 Bad Neighbour Development
SG2 Sustainable Siting and Design Principles.

- (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.**

National Planning Framework NPF 3 (June 2014)
Scottish Planning Policy SPP, (June 2014);
Consultee responses;
Planning history;
Third party representations on legitimate planning concerns;
Tree Preservation Order status.

-
- (K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes**

A screening opinion (ref. 17/01985/SCREEN) was sought on the requirement for an Environmental Impact Assessment / Environmental Statement for this proposal. It was confirmed by the Council on 18th September 2017 that an EIA was not required on the basis that issues of environmental concern can be addressed by way of appropriate information supporting the planning application, outwith the environmental assessment process. A number of supplementary reports were however requested (together with consultation with Argyll and Bute Council's Local Biodiversity Officer and Scottish Natural Heritage), and these now form the basis of the planning application submission.

-
- (L) Has the application been the subject of statutory pre-application consultation (PAC): Yes**

A Proposal of Application Notice (ref. 17/01653/PAN) was lodged with the Council on the 19th June 2017. A pre-application consultation event took place on the 30th June 2017 at the Main Building, Hunters Quay Holiday Village. The event was attended by 65 people with a large number of these being residents from the surrounding area.

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No.

(O) Requirement for a hearing: Yes

As this proposal has attracted a substantial body of representation both for and against and given the material considerations associated with this application, it is recommended that a discretionary local hearing be held prior to the determination of the application.

(P) Assessment and summary of determining issues and material considerations

The proposed development has been the subject of a formal pre-application enquiry with the Planning Department since April 2016. From that time, planning officers and the Council's Local Biodiversity Officer have been involved in numerous meetings and on-site discussions to advise on the evolving options to create a new caravan village within Camas Rainich Wood. These meetings and technical advice has resulted in continuous improvement to the original design concept which is, together with the accompanying supporting information, the subject of this application.

The principle of developing this part of the Holiday Village site was discussed around 2004 when a detailed 'Masterplan' application (ref. 04/02439/DET) was submitted. While some parts of the Masterplan proposals were considered unacceptable, other proposals had potential and the current application site was regarded as a possible development area for future caravan development, given its secluded nature and that extensive *Rhododendron ponticum* was preventing natural regeneration of this part of the woodland.

The proposal for 40 new static caravan stances within the Camas Rainich Wood is considered to be acceptable due to the particular layout and replanting scheme which will safeguard the woodland compartment it is located within. If left unmanaged the *Rhododendron ponticum* will re-establish and the current condition of the woodland would only deteriorate. The design concept is considered to be a more environmentally sensitive approach from the applicants and their consultants where the department have been working very closely to ensure that any proposed development treats the immediate and surrounding woodland as a priority concern. The application is a result of extensive supporting documentation which has been requested by the Council's Local Biodiversity Officer.

The proposed development of 40 new caravan stances proposal will involve 'medium-scale' tourist development within the Countryside Zone as identified within the Argyll and Bute Local Development Plan. Policy SG LDP TOUR 1 of the LDP states a presumption in favour of new or improved tourist facilities and accommodation provided development is of a form and scale consistent with Policy LDP DM1 and that they respect the landscape character and amenity of the area. The exceptional case for the proposed development is made on the basis of delivering tourism and other economic development benefits in addition to the positive regeneration of a degraded portion of Camas Rainich Wood.

The proposed development of 40 new caravan stances proposal will involve 'medium-scale' tourist development within the Countryside Zone as identified within the Argyll and Bute Local Development Plan and this will require an Area Capacity Evaluation to be carried out to justify the proposed development within the larger holiday park site. The proposed application requires an Area Capacity Evaluation (ACE) to justify development of the site for the number of caravans proposed. The ACE is contained within the appendix as a separate supporting document but confirms that the Hunters Quay Holiday Village site can readily accommodate the proposed development which brings added value in terms of additional tree planting, tree retention, improved drainage and general improvements to the woodland compartment. The ACE concludes that the development site is suitable given it is within a natural hollow in the landscape in a heavily wooded area screened from long distance views. The proposal is being key holed into the wooded area after management works cleared rhododendrons, dead and dangerous trees. On this basis, the department consider that the proposed development is consistent with policies contained in the Development Plan.

There have been a total of 38 objectors and 23 supporters to the proposed development. Opinion would tend to be divided between those who consider that the development will have a negative impact on the protected woodlands, ecology and the surrounding areas while the supporters consider that the development will create much needed tourist facilities and boost the local economy in addition to offering improvements to the existing woodland.

A significant portion of Camas Rainich Woods will be untouched by this development and will continue to provide a natural visual and privacy buffer between the Holiday Village and residential properties in Victoria Road and Cammesreinach Crescent. Indeed, the application site (with the recent removal of five stances at the northern part close to the existing sales area), will be largely hidden from view by topography, existing tree cover or proposed tree planting. The application site cannot be seen from the north bank of the Holy Loch, or even from the main entrance on the A815. Safeguarding planning conditions are proposed to ensure that the development is carried out sympathetically with minimal impact on the surrounding woodland and mitigation to ensure that new planting is implemented as part of the development.

Additionally, the department intends to investigate the potential to designate the remaining parts of the woodland within the holiday village site as an Open Space Protection Area via the emerging new Local Development Plan (LDP2). This would assist in ensuring prevention of encroachment and erosion of this important woodland setting by unfortunate cumulative and incremental development.

The proposal represents a new approach for the applicants by 'key-holing' caravan stances within the woodland environment. Lessons learned from the layout of earlier caravan villages have been taken on board to produce a caravan village that intends to have minimal low-impact on the surrounding environment to not only create improved tourist facilities but to protect woodland habitats and ecology.

Given all of the above, the application is considered to be consistent with policies contained in National Planning Policy Guidance, the Argyll and Bute Structure Plan, the adopted Argyll and Bute Local Plan and the emerging Argyll and Bute Council Local Development Plan and there are no reasonable grounds to recommend refusal.

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

(R) Reasons why Planning Permission should be granted

The application site has been identified (by virtue of an accompanying ACE evaluation) as having capacity to accommodate a maximum of 40 new holiday caravan stances. The impact on surrounding woodland, habitats and species have all been carefully assessed and considered to be acceptable and in accordance with policies contained in the Argyll and Bute Local Development Plan. The development of these proposals would result in the positive regeneration of this portion of Camas Rainich Wood, as well as delivering tourism and other economic development benefits. The proposals accord with all other relevant development plan policies and it is therefore appropriate that planning permission be granted in line with development plan policy, subject to recommended safeguarding conditions.

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

n/a

(T) Need for notification to Scottish Ministers: No.

Author of Report: Brian Close

Date: 10th April 2019

Reviewing Officer: Howard Young

Date: 9th May 2019

**Angus Gilmour
Head of Planning & Regulatory Services**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 18/02596/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 4th December 2019 and the approved drawing reference numbers: L002 RevS, GJ564/DCL/22 RevA, L003 RevE, L004 RevC, L005 RevB, L006 RevB, 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.*

2. Caravans sited on the caravan stance(s) hereby approved shall be used for holiday occupancy only and shall not be used as a principal or main dwelling. The applicant shall maintain a register of occupancy to be made available to the planning authority upon request.

Reason: *In order to define the permitted occupancy having regard to the existing lawful use of the site, and in order to comply with the provisions of policies LDP SG HOU 4 and SG LDP TOUR 1 of the Argyll and Bute Local Development Plan.*

3. For the avoidance of any doubt, the 40 caravan stances hereby approved shall be set out with the footprints shown on the approved drawings. No caravan stances, associated decking areas or parking areas shall be located in alternative positions, unless otherwise agreed in writing by the Planning Authority.

Reason: *In the interests of visual amenity, the overall integrity and setting of the development within the area and to ensure that no damage is caused to trees or their root systems.*

4. Notwithstanding the submitted details, all caravans to be located on the stances approved shall be a dark recessive colour, to be agreed in writing by the Planning Authority.

Reason: *In the interests of visual amenity, the overall integrity and setting of the development within the area*

5. Notwithstanding the approved drawings, no works shall commence until full details of surface water drainage (which shall be designed in accordance with CIRIA C753 and Sewers for Scotland) have been submitted to and approved in writing by the Planning Authority. Any remedial works required as may be detailed in the approved surface water drainage system(s) shall be fully implemented prior to the occupation of the first caravan, or other timescale as may be agreed in writing with the Planning Authority. Such details shall also include further details on the proposal to use SUDs in conjunction with the existing Reed bed and proposed pond feature.

Reason: *To clarify surface water drainage arrangements and ensure that there is no potential for flooding at the site.*

6. Notwithstanding the supporting information (Proposed Planting Scheme and Woodland Management Plan), no works, including any works to trees, shall commence until a detailed scheme of native tree planting and native shrub planting for the application site and fringes 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 stances 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 tree planting and landscaping to successfully integrate the proposed development within the immediate woodland surroundings and wider area.*

7. No works shall commence until full details of tree protection for the existing trees in close proximity to the site of the caravan stances and associated accesses have been submitted to and approved in writing by the Planning Authority. All trees which are to be retained within or adjacent to the approved caravan stances and associated infrastructure, shall be protected by fences or chestnut palings or steel scaffolding not less than 1.0 metre in height. The fences shall be placed at the edge of the crown of the trees, unless otherwise agreed in writing. No materials shall be stored within such areas and all fences shall be retained until completion of the development on adjoining land. No material, spoil or fires shall be placed within such protected areas during any construction works and such measures shall be put in place for the visual inspection and the written approval by the Planning Authority before any construction/land engineering works begin at the approved development site.

Reason: *In the interests of visual amenity, the overall integrity and setting of the development within the area and to ensure that no damage is caused to trees or their root systems during development operations.*

8. No development (including any land engineering works or any associated operations) shall commence until a full site specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority in consultation with the Council's Local Biodiversity Officer. The CEMP shall specifically include full details of :

- *Surface water management;*
- *Site waste management;*
- *Watercourse engineering;*
- *Peat management;*
- *Borrow pits (if appropriate);*
- *The appointment of an Ecological Clerk of Works to ensure that the mitigation is implemented carry out toolbox talks which should be detailed in the CEMP;*
- *Mitigation measures for Protected Species and habitats - The working area should be minimised as much as possible to reduce the requirement for felling mature trees.*
- *Working areas should be limited as far as possible and all works should adhere to pollution prevention guidance provided by SEPA;*
- *Temporary construction areas should be restored by using turves set aside from ground clearance work or using a suitable acid grassland seed mix to establish open habitats. Details of the required mitigation measures including those set out above should be detailed in the CEMP of pre-construction ecological surveys,*
- *Excavation should separate turf and subsoil and replace these in the correct sequence with no loss of material from the site.*
- *The route should be micro-sited to avoid felling trees with dreys, or bat roost potential (where necessary surveys may be required);*
- *A tree protection plan should be written to ensure mature non-plantation trees and woodland are protected where these are located within 50m of the proposed development area.*

In addition to all of the above requirements, good practice in construction should be carried out during the construction phase of this development. All works shall be carried out in accordance with the approved CEMP and any supporting documentation.

Reason: *In order to minimise the impacts of necessary demolition/construction works on the environment.*

9. No works shall commence until a detailed phasing plan for the proposed 'holiday village' has been submitted for the prior written approval of the Planning Authority.

Reason: *In order to consider the phasing impacts on the surrounding environment.*

10. Notwithstanding the submitted information, no works shall commence until a detailed specification of the proposed access tracks, footpaths and hardstandings have been submitted for the prior written approval of the Planning Authority. All vehicular accesses, footpaths and hardstandings shall be constructed as per engineer's specification, or as otherwise agreed in writing with the Planning Authority.

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

12. Prior to the occupancy of the caravans hereby approved, the applicant shall submit a parking plan detailing a minimum of two vehicles for each caravan. This plan shall detail how and where these parking spaces shall be provided and seek to minimise impact on existing trees. This plan shall be approved in writing by the planning authority with the development undertaken as per the approve details unless otherwise agreed in writing.

Reason: *To comply with car parking standards contained in Policy SG LDP TRAN 6 of the Argyll and Bute Local Development Plan.*

13. No development shall commence (including works in relation to trees) until such time as details of the provision of a number of bird boxes and bat boxes within the application site (including the design and location of the bat boxes and bird boxes) 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 the Council's Local Biodiversity Officer, unless otherwise agreed in writing by the planning authority.

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

14. Prior to work starting on site, full details of any external lighting to be used within the site or its access point shall be submitted to and approved in writing by the Planning Authority. Such details shall include details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. All lighting shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Light Pollution.

Reason: *In order to avoid the potential of light pollution infringing on surrounding land uses/properties*

15. Pursuant to Condition 1 – no development shall commence until details of agreement with Scottish Water for the connection to the public sewerage network for the means of foul drainage to serve the development have been submitted to and approved by the Planning Authority.

Reason: *To ensure that an adequate means of foul drainage is available to serve the development.*

ADVISORY NOTES TO APPLICANT

3. This planning permission will last only for **three years** from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
4. 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.
5. 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.
6. The attention of the applicant / developer is drawn to comment made by Scottish Water in their response dated 4th January 2019 and comments regarding connection to public water supply, foul drainage arrangements, surface water drainage and general advice. The applicant/developer is advised to contact Scottish Water directly concerning connection to public water supply - Planning and Development Services, The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow G33 6FB; Development Operations, Tel. 0800 3890379 or at DevelopmentOperations@scottishwater.co.uk quoting ref. 771237.
7. Public Protection advises that the applicant will require to apply to this Service for an amendment to the existing Caravan Site Licence to take into account the extended season for use as a holiday site.

Public Protection also advises that in order to comply with Caravan Site Licence conditions for Holiday purposes (i.e. not for permanent residential use) the units must be a minimum of 6 metres apart if timber clad and 5 metres apart if metal clad.

The applicant is advised to contact Jo Rains, Environmental Health Manager – East Team, tel. 01546 605519 extension 7124, directly on these licensing matters.

8. The applicant/developer is generally advised by Scottish Natural Heritage (SNH) that all bats and their roosts are legally protected in Scotland by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) - "the Habitats Regulations" (for details of this protection, see Protected mammals - Bats and Regulations 39-41 and 44-46 of the Habitats Regulations).

If bats are found to be roosting in any trees to be removed as part of this proposed development, under the Habitats Regulations the developer will need to apply to the Scottish Government for a licence to disturb/destroy bat roost(s) before works can commence. Any licence would need to be in place prior to any works affecting the roosts taking place. SNH can provide further advice as necessary.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/02596/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the Argyll and Bute Local Development Plan (March 2015), the application site is located within Hunters Quay Holiday Village which is not specifically designated, but located within the Countryside Zone. The Countryside Zone includes other land and uses which create a buffer between the identified settlement zones of Hunters Quay and Kirn to the south-east and Sandbank and Ardnadam to the north-west. Hunters Quay Holiday Village is covered by an extensive Tree Preservation Order (ref. TPO 8/91) which protects the majority of woodland within the park.

In the LDP, Policy LDP DM1 states that encouragement will be given to sustainable small-scale forms of development on appropriate infill, rounding-off and redevelopment sites within the Countryside Zone. In exceptional cases development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an ACE.

Policy SG LDP TOUR 1 of the LDP states a presumption in favour of new or improved tourist facilities and accommodation provided development is of a form and scale consistent with Policy LDP DM1 and that they respect the landscape character and amenity of the area.

In the Argyll and Bute Local Development Plan, Policies LDP 5 and SG LDP TOUR 1 set out a general presumption in favour of new or improved tourist facilities and accommodation provided:

- (A) The development is of a form, location and scale, consistent with policy LDP DM1;
- (B) They respect the landscape / townscape character and amenity of the surrounding area;
- (C) They are reasonably accessible by public transport where available, cycling and on foot;
- (D) They are well related to the existing built form of settlements; and,
- (E) The proposal is consistent with other policies and SG contained in the LDP.

The proposed development of 40 new caravan stances proposal will involve 'medium-scale' tourist development within the Countryside Zone as identified within the Argyll and Bute Local Development Plan. The exceptional case for the proposed development is made on the basis of delivering tourism and other economic development benefits in addition to the positive regeneration of a degraded portion of Camas Rainich Wood.

Accordingly, and subject to an Area Capacity Evaluation (contained in the Appendix), the new caravan stances and associated infrastructure would be consistent with the settlement strategy and policies LDP DM1, LDP 5 and SG LDP TOUR1 of the Argyll and Bute Local Development Plan.

B. Location, Nature and Design of Proposed Development

(a) Location

The application site is located within Hunter Quay Holiday Village within Camas Rainich Wood which lies to the east and south of the main reception and leisure building. The long and narrow application site (approx. 500 metres long by 100 metres wide) is bounded by Islay Holiday Village to the north, an existing vehicular access track and eastern portion of Camas Rainich Wood to the east, Cowal Golf Course to the south, western portion of Camas Rainich Wood and Tiree Holiday Village to the west.

Hunters Quay Holiday Village is characterised by a mixture of static caravans and chalets with associated facilities at the Leisure Centre, office and stores building and shop, in both a parkland and mature woodland setting. The Holiday Village is located within what were once the policy woodlands and parkland for Hafton House, a Category-B listed building. The estate was sold in the 1980s as a leisure estate with planning permission for the chalet development. In 1989, the land and the majority of the chalet development was bought by Cowal Leisure and incorporated into the current Holiday Park of static caravans.

Hunters Quay Holiday Village site rises from the Holy Loch southwards towards higher and elevated wooded areas mainly along the eastern escarpment, central knoll and southern plateau. The mature woodland comprises primarily Scots Pine, Birch, Oak, Beech and Larch. The woodland structure provides a high amenity for visitors and walkers while making a significant contribution to the immediate and wider landscape with dense area of woodland primarily along the eastern and southern portions of the site. Camas Rainich woodland is classified as Long Established of Plantation Origin and a Tree Preservation Order (TPO 8/91) covers the majority of the application site and the adjacent Kennel Woods on the western boundary.

The built areas comprise a timber chalet site in the north-western side of the park with two areas of caravans to the east (Iona and Burnside Villages) and to the south-west, the Town Village. In the centre of the park is Jura Village with Tiree Village to the south wrapped around the wooded knoll. Islay Village is situated to the north east of the main leisure and office building. Recent permissions in 2007 allowed further expansion in the south-west corner of the park with the creation of two new villages (Gigha and Colonsay) and within a former quarry area (Bute). The former office building at the lower part of the main entrance to the site is now used as staff offices and stores and caravans have been sited in this area as an extension to Islay Village. Within the chalet park, several caravans have been recently sited amongst the timber lodges.

The application site would stretch approximately 500m from the existing access track around Islay Caravan Village in the north to an existing 'hammerhead' clearing some 50m north of Cowal Golf Course to the south. The application site is linear in nature with approximate width of 90m at its widest point. The application site is located a minimum distance of approximately 110m away from housing in Cammesreinach Crescent in the south and further away from residential properties in Victoria Road. These residential properties are screened from the application site by mature woodland which is a key landscape feature. To the south of the application site lies a buffer of mature trees to screen Cowal Golf Course. Dense mixed woodland is located on the western side of the application site where Tiree Caravan Village is located some 140metres to the west. At the northern end of the application site close to Islay Village and the caravan sales area, an area of reedbeds also forms an important habitat feature. It is proposed to create a new vehicular access close to this reedbed area.

The application site slopes from east to west as the site falls westwards from the access track. The ground is generally boggy with poor drainage and there is evidence of dead tree species in the central portion. The woodland to the west of the application comprising mainly conifers is dense and requires to be protected as an important landscape feature and natural buffer.

The application site is generally well contained within the wider Holiday Village with no views from the housing development to the east or from longer views across the Holy Loch to the north.

The woodland within the holiday park site is included in the Ancient Woodland Inventory as Long-Established of Plantation Origin which provides habitats for a number of species including Bats (European Protected Species) and Red Squirrel. The application site relates to a degraded part of the woodland but is supported by ecological surveys, tree survey,

landscaping and planting plan and peat survey. The application site is not subject to any landscape or historic environment designation.

The proposed development follows the pattern of clusters of caravan villages separated by woodland blocks as natural buffers. The proposed development would be suitably screened from wider views by retaining woodland blocks on the fringes of the application site with significant tree planting (400 no. mixed species) within the application site.

(b) Nature and Design of Proposed Development

The proposal relates to an area of woodland (3.8 hectares) within Camas Rainich Wood within Hunters Quay Holiday Village, Dunoon, Argyll. The site for development is located to the rear and south-east of the main holiday complex buildings and runs from the caravan sales in the north towards Cowal Golf Course to the south. The site currently comprises areas of mixed woodland with open areas within the central portion where peat is evident following recent *Rhododendron ponticum* clearance in this area. The site is bounded by an access track which runs along the eastern side of the site linking the holiday village to Cowal Golf Course. The majority of the woodland areas within Hunters Quay Holiday Village are covered by a blanket Tree Preservation Order ref. 08/91.

The purpose of the development is to create a new holiday village comprising a range of caravan stances which will offer a more secluded location and different woodland experience than some of the existing caravan villages with more open locations and more regimented siting.

It is proposed to create a new holiday village comprising a maximum of 40 new caravan stances which is classed as 'medium-scale' tourist development in the Argyll and Bute Local Development Plan (policies, LDP DM1, LDP5 and SG LDP TOUR 1). The layout of the new village has been the subject of pre-application discussions where the scheme has undergone many changes since its inception. The caravans have been randomly sited or 'key-holed' in pre-agreed areas to avoid sensitive locations or cluttered groupings. The access layout has also been amended and improved to avoid creating vehicular access routes through the site where truncated accesses also avoid unnecessary through-routes and encourage a variety of footpath links. The main entrance to the new village will be created with the formation of a new vehicular access located south of the entrance to Islay Village and curving round to the east of the existing sales area. The existing private access down the eastern side of the site has been retained to create the principle access route with a variety of cul-de-sacs located off this access.

The dispersed layout comprises six stances south-east of the leisure building and sales area off the existing service track, ten stances served off the existing track towards the golf course and the remainder scattered and accessed from within the wooded site. It should be noted that five caravan stances in the northern portion off the existing track have been deleted in order to retain the area between the "punch-through" and Islay Village as a distinct woodland compartment.

A typical caravan would comprise a two-piece unit with horizontal cladding for the walls and a steel pantile pitched roof although no specific materials or colours have been specified at this stage. All caravan stances are shown as typical layouts which would have a general footprint of 12.5 x 4m with additional provision for private amenity decking (typically running 1 metre along the main entrance elevation with a 2 metre projection from the main lounge window, and car parking spaces within close proximity for ease of access. Following discussions not all caravan stances have car parking spaces immediately adjacent and some are located closer to the access tracks to avoid additional impact on the woodland and to preserve the landscape settings. The stance positions are set to work with the landscape and existing trees. By positioning the access private access to the outside it allows stances to look into a linear landscape feature running north south through the site. In addition it allows the design to retain

the existing water course and facilitate the addition of an informal pond at the south end of the site to enhance the biodiversity of the area. The stances are laid out to achieve a minimum of 6m between the caravans.

The private access to the application site connects into the existing road network at the Main Centre Building. Adjustments have been made to this connection point to improve the road geometry and prioritise the traffic flow at this junction. The access will be 5.5m wide to allow 2 way flow of traffic. Once the access passes the junction serving the existing village to the north (Islay Village) it narrows to 4.5m. This throttling of the access network also acts to further control traffic speed recognising movement from the 'main' access network serving the holiday park into internal village roads, where the priority is shifted from vehicles towards pedestrians. The initial section of 4.5m wide access into the proposed development site is designed with a geometry to reduce car speed. The main access through the development site is constructed on the line of the existing forestry track to the eastern boundary. There is a feeder road through the site, using existing levels and topography to traverse the site, to a secondary access road on the western boundary. The stances being either directly off or by way of short cul-de-sacs. This access layout has allowed the majority of trees to be retained and also the stances to sit within a larger landscape setting facing away from vehicular traffic. The layout also incorporates a footpath loop for pedestrians and cyclists. The geometry of the access and footpaths are set to work around, where practicable, the existing trees. Generally the private access road will be 4.5m wide with a gravel finished to assist with controlling surface water run-off. The parking spaces will also be finished in gravel. Footpaths are generally finished with woodchip / forestry bark.

The caravan stances will be connected to the existing gravity fed foul water system that services the wider site. Scottish Water has advised that the developer should contact them directly to discuss connection to their infrastructure and a planning condition is proposed to ensure any such agreement is provided to the planning authority prior to the commencement of works.

The surface water will be fed into a SUDs system utilising the gravel access to attenuate flow into the watercourses within the application site. These are connected into a small reed bed / pond at the north end of the site and flow into a larger reed bed and pond at the south end of the site that attenuate the flow of water into the wider surface water network.

The specific siting of caravan stances and sensitive access arrangements area considered to be acceptable in terms of siting, scale and design. Conditions are recommended in respect of acceptable caravan types, access construction details and occupancy and footprint safeguards.

Accordingly, the proposal would be consistent with policies LDP STRAT 1, LDP DM1, LDP 3, LDP 5, LDP 9, SG LDP ENV 6, SG LDP TOUR, SG LDP TRAN 1, SG LDP TRAN 4 and SG2 Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan.

C. Natural Environment and Biodiversity

Habitats

The supporting documents comment that the proposed development site is dominated to the west of the southern compartment by a Scots pine plantation on varying depths of peat, with an open area recently cleared of *Rhododendron ponticum* running the length of this section of the site. A typical conifer plantation with no shrub layer and an impoverished ground layer is largely dominated by patches of heather and blaeberry, which has started to colonise the newly open areas. There is a watercourse running through the central spine of the site again, newly cleared of *Rhododendron Ponticum*. The lower part of the site adjacent to the private

access has been subject to a Japanese knotweed eradication programme. There is a ditch and wetland area on the upper part of the site.

Flanked by the open ground and the eastern path is the higher elevated section of the site, which has a mixed canopy of Scots Pine, Alder, Birch, Norway Spruce, Beech, Larch and a number of poorer specimens of Oak and Rowan. Although deer are ubiquitous throughout the woodland, in most places regeneration is evident. The north end of the site has been cleared of *Rhododendron ponticum* and is now largely an open area dominated on the west by a reed bed flanked by two water courses. This area of the site is edged on the east and north by a dominant canopy of mature Beech, Larch and Oak. To the west a number of Alder have also seeded along the ditch. There are signs of regeneration throughout the newly cleared areas.

A reed bed, a Local Biodiversity Action Plan habitat, is situated to the north of the site and the applicant has indicated that this habitat is to be included in the proposal for a SUDs (Sustainable Urban Drainage scheme).

The Council's Local Biodiversity Officer (LBO) notes that some natural re-generation has commenced as a result of the clearance of the *Rhododendron ponticum*. The landscape proposal for re-stocking planting is in keeping with the Woodland Management Plan and suitable tree selection for both the wet area and on higher ground. Pre-application discussions agreed with the proposal to create a pond (upper part of the site adjacent to the man-made ditch) and bund. Noted that this has been accepted and included as an additional feature which will provide for additional pond related invertebrate species, frogs, toads, pond skaters, damsel and dragon flies. LBO welcomes the retention of the Reed bed which will be used in conjunction with the proposed SUDs system.

Peat Management

The peat on site has also been surveyed, a Peat Depth Analysis undertaken, and a Peat Management Plan has been prepared and submitted. This outlines the approach that will be taken to minimise excavation and disturbance to deeper areas of peat, together with construction methodology for creating localised, platforms, paths, private accesses and reinstatement, to ensure that distributed peat and peat turves are successfully reused. The approach described generally follows current guidance for developments on peat; groundworks generally are expected to be carefully controlled and limited to immediate plot areas and private accesses, through the implementation of a Construction Management Plan acceptable to the Local Authority. The impact of the development on the peat resource is therefore considered to be moderate.

Species

The survey for protected fauna on site appended to the Tree Survey and undertaken in May 2017, suggests that whilst bats and red squirrel are known to be present within the Holiday Village and the surrounding area, no signs of protected fauna species were observed on the development site itself. Further surveys will be required prior to any construction work commencing and it is assumed that this will be undertaken by qualified individuals and the appropriate steps for licensing and management implemented, should protected species be encountered. The retention of significant tree cover in the planning of the proposed layout will help to maintain aerial linkages within the tree canopy which will provide continued connectivity for red squirrels, in particular, to move freely within the wider area. Other than disturbance through construction operations to deliver the proposed development, the magnitude of the impact of the development itself is considered to be negligible and is therefore unlikely to cause any long-term or significant problems, or loss of potential habitat, for these species.

Bird species amount to 44 species in total – 10 of which are assumed based on suitable habitat. There are 5 species on the Red List and 4 Local Biodiversity Action Plan species.

With respect to mammals survey work showed evidence of Red Squirrel in the Holiday Village with holiday makers providing food for them, the development site boasts a drey on the site edge. Deer have been noted as a regular visitor to the area. Bats are known to be in the area but no roosts were found in the development site. Otter and Badger were surveyed for but not found.

The LBO suggests that the applicant should include some bird and bat boxes which has been included as a condition to the proposed permission.

In summary, the LBO comments that the proposed development site is listed on the Ancient Woodland Inventory with the woodland protected under a Tree Preservation Order. However, the site is under a Woodland Management Plan which has been implemented in part for the removal of *Rhododendron ponticum*. This is an invasive non-native species which by its very nature compromises biodiversity by excluding any natural regeneration or habitat expansion associated with this type of woodland. The management also includes the management of trees which were either dead or pose a safety issue for the public who can access the site.

The woodland management work has presented the applicant with an opportunity to restock as per the proposed planting scheme, protection of existing trees and the retention and use of the reed bed as part of SUDs allied with the creation of a pond as an additional habitat. These are considered a net gain allied with the required bird and bat boxes.

In terms of the application, the current management of the woodland has provided an opportunity to increase their established holiday accommodation business. It is noted that the applicant has supplied a variety of supporting documents which the LBO has commented on however a request is made for further details on the proposal to use SUDs in conjunction with the existing Reed bed.

In terms of the implementation of the plan (assuming that planning permission is granted), the applicant has provided Method Statements and mentioned Toolbox talks for contractors and these will form the basis for a Construction Environment Management Plan overseen by an ecological clerk of works.

Appropriate suspensive conditions and advisory notes are attached.

Accordingly, the proposal would be consistent with policies LDP 3, LDP 9, SG LDP ENV 1, SG LDP ENV 6 and SG2 Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan.

D. Impact on Woodland / Landscape Character

The Tree Survey identified 860 individual trees on site, consisting of a mixture of plantation Scots Pine, Birch, Alder, Oak, Beech, Larch and Spruce, mostly mature and of variable condition. A handful of "veteran" trees are identified with some natural regeneration evident following the recent removal of *Rhododendron ponticum* from the understorey. The removal of *Rhododendron ponticum* in the autumn of 2016 was undertaken as part of an ongoing Management Plan for the Holiday Village estate woodland. This has recently been reviewed and updated and the Woodland Management plan for 2018- 23 has also been submitted with the supporting information. This document provides a further detailed description for the woodland resource in general and of the site in particular, which falls within the eastern side of Compartment B. This is described as predominantly Scots Pine plantation within wet, scrubby woodland south of Islay Village and does not form the principal part of Camas Rainich Wood. The effect of the *Rhododendron* removal has been to physically open up the site considerably, creating large open glades. Evidence of root plate failure of some trees was noted due to the underlying wet conditions

The proposed development seeks to exploit the new openings and areas of more open ground, in order to retain and incorporate the majority of the existing trees on the site within the overall layout. A landscape led approach to the design of the development has led to the tree numbers affected being kept to a minimum at approximately 10 % of the proposed development area. That being said, 7% of this number are within the categories of 'poor' or 'fair' and 3% only lying within the 'good' category of which 1.98% are under a Diameter at Breast Height (DBH) of 400mm. The proposed development will involve the removal of 88 trees in total, 27 of which are classified as "good", 32 "fair" and 29 "poor". Of the 88 trees to be removed, 54 are coniferous evergreen trees (46 of which are plantation Scots Pine where 31 are under DBH of 400mm). In the context of the recorded tree cover, the proposed felling represents 10.2% of the total number of trees on the development site, (of which 61% are coniferous/evergreen). The proposed felling is dispersed throughout the site and more than 89% of the current tree cover will be retained.

The Woodland Trust objects on the basis of the potential for this development to impact on an area of 2b LEPO (Long-Established of Plantation Origin) known as Camas Rainich Wood. Forestry Commission Scotland has raised concerns regarding loss of woodland cover. They recommend a condition requiring suitable compensatory planting to offset the permanent woodland loss due to the proposal.

The area of long established woodland in Camas Rainich Wood referred to by The Woodland Trust above would be relatively untouched by the proposed development. The development relates largely to land on the western side of the existing access track with no works proposed east of this track or south of the existing hammerhead. The Council's Local Biodiversity Officer has no objections to the proposed development subject to compensatory planting and safeguarding planning conditions.

It is proposed to replant 400 mixed species trees in keeping with current ground conditions. This will enhance the woodland and associated biodiversity by 46%. Should the proposal be approved, micro-siting in conjunction with the Construction and Environmental Management Plan and any further post permission inspections may indeed reduce the number of trees affected further (*ref: Tree and Ecological Survey, McBurney.C*).

Retained trees will be protected in accordance with BS5837:2012, during operations on site. The available survey information, together with a joint site visit undertaken with Argyll and Bute Council Planning Officers during April 2018, has been used to inform, develop and refine the proposed site layout, to minimise groundworks and to ensure the retention of significant groups of trees and tree cover within the overall site plan. With this approach, it is considered that the site can accommodate the proposed development without a significant impact on the immediate woodland resource.

The scheme also includes substantial new planting of native woodland to fill gaps and reinforce the caravan layout proposed. Combined with the applicants' on-going commitment to the positive management of the woodland resource across the whole estate, these proposals will help to ensure the long-term succession of the woodland resource, as well as improving age structure and species diversity. In addition, the proposals have sought to retain and develop areas of existing wetland vegetation, to protect the edges of cleared drainage ditches and to create an informal pond area to further enhance the habitat potential and biodiversity of the site. The impact of the development is therefore likely to be beneficial in the medium term, following completion of works on site.

The entire Holiday Village, including the site, is also covered by a Green Network designation, overlapping with the majority of the Countryside Zone in the Local Plan. Supplementary Planning Guidance SG LDP ENV8 – "Protection and Enhancement of Green Networks" provides further information. The aim of the policy is to ensure that development proposals safeguard the integrity of the Green Networks and that they are enhanced and developed to provide a range of environmental benefits for the adjacent local communities.

In consideration of the nature and detail of the proposed development in this instance, it is considered that any impact would be minor, as the existing forestry access will be retained in use and continue as part of the advertised path network within the Holiday Village. In terms of the Green Network, the situation will arguably be much improved, with additional path links and access into the existing woodland where the caravans will be located, providing some additional connectivity. These path links, together with the proposed succession planting and general landscape improvements proposed, would meet the wider aims of the policy in terms of safeguarding and enhancing the functionality and environmental integrity of the area in terms of the Green Network.

Additionally, the department intends to investigate the potential to designate the remaining parts of the woodland within the holiday village site as an Open Space Protection Area via the emerging new Local Development Plan (LDP2). This would assist in ensuring prevention of encroachment and erosion of this important woodland setting by unfortunate cumulative and incremental development.

The LBO is satisfied with the proposals in respect of impact on woodland (refer to comments above in section (C)).

Accordingly, the proposal would be consistent with policies LDP 3, LDP 9, SG LDP ENV 1, SG LDP ENV 6 and SG2 Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan.

E. Road Network, Parking and Associated Transport Matters

Roads and Amenity Services comment that this proposed development is accessed from A815 Shore Road at Hafton within a 30mph speed restriction. The proposed units are within an existing holiday park which has an acceptable internal private access network. The access layout is suitable for both servicing the site and emergency vehicles. Parking for two vehicles is to be provided per caravan. An appropriate condition is attached.

Given the above, the proposal is considered to be consistent with Policies LDP 11, SG LDP TRAN 4 and SG LDP TRAN 6 of the Argyll and Bute Local Development Plan.

F. Flooding

The application site is located within a high level hollow away from any potential flooding concerns. Whilst the application site currently suffers from poor drainage the proposals include methods of improving site drainage.

G. Surface Water Drainage

No specific surface water drainage details have been submitted albeit an indicative drainage strategy is included within the Design Statement. Whilst the application site is currently free draining, surface water drainage details will be requested by planning condition.

On the basis of an indicative surface water drainage strategy and the imposition of a suspensive planning condition, the proposed development would be consistent with Policy SG LDP SERV 2 of the Argyll and Bute Local Development Plan.

H. Public Water Supply

Scottish Water has confirmed that they would have no objections in principle and Loch Eck Water Treatment Works currently has capacity to service this proposed development. Advisory notes included.

On this basis the proposed development would be consistent with Policy SG LDP SERV 6 of the Argyll and Bute Local Development Plan.

I. Foul Water Arrangements

Scottish Water has confirmed that the proposed development will be serviced by Dunoon Wastewater Treatment Works but are unable to confirm capacity at this time. This can be covered by an appropriate suspensive condition. Applicant to submit a Pre-Development Enquiry Form.

In terms of Policy SG LDP SERV 1 of the Argyll and Bute Local Development Plan, the in-principle agreement to connect to the public sewer system is considered to be acceptable at this stage.

J. Environmental Issues

Objections have been received concerning potential noise impact and impact from lighting. Given the secluded nature of the site and screening by mature tree cover, it is unlikely that there would be significant nuisance as a result of noise. Public Protection however have their own legislative powers to deal with any potential noise related issues, should they arise. As such it is not considered that this development constitutes a bad neighbour.

In terms of lighting and illumination, the development site cannot be readily viewed from outwith the holiday park. Retained tree cover and additional planting will help to screen the site from wider views. A suspensive condition is however attached requiring full details of any lighting units to be submitted for approval prior to their installation on site.

K. Economic Considerations

Economic impact is a material planning consideration and in this regard SPP 2014 states that *“the planning system should promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets.”*

In the supporting Planning Statement, it is noted that, “there is a need to balance the proposal against the policy context and fully consider the benefits against any perceived negative impact. In this case, the requirement is to balance the protection of the rural environment with the stimulation of economic development and the expansion of a highly successful existing tourism enterprise. Tourism is recognised as being a traditional and vital element in the economy of Argyll and Bute, and in particular the Cowal Peninsula, as acknowledged within the Local Development Plan. National Planning Policy also acknowledges the positive contribution that tourism can make to the economy of an area and Scotland in particular. The application relates to the carefully planned addition to an established business which has operated at this location for over 23 years. In addition the predominant landscape character of this site will not be compromised as the proposal has developed from a landscape first approach to the design. Natural heritage interests such as visual impact, landscape, flora and fauna in this area of Argyll and Bute will be respected and mitigated as evidenced by the accompanying Landscape Design Proposals and Environmental Statement. It is worthy of note that recent trends for tourist accommodation indicate a move towards high quality, self-catering family accommodation in secluded rural areas such as that proposed for the development within Hunters Quay Holiday Village. It is therefore desirable to extend this type of provision to support and underpin the tourist industry. The proposed development is closely aligned to the terms of the economic development aims stated in the Local Plan, a key aim of which is the retention and creation of employment. There is also a desire to maintain and increase the level of economic activity in the Cowal Peninsula. This proposal will achieve a positive contribution to this stated aim in the important tourism sector.

It should also be noted that the positive economic benefits of this proposal are not confined to this site. By increasing the provision of self-catering accommodation and encouraging more tourists into Argyll & Bute, wider benefits will accrue to other tourism based enterprises and the local economy. The proposed development is an extension to an established business. The proposed development will facilitate the specific need for a woodland style holiday village that allows families to reconnect with the natural environment. This type of facility is required at this location to enhance the existing offering of visitors to the Holiday Park and the Cowal Peninsula”.

The applicant’s agent has confirmed that the proposed development will result in the employment of five full-time people for construction over one year and three full-time posts thereafter.

This also accords with Policy LDP 5 which seeks to support the development of new industry and business which helps to deliver sustainable economic growth throughout our area with a greater focus on our potential main growth sectors including tourism which is an area of comparative advantage for Argyll and Bute.

L. Other Scottish Government Advice

National Planning Framework NPF 3 (June 2014) comments that there are opportunities to develop the existing strengths of many of our coastal and island areas, for example in tourism.....there is potential to revive and re-invent the tourism tradition on the Clyde coast, to support regeneration and provide new opportunities for coastal and island communities by building on the area's assets and rich cultural heritage.

Scottish Planning Policy (SPP) (June 2014) directs the planning system to support places that are economically, environmentally and socially sustainable by facilitating development that balances the costs and benefits of a proposal over the longer term. SPP introduces a presumption in favour of sustainable economic development and specifies decisions should be guided by principles which favour good design, making efficient use of existing capabilities of land and giving due weight to economic benefit.

SPP notes that ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. Tree Preservation Orders can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest. Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network. The Scottish Government’s Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning.

Given the above, it is considered that this proposal satisfies a number of the imperatives behind the government’s drive for sustainable economic growth, namely the expansion of an existing tourist asset with associated improvements and replanting to an existing woodland.

It is considered that the proposal is consistent with the elements of NPF3 and SPP in that it will support the sustainable expansion of an existing tourist business whilst facilitating the wider regeneration of an area of protected woodland.

Appendix B – Relative to Application Number: 18/02596/PP

Area Capacity Evaluation

A. Purpose and Requirement for the ACE

In the Argyll and Bute Local Development Plan (2015), Policy LDP DM1 states that encouragement will be given to sustainable small-scale forms of development on appropriate infill, rounding-off and redevelopment sites within the Countryside Zone. Policy SG LDP TOUR 1 of the LDP states a presumption in favour of new or improved tourist facilities and accommodation provided development is of a form and scale consistent with policy LDP DM1 and that they respect the landscape character and amenity of the area.

The application site lies within the Countryside Zone as defined within the adopted LDP maps. Policy LDP DM1 and Supplementary Guidance policy SG LDP ACE 1 of the LDP identifies those circumstances where an Area Capacity Evaluation (ACE) will be required to accompany the assessment of a planning application. In such situations where there is a proposal seeking support with a clear exceptional case, these require to be the subject of an ACE.

The proposed development of 40 new caravan stances proposal is classified as ‘medium-scale’ tourist development within the Countryside Zone which will require an Area Capacity Evaluation to be carried out to justify the proposed development within the larger holiday park site, and wider area.

The purpose of the ACE is to establish the capacity of the wider countryside containing the application site to successfully absorb the scale of development proposed, in response to a locational need or other exceptional circumstances. It, therefore, involves an assessment of landscape sensitivity to the type and scale of development being proposed. The outcome of the ACE assessment will be a material consideration in decision-making.

The approach to the ACE process is based on current best practice guidance for a systematic approach to landscape and visual impact assessment developed by the Landscape Institute and the Institute of Environmental Management and Assessment with support from SNH.

B. Area of Common Landscape Character / ACE Compartment

The application site and its immediate surroundings form part of a ‘*steep ridgeland and mountains*’ landscape character type (LCT) as defined in the SNH Landscape Character Assessment Argyll and the Clyde 1996. However, the SNH document also defines broader Landscape Character Areas and the site is identified as within ‘*Cowal Ridges*’. This broader area is considered to be of greater relevance in relation to the current application. The key issues affecting the ‘*Cowal Ridges*’ insofar as they relate to tourism developments are noted as follows:

- The development of larger caravan parks, particularly in sensitive loch-head locations
- Pressures from tourism related vehicular traffic; and
- Built development associated with towns on narrow scenic coastlines.

Specific Landscape Guidelines advise conserving and extending all broadleaved woodland; reinforcing the distinctive and varied woodland character of burns and lower slopes; and giving priority to the continued protection and management of semi-natural woodland. It also advises to plant trees to help screen and integrate existing built development particularly where it forms a continuous line at the foot of steep slopes. New built development should always be set within a framework of woodland designed to integrate the settlement with the wider landscape.

The ACE landscape compartment that has been identified is essentially the entire Holiday Village complex, which lies on the eastern side of the Cowal Peninsula by the Firth of Clyde. It is set within an area of mature wood and parkland, being part of the former grounds and policies of Hafton House. The complex is situated on land which rises gently southwards and westwards from the shore of Holy Loch and the settlement of Hunter’s Quay to the north and west. The grounds and policies of the

Holiday Village are actively managed and maintained to a high standard, commensurate with the site's status as a principal tourist and leisure destination for the area. The woodland cover of Camas Rainich Wood to the south and east, Kennel Wood, Lochan Wood and Target Wood to the west and south on higher ground, together with individual specimens and mature tree cover within the Holiday Village itself, generally serve to reduce its apparent scale and to visually integrate it into the wider landscape.

C. Key Environmental Features/Constraints

The Key Environmental Features of the ACE Compartment (i.e. Hunters Quay Holiday Village) are as follows:

- The site rises from the Holy Loch southwards towards higher and elevated wooded areas mainly along the eastern escarpment, central knoll and southern plateau. The mature woodland comprises primarily Scots Pine, Birch, Oak, Beech and Larch. The woodland structure provides a high amenity for visitors and walkers while making a significant contribution to the immediate and wider landscape with dense area of woodland primarily along the eastern and southern portions of the site. Camas Rainich woodland is classified as Long Established of Plantation Origin and a Tree Preservation Order (TPO 8/91) covers the majority of the application site and the adjacent Kennel Woods on the western boundary.

Comment – The Tree Preservation Order largely constrains future development as the majority of the remaining unbuilt parts of the holiday park are regarded as key environmental and landscape features.

- The approach to the Holiday Village from the north east is very undeveloped in nature and characterised by open grass with isolated mature trees. The internal access road curves and rises through this parkland setting up towards the accommodation and leisure facilities.

Comment – the frontage of the holiday park presents an open parkland setting to the Holy Loch. This front area is highly visible from the A815 and communities on the north side of the Holy Loch. Any development on this area would be highly visible from wider viewpoints.

- The built areas comprise a timber chalet site in the north-western side of the park with two areas of caravans to the east (Iona and Burnside Villages) and to the south-west, the Town Village. In the centre of the park is Jura Village with Tiree Village to the south wrapped around the wooded knoll. Islay Village is situated to the north east of the main leisure and office building. Recent permissions in 2007 allowed further expansion in the south-west corner of the park with the creation of two new villages (Gigha and Colonsay) and within a former quarry area (Bute). The former office building at the lower part of the main entrance to the site is now used as staff offices and stores and caravans have been sited in this area as an extension to Islay Village. Within the chalet park, several caravans have been recently sited amongst the timber lodges.

Comment – the holiday park has evolved with varying clusters of caravan (and chalet) development with clearly identified 'villages'. These 'villages' have individual character which is reinforced by blocks of woodland acting as natural buffers of open space which create separation and identity. There are no obvious undeveloped spaces that would not involve encroaching into adjacent caravan villages.

D. Opportunities

The application site is 3.8Ha in area, consisting of a long narrow strip of land extending approximately 500m southwards along the western edge of an existing wide access and approximately 90m wide at its broadest point.

The site currently comprises stands and individuals of mixed mature trees, a large proportion of which are plantation Scots Pine, with significant open areas within the central and western portions. Peat

and its associated vegetation is evident following the recent clearance of *Rhododendron ponticum* throughout the area (in the autumn of 2016, undertaken as part of an established Woodland Management Plan).

To the south of the application site is a buffer of mature trees and woodland screening the Cowal Golf Course. To the west, the site is flanked by a dense stand of plantation pine, part of a broader area of mixed woodland approximately 150m wide, separating it from the adjacent Tiree Caravan Village. To the east, there is a further area of mature woodland occupying a ridge of slightly higher ground which screens the application site from residential properties on the lower slopes in Hunter's Quay, on Cammesreinach Crescent and Victoria Road some 110-130m to the east. Residential properties further north on Eccles Road are some 200m distant.

The application site itself varies in elevation from 39m AOD to 54m AOD. Along its length, the site generally falls from east to west from the forestry road on the higher ground. The site is nominally divided by an existing drainage ditch and watercourse with the area to the west generally being flatter. The ground is boggy and uneven with poor drainage, underlying peat and associated flora. The principal feature of the compartment is of clearings within existing mature mixed woodland with reinstated ground cover due to recent clearance of *Rhododendron ponticum*.

The application site identifies an opportunity to sensitively develop an existing degraded part of the Cams Rainich Woodland, The site lies within a hollow which is screened by surrounding mixed tree cover and topography. The site is not readily visible from outwith the ACE compartment.

The proposed scheme also includes substantial new planting of native woodland to fill gaps and reinforce the caravan layout proposed. Combined with the applicant's on-going commitment to the positive management of the woodland resource across the whole estate, these proposals will help to ensure the long-term succession of the woodland resource, as well as improving age structure and species diversity.

E. Landscape Character Assessment

In this instance, the proposed development relates to an existing, long-established tourist destination which is already well integrated within the wider landscape. The proposed expansion would represent a circa 5% increase in overall capacity in terms of unit numbers for the Holiday Village. This will be dispersed within existing cleared areas of woodland and in small groups, in contrast to the older style massed ranks of caravans that the original guidance was most concerned with. It is therefore considered that the scale and nature of the proposal would respect and not exacerbate the key issues identified.

Furthermore, the proposal responds to the generic guidelines provided for 'Built Development', in particular with regard to; consideration to fitting development into the existing landscape, limiting disturbance of landform, retention of trees and planting native species, scale of buildings and consideration of the impact of light reflective materials and surfaces. In relation to 'Tourism Development', the current proposal, through its nature and design, complies with the guidance to ensure caravan parks are kept in scale with their surroundings and use mass planting to provide partial screens.

In relation to the specific Landscape Character Type guidelines outlined, these are less directly relevant being very broad scale however, the proposals fit with general guidance in terms of conserving broadleaf woodland, planting of native trees and in particular avoiding prominent or visually exposed locations. In the latter regard, the location of the site within the body of a much broader expanse of woodland and the retention of significant tree cover means that the tree-line horizon will remain unbroken. More recent landscape assessment and capacity studies undertaken for Argyll and Bute Council in 2010 by Gillespies are primarily concerned with capacity for windfarm and other shoreline development, identifying areas of panoramic quality. These studies do not cover Dunoon or the shoreline around the Clyde or the Holy Loch, being more concerned with remoter and wilder locations.

The Landscape/Seascape Assessment of the Firth of Clyde (published by Marine Scotland in 2013) covers the shoreline of Dunoon as part of the Inner Firth of Clyde. In terms of the experience of the landscape from the sea, the study highlights the importance of the wooded hills and slopes behind the town and their high visibility in wider views. The submitted visual assessment accompanying the planning application demonstrates that the proposed development will have no visual impact from the Holy Loch or Firth of Clyde. It is therefore considered that due to the limited extent of the development site, and the nature of the proposed development itself, there will be no impact on the wider landscape and seascape character.

F. Landscape Capacity

Argyll and Bute Council's Supplementary Planning Guidance outlines a methodology for the Local Authority to undertake an Area Capacity Evaluation (ACE). This method broadly follows current practice for Landscape Character Assessment and Landscape Capacity Assessment. It relies upon an assessment of the current landscape resource in terms of physical features, aspects of experience of the landscape and inter-visibility, to establish a baseline. This is followed by an assessment of the likely degree of physical change and visual intrusion of a development in the wider landscape to assess the capacity of the landscape, to accommodate the proposed development. Whilst this is not a formal Landscape Capacity Study, the process of undertaking a Landscape and Visual Impact Assessment (LVIA) is similar, particularly with regard to establishing a baseline for the existing landscape and making judgements regarding the nature and magnitude of impact on the landscape resource and visual intrusion of the proposed development. It follows therefore that reasonable conclusions can begin to be drawn from an LVIA regarding the capacity of the landscape to accommodate the proposed development.

In this instance, the LVIA undertaken suggests that the site itself has the capacity to accommodate the proposed development in the context of physical and visual impact on and around the immediate locale. This is where the change to the current baseline situation will be most apparent to the majority of receptors. The proposed design and its implementation is considered to have a moderate landscape and visual impact in the short-term, with that impact becoming low and beneficial over time, as the various mitigation measures in terms of new planting and vegetation take effect. Of significance in this instance, is the retention of over 89% of the existing tree cover within which the development is set, limited and controlled groundworks and a dispersed layout pattern.

In the context of the wider landscape, the LVIA demonstrates that the development proposal will have a negligible landscape and visual impact. In this context, and by extension, the wider landscape resource clearly has the capacity to accommodate the proposed development with little or no effect to the current baseline condition. Significant additional tree planting (400 new mixed species proposed) will augment the existing degraded woodland compartment further with positive visual impact both from within the development site area and from wider parts of the park, but negligible from wider viewpoints.

G. Additional Landscape Factors

Consideration has been given to seasonal differences in effect arising from the degree of screening for tree cover and/or the filtering of views that will apply in summer and winter. The presence of a large body of Pine on site, retained and integrated into the development footprint is a significant factor here. The assessment has considered this and seasonal variations in coming to the conclusions noted.

At night, the existing Holiday Village roads are illuminated, and this will be visible albeit, this has to be set into the context and proximity of the settlement of Hunter's Quay and streetlighting along the shoreline settlement in general. The proposed development site will also be lit for safety reasons however, the proposed lighting will be in the form of low-level bollards, capped to reduce light spillage. Given this, the location and orientation of the site and the proximity of intervening deciduous and evergreen tree cover, it is considered that the sensitivity of the wider landscape in this context is low and the magnitude of change likely to be perceived at night is negligible. The impact of any additional lighting within the wider landscape context is therefore considered to be negligible.

As is demonstrably the case in general, the impact of the night time lighting will be experienced most in close proximity to the development site. Here the magnitude of change will be greater, but the impact will primarily be experienced by Holiday Village users and visitors. Impact of the proposed low-level lighting will be mitigated by the natural landform of the site, the retention of existing tree cover and in the longer term, by new tree planting, which will help to further contain and filter light spillage into the wider landscape.

In general, any adverse visual impact of the new development will be greater during the short-term construction period however, this will also be experienced from close proximity viewpoints described above and will be temporary, being mitigated by new planting and re-vegetation combining with the retained tree cover.

H. Conclusion

The proposed development broadly follows the original design concept of discreet caravan villages or clusters separated by distinctive blocks of native woodland. The application site comprises currently degraded woodland which does not contribute positively to the immediate surrounding landscape. The development compartment cannot however be viewed readily from outwith the holiday park site and its location with a partially hidden glade represents an opportunity to improve the woodland compartment with retention and significant additional tree planting.

Taking into consideration all of the points described above, it can be seen that the significance of any impact by the proposed development on the existing wider landscape is negligible, with impacts being focused on and around the immediate development site itself. Here, the sensitivity of the landscape resource is considered to be medium in relation to the nature and type of the proposed development, as it seeks to utilise the existing landscape and its key features as a major element of the overall proposal. The desire to work with and enhance the existing landscape resource, and to sensitively integrate the new caravan units and their proposed infrastructure within an existing degraded woodland glade is reflected in the overall design proposals, and the consultation process undertaken to date with the Council to refine the detailed layout and unit siting. In addition, the various supporting surveys and studies have provided factual information on the landscape resource which has been used to inform the design and direct the proposed construction methodology, particularly in relation to minimising peat disturbance, the removal of existing trees and ensuring reinstatement of vegetation.

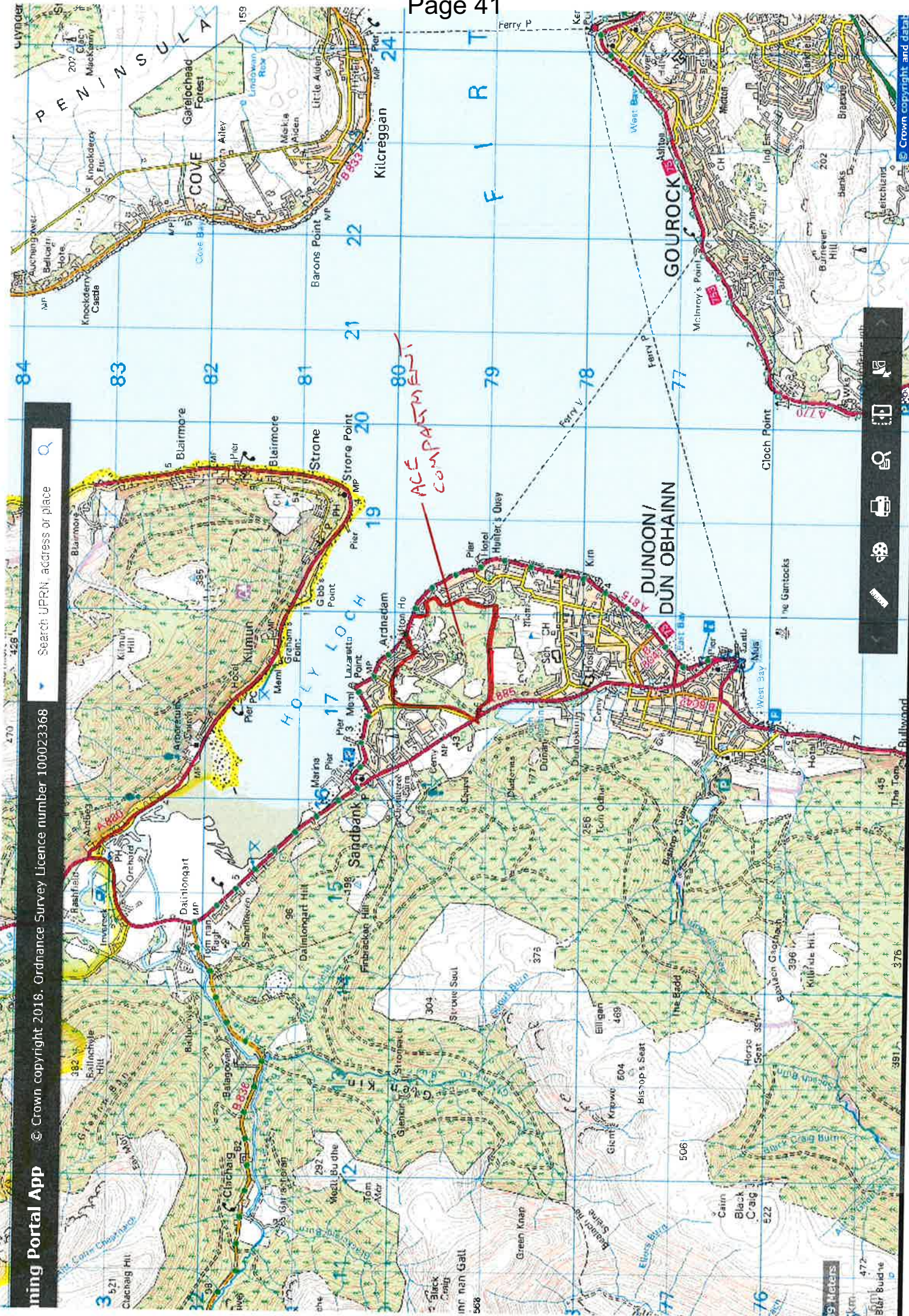
With the dispersed layout of the proposed development; the retention and protection of over 89% of the tree cover on site (including a significant proportion of evergreen trees), the use of muted tones, colours and non-reflective surfaces for the proposed caravan units; the proposed methodology for minimising disturbance to existing peat and protected species; and the proposed new planting (a total of 400 new mixed species trees to be planted) and habitat creation, the impact on the immediate site and landscape resource is considered to be moderate in the initial instance, becoming minor over time. Within the wider landscape context, the impact is considered to be negligible.

Visual impact will largely be limited to receptors in close proximity to the development site, using the existing forestry/woodland access road and viewing the existing caravan show area adjacent to the Leisure/Reception Centre. The sensitivity of the majority of these receptors is considered to be low and the significance of the change in visual effect is medium in the short-term and minor over time, as new planting takes effect.

Consideration of distant views has demonstrated that the development site is unlikely to be visible and therefore any change to the wider landscape scene perceived by a variety of receptors in the surrounding landscape will be negligible. In terms of the overall context of the site and the prevailing landscape character, the receiving landscape has the capacity to accommodate the proposed development, which is therefore considered to be appropriate in nature and scale

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REF. 18/02596/PP ACE COMPARTMENT - LOCATION PLAN



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OS. 18/02596/PP ACE COMPARTMENT - SITE PLAN

ACE COMPARTMENT

APPROX



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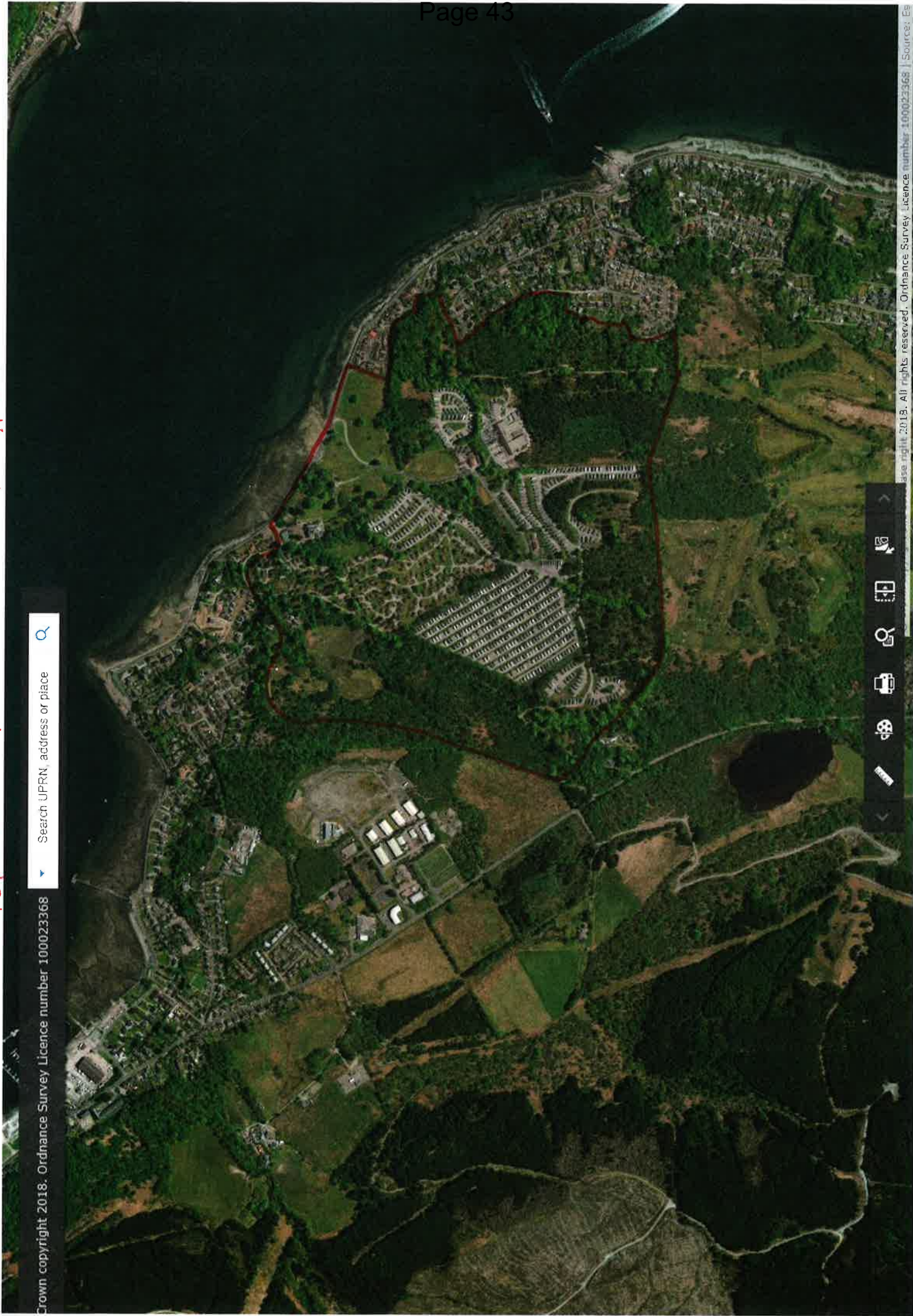


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Search UPRN, address or place



Appendix C

Objectors

Letters and emails of objection have been received from the following:

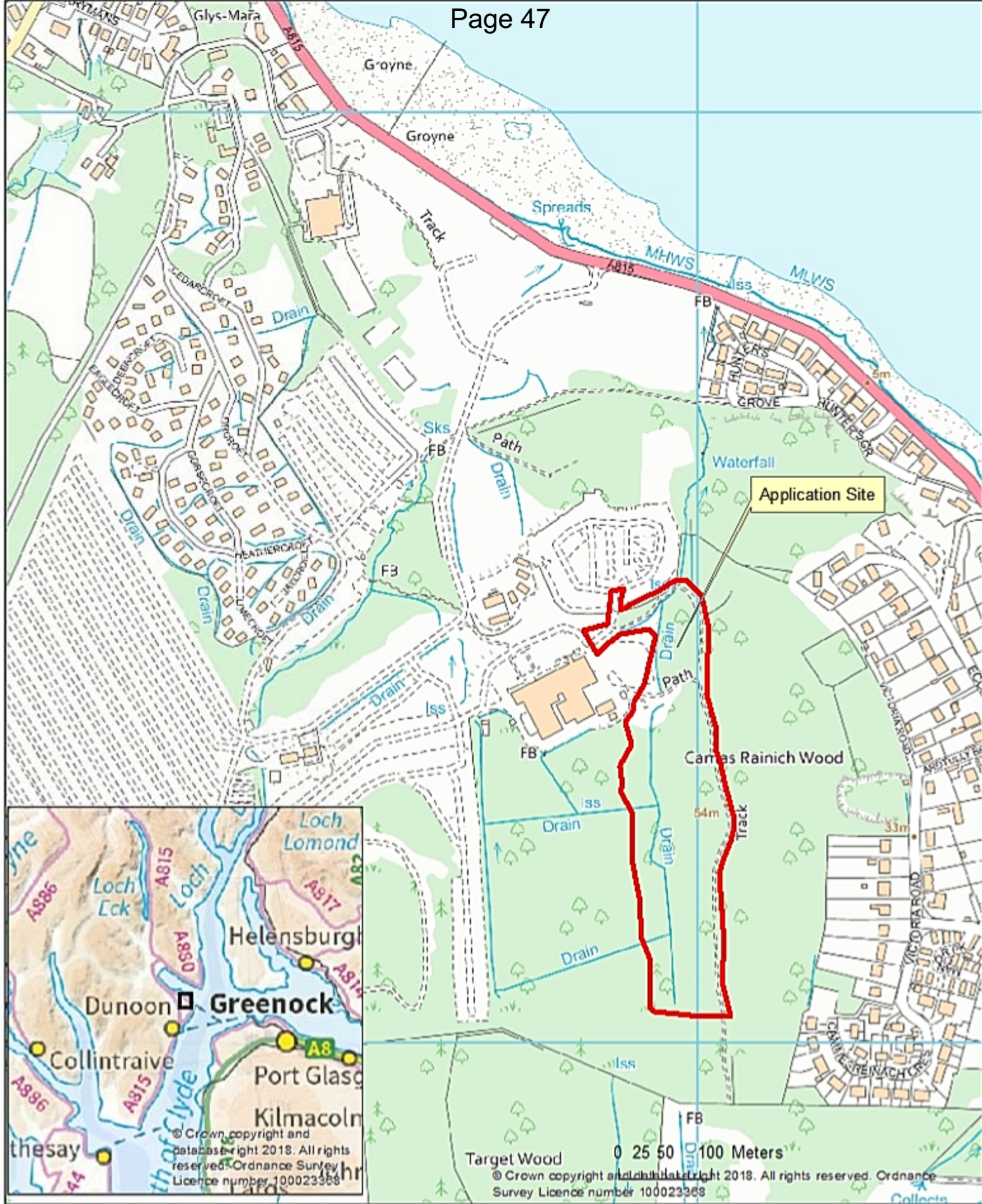
1. Mrs Ruhi Thallon Prospecthill 33 Eccles Road Hunters Quay (letter dated 20th January 2019);
2. Mr Paul Thallon Prospecthill 33 Eccles Road Hunters Quay (letter dated 20th January 2019);
3. Mrs Shireen Saxena Prospecthill 33 Eccles Road Hunters Quay (letter dated 20th January 2019);
4. Mr Alex Stichler 18 Hunters Grove Hunters Quay (letter dated 15th January and email dated 21st January 2019);
5. Mr Alec McKechnie 11 Manor Park Victoria Road Hunters Quay (email dated 21st January 2019);
6. Roland M Zielinski 51 Cammesreinach Crescent Hunters Quay (letter dated 20th January 2019);
7. Katharine J Zielinski 51 Cammesreinach Crescent Hunters Quay (letter dated 20th January 2019);
8. Joelle Zielinski 41 Cammesreinach Crescent Hunters Quay (letter dated 20th January 2019);
9. Adam Zielinski 51 Cammesreinach Crescent Hunters Quay (letter dated 20th January 2019);
10. Karen Wheatley 10 Victoria Road Hunters Quay (letter dated 20th January 2019);
11. K Wheatley 10 Victoria Road Hunters Quay (letter dated 20th January 2019);
12. Paul Gildfind 22 Victoria Road Hunters Quay (letter dated 20th January 2019);
13. Eleanor Gildfind 22 Victoria Road Hunters Quay (letter dated 20th January 2019);
14. Susan McInnes 265 Marine Parade Hunters Quay (email dated 21st January 2019);
15. Fulton RN McInnes 265 Marine Parade Hunters Quay (email dated 20th January 2019);
16. S Donaldson Callanish 20 Victoria Road Hunters Quay (letter dated 20th January 2019);
17. Margaret McMurtrie 24 Victoria Road Hunters Quay (letter dated 20th January 2019);
18. Margaret Turner Garden Flat 19 Eccles Road Hunters Quay (letter dated 20th January 2019);
19. B Hosie Kings Hut 23 Victoria Road Hunters Quay (letter dated 20th January 2019);
20. Martin Harvey 10 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
21. Susan Harvey 10 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
22. J S McLean 7 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
23. T S McLean 7 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
24. M H McHutchison 1 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
25. Jeanette Catterson 3 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
26. Robert Porter 5 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
27. James Burns 12 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
28. May Burns 12 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);

29. Margaret Porchetta 13 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
30. Del Porchetta 13 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
31. Mr Alec McKechnie 11 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
32. Anne Conway 6 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
33. Margaret Morrison 9 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
34. Calum Rae 9 Manor Park Victoria Road Hunters Quay (email dated 15th January 2019);
35. David Ellmore Cedar Bank 8 Victoria Road Hunters Quay (letter dated 20th January 2019);
36. Bonita Ellmore Cedar Bank 8 Victoria Road Hunters Quay (letter dated 20th January 2019);
37. Juliette Gill, 16 Victoria Road, Hunters Quay (email dated 13th February 2019);
38. Ivan Gill, 16 Victoria Road, Hunters Quay (email dated 13th February 2019).

Supporters

Letters and emails of support have been received from the following:

1. Craig S McBurney 32 Broxwood Place Sandbank (letter dated 26th January 2019);
2. Elizabeth Hall 89 Alexandra Parade Dunoon (email dated 26th January 2019);
3. Arthur Hall 89 Alexandra Parade Dunoon (email dated 26th January 2019);
4. Jackie McBurney 32 Broxwood Place Sandbank (letter dated 26th January 2019);
5. Nigel Rycroft 4 Broxwood Place Sandbank (email dated 27th January 2019);
6. Deborah Rycroft 27 Marine Parade Kilmorie (email dated 26th January 2019);
7. Stewart G Shaw (Jnr), Cowal Building and Plumbing Supplies, 10 Jane Street Dunoon (email dated 27th January 2019);
8. Ross Petro, Argyll Forestry (email dated 27th January 2019);
9. Mr. and Mrs. M Halligan, (email dated 25th January 2019);
10. Mr. Alan and Mrs. Fiona Hughes, 7 Gareloch Brae, Shandon, Helensburgh (email dated 5th February 2019);
11. Mr. I McGregor, Dunmore, George Street, Hunters Quay (letter dated 29th January 2019);
12. Martin Clayton, Managing Director, GTI Direct, 17 Sandbank Business Park (email dated 5th February 2019);
13. Miss Maria Dyer, 2 Tigh-Na-Claddach, Dunoon (email dated 30th January 2019);
14. Mr. Mark Pellicci, 2 Tigh-Na-Claddach, Dunoon (email dated 30th January 2019);
15. Mr. Gordon Ross, Western Ferries, 18 Marine Parade, Hunters Quay (email dated 30th January 2019);
16. Mrs. Jane McLean, 95 Langside Terrace, Port Glasgow (email dated 29th January 2019).
17. James Hibbert and Partner, 16 Broxwood Place, Sandbank (email dated 29th January 2019);
18. Mr Alasdair Marshall Rose Cottage Hafton (email dated 29th January 2019);
19. Mr Steven Shaw 37 Kilbride Road Dunoon (email dated 28th January 2019);
20. William Tucker (email dated 28th January 2019);
21. Margaret Scott (email dated 25th January 2019);
22. Alistair Scott-Stewart (email dated 28th January 2019);
23. Ms Fiona Watson, 30 Broxwood Place, Sandbank (email dated 16th February 2019);



Location Plan Relative to planning application: 18/02596/PP



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ARGYLL AND BUTE COUNCIL
PROCEDURE NOTE FOR USE AT

- | | |
|------------------------------------------------|--------------------------|
| (1) Statutory Pre Determination Hearing | <input type="checkbox"/> |
| | <input type="checkbox"/> |
| (2) Council Interest Application | |
| (3) Discretionary Hearing | X |

HELD BY THE PLANNING, PROTECTIVE SERVICES & LICENSING COMMITTEE

1. The Director of Customer Services will notify the applicant, all representees and objectors of the Council's decision to hold a Hearing and to indicate the date on which the hearing will take place. The hearing will proceed on that day, unless the Council otherwise decides, whether or not some or all of the parties are represented or not. Statutory consultees (including Community Councils) will be invited to attend the meeting to provide an oral presentation on their written submissions to the Committee, if they so wish.
2. The Director of Customer Services will give a minimum of 7 days notice of the date, time and venue for the proposed Hearing to all parties.
3. The hearing will proceed in the following order and as follows.
4. The Chair will introduce the Members of the Panel, ascertain the parties present who wish to speak and outline the procedure which will be followed.
5. The Director of Development and Infrastructure's representative will present their report and recommendations to the Committee on how the matter should be disposed of.
6. The applicant will be given an opportunity to present their case for approval of the proposal and may include in their submission any relevant points made by representees supporting the application or in relation to points contained in the written representations of objectors.
7. The consultees, supporters and objectors in that order (see notes 1 and 2), will be given the opportunity to state their case to the Council.
8. All parties to the proceedings will be given a period of time to state their case (see note 3). In exceptional circumstances and on good case shown the Panel may extend the time for a presentation by any of the parties at their sole discretion.

Ref: ABH1/2009

9. Members of the Panel only will have the opportunity to put questions to the Director of Development and Infrastructure's representative, the applicant, the consultees, the supporters and the objectors in that order.
10. At the conclusion of the question session the Director of Development and Infrastructure's representative, the applicant, any consultees present, the supporters and the objectors (in that order) will each be given an opportunity to comment on any particular information given by any other party after they had made their original submission and sum up their case.
11. The Chair will ascertain from the parties present that they have had a reasonable opportunity to state their case.
12. The Panel will then debate the merits of the application and will reach a decision on it. No new information can be introduced at this stage.
13. The Chair or the Committee Services Officer on his/her behalf will announce the decision.
14. A summary of the proceedings will be recorded by the Committee Services Officer.
15. If at any stage it appears to the Chair that any of the parties is speaking for an excessive length of time he will be entitled to invite them to conclude their presentation forthwith.

NOTE

- (1) Objectors who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all objectors.
- (2) Supporters who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all supporters.
- (3) Councillors (other than those on the Panel) who have made written representations and who wish to speak at the hearing will do so under category (1) or (2) above according to their representations but will be heard by the Panel individually.
- (4) Recognising the level of representation the following time periods have been allocated to the parties involved in the Hearing.

Ref: ABH1/2009

The Director of Development and Infrastructure Services' representative – not more than half an hour
The Applicant - not more than half an hour.
The Consultees - not more than half an hour.
The Supporters - not more than half an hour.
The Objectors - not more than half an hour.

- (4) The purpose of the meeting is to ensure that all relevant information is before the Panel and this is best achieved when people with similar views co-operate in making their submissions.
- (4) Everyone properly qualified as a representee recorded on the application report who wishes to be given an opportunity to speak will be given such opportunity.
- (6) The Council has developed guidance for Councillors on the need to compose a competent motion if they consider that they do not support the recommendation from the Director of Development and Infrastructure Services which is attached hereto.

I:data/typing/planning/procedure note

COMPETENT MOTIONS

- Why is there a need for a competent motion?
 - Need to avoid challenge by “third party” to local authority decision which may result in award of expenses and/or decision being overturned.
 - Challenges may arise from: judicial review, planning appeal, ombudsman (maladministration) referral. All appeal/review processes have rights to award expenses against unreasonable/unlawful behaviour.
- Member/Officer protocol for agreeing competent motion:
 - The process that should be followed should Members be minded to go against an officer’s recommendation is set out below.
- The key elements involved in formulating a competent motion:
 - It is preferable to have discussed the component parts of a competent motion with the relevant Member in advance of the Committee (role of professional officers). This does not mean that a Member has prejudged the matter but rather will reflect discussions on whether opinions contrary to that of professional officers have a sound basis as material planning considerations.
 - A motion should relate to material considerations only.
 - A motion must address the issue as to whether proposals are considered consistent with Adopted Policy of justified as a departure to the Development Plan. Departure must be determined as being major or minor.
 - If a motion for approval is on the basis of being consistent with policy reasoned justification for considering why it is consistent with policy contrary to the Head of Development and Economic Growth’s recommendation must be clearly stated and minuted.
 - If a motion for approval is on the basis of a departure reasoned justification for that departure must be clearly stated and minuted. Consideration should be given to holding a PAN 41 Hearing (determined by policy grounds for objection, how up to date development plan policies are, volume and strength of representation/contention)
 - A motion should also address planning conditions and the need for a Section 75 Agreement.
 - Advice from the Scottish Government on what are material planning considerations is attached herewith. However, interested parties should always seek their own advice on matters relating to legal or planning considerations as the Council cannot be held liable for any error or omission in the said guidance.

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy, and UK Government policy on reserved matters
 - The National Planning Framework
 - Scottish planning policy, advice and circulars
 - European policy
 - A proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance

Ref: ABH1/2009

- Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
 - A National Park Plan
 - The National Waste Management Plan
 - Community plans
 - The Environmental impact of the proposal
 - The design of the proposed development and its relationship to its surroundings
 - Access, provision of infrastructure and planning history of the site
 - Views of statutory and other consultees
 - Legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interest, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.