

**DEVELOPMENT SERVICES****Local Members** Councillor B. Chennell & Councillor B. Marshall**PLANNING APPLICATION REPORT**  
**Bute and Cowal Area****Date of Validity** - 16<sup>th</sup> February 2007  
**Committee Date** - 11<sup>th</sup> April 200729<sup>th</sup> March 2007

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**Reference Number:** 07/00379/DET  
**Applicants Name:** Cowal Leisure Ltd.  
**Application Type:** Detailed  
**Application Description:** Formation of three holiday villages comprising 66 static caravans, formation of vehicular access, earth works/remodelling and tree planting/landscaping.  
**Location:** Hunter's Quay Holiday Village, Hunter's Quay, Dunoon

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**(A) THE APPLICATION****Development Requiring Express Planning Permission.**

- formation of 3 new villages [66 static caravans contained in Bute(14 stances), Gigha (26 stances) and Colonsay (26 stances)];
- formation and improvement of vehicular accesses serving three proposed villages;
- earth works/ remodelling around proposed villages and screen bunds / landscaped buffers.

**Other Specified Operations**

- connection to existing private sewer and public water system ;
- tree planting and landscaping.

**(B) RECOMMENDATION**

Given the outstanding consultation responses concerning issues of a visual and ecological nature, the number of representations received and a request from Hunter's Quay Community Council to have the application continued, it is recommended that the proposal be subject to a discretionary hearing.

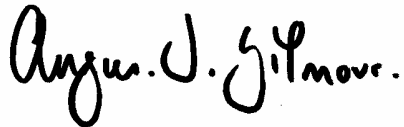
**(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS**

The proposal is for a further 66 caravan stances contained within three new holiday villages within Hunters Quay Holiday Park. Following refusal of a detailed masterplan scheme (ref. 04/02439/DET) on 5<sup>th</sup> September 2006 for an additional 9 new villages with a total of 291 caravan stances the applicant has reviewed his proposal for expansion. Due to the reduced scale of the proposed development it is considered, that while it did not require an Environmental Assessment, a detailed Supporting Landscape Statement and Bat Roost Assessment would be required, and these are submitted as supporting information.

The previous refusal was based on the fact that major expansion would impinge on the established Camas Reinach Woodland, protected by a blanket Tree Preservation Order (TPO 8/91) and the majority of the remaining unbuilt areas comprise ancient and protected woodland, mainly deciduous, which not only provides important habitats but forms an integral part of the immediate and surrounding landscape. Previous applications and an assessment of the previous refusal suggested that the existing Hunters Quay Holiday Park was near or reaching capacity where such a large expansion would have an adverse visual and environmental impact.

However, the current proposal has been chosen carefully with sites located in the existing quarry and to the rear of the main town village. Proposed earthworks and remodelling of landform together with tree planting and landscaping may provide natural screening to help absorb these new villages into the overall landscape. The more sensitive areas, affected by the refused masterplan proposal have been avoided. The proposed villages will be sited in existing clearings where there should be little or no adverse environmental impact. In visual terms, with the aid of screening and landscaped buffers, it is considered that the proposed villages may have no further impact when viewed from long distance viewpoints (mainly to properties and viewpoints across the Holy Loch within the National Park) than exists at present.

At this stage, consultation responses are awaited from the Woodland Trust and Loch Lomond & Trossachs National Park, who had serious concerns for the previous 'masterplan' proposal. To date the department has only received 5 letters of objection where concerns raised relate to the impact on the woodland in terms of ecological and visual impact. In addition, Hunter's Quay Community Council request that the application be continued to allow a formal response to be made. Given all of the above and the timescales involved in dealing with this application, the department recommends that a discretionary hearing be held where the views of the applicant, consultees and objectors can be heard.



Angus J Gilmour  
Head of Planning Services

<b>Case Officer:</b>	B. Close	01369-70-8604
<b>Area Team Leader</b>	D. Eaglesham	01369-70-8608

*"In reaching my assessment on this application, I have had regard to the documents identified in brackets above which are available for public inspection in terms of the Local Government (Access to Information) Act 1985".*

## APPENDIX RELATIVE TO 07/00379/DET

### A. OTHER MATERIAL CONSIDERATIONS

#### (i) Site History

Detailed planning permission (ref. 118/81) was granted in 1981 for the siting of 150 holiday chalets close to Hafton House. These chalets have now been sited.

Outline permission (ref 440/83) was granted in August 1983 for the provision of a static caravan park within the confines of the walled garden.

Detailed planning permission ref. 271/87 was granted in August 1987 for the erection of 44 holiday chalets within part of Hafton Estate, (part of Village A). A meaningful start was made upon this development. However, following negotiations, this permission was formally revoked.

Retrospective Listed Building Consent (ref. 01-89-0111-LIB) was granted in May 1989 for the demolition of parts of the original walled garden.

There is an extensive Tree Preservation Order (ref TPO 8/91) in place upon Cammesreinach Woods.

Detailed planning permission (ref. 01-93-0371-DET) was granted in September 1993 for the formation of a 320 unit caravan park, with an associated shop, office and warden's accommodation. This site is positioned to the north of Villages C, D, E and F. This development has been implemented.

Detailed planning permission (ref. 96/01229/DET) was granted in December 1996 for the erection of a leisure complex within the caravan park. Detailed planning permission (ref. 97/01681/VARCON) was granted in November 1999 for the variation of Condition 6 relative to the previous permission (ref 96/01229/DET), regarding the colour of the bright red roof (subsequently addressed) and modifications to other components of the building. This building has now been erected. Landscaping of the main car park has been implemented that significantly breaks up the expanse of the car park and helps to absorb the leisure complex.

Detailed application (ref. 99/01805/DET) submitted for the erection of seven holiday villages with 642 caravans and the installation of road and service infrastructure. In excess of 230 representations were received with approximately 80% objecting to the application. The applicant withdrew the application in February 2000 in response to concerns expressed by the Planning Authority with regard to the landscape and environmental impact of the development particularly with regard to Village B, Village G and to a lesser extent Village C.

Detailed application (ref. 00/00308/DET) for the extension of the caravan park through the creation of villages A, C, E and F to allow for the siting of 216 caravans. The applicant was unable to conclude a Section 75 Agreement for the footpath link and the application was refused on the grounds of road safety in September 2000.

A detailed application (ref. 00/00750/DET) for an alternative footpath link from Hunters Quay Holiday Village to Eccles Road was refused in July 2000 on the grounds of 'bad neighbour' that represented a loss of amenity to residents of Eccles Road and Hunters Quay.

Listed Building Consent (ref. 00/00751/LIB) for the demolition of the walled garden to allow for Village D was granted in July 2000.

A detailed application (ref. 00/00752/DET) for Village D for the siting of 44 caravans within the confines of the walled garden was recommended for approval subject to the conclusion of a Section 75 Agreement for a footpath link and conditions. The failure to conclude the Agreement resulted in the application being refused in September 2000 on the sole ground of road safety.

A detailed application (ref. 00/01455/DET) for 223 to establish 5 Villages A, C, D, E & F caravans was withdrawn in December 2000. The application was withdrawn following major concerns expressed by this department regarding the suitability of the proposed pedestrian crossing at the bottom of 'Renfield Brae'.

Unauthorised felling of trees (ref. 00/00045/ENFOTH) protected by a Tree Preservation Order (ref 8/91) to allow for the formation of Village F. The Procurator Fiscal considered that there was insufficient corroborative evidence to allow for a successful prosecution. A Notice under Section 167 and 168 of the 1997 Act identified replanting in nine areas by 30<sup>th</sup> April 2001. Replanting has already been undertaken.

An Enforcement Notice (ref. 00/00035/ENFOTH) was issued on 9<sup>th</sup> March 2001 to secure the removal of all caravans at Village F and infrastructure and the complete reinstatement of the ground. The sole reason for the Enforcement Notice related to the lack of a satisfactory footway link for pedestrians between Hunters Quay Holiday Village and the Hunters Quay/ Kirn environs.

A detailed application (ref. 00/01899/DET) for an extension to the Holiday Village to establish 5 Villages A, C, D, E & F and associated reception caravan sales area (partly retrospective siting of caravans), retention of LPG tanks, drainage, road & footpath infrastructure was approved on 21<sup>st</sup> December 2001 following conclusion of a Section 75 Agreement.

A detailed application (ref. 03/02258/DET) for an extension to provide changing and toilet facilities for the swimming pool was approved on 24<sup>th</sup> February 2004.

A recent application (ref. 06/01196/TPO) for the removal of specific diseased/dead trees and replanting is currently under consideration.

A detailed 'Masterplan' application (ref. 04/02439/DET) was refused on 5<sup>th</sup> 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.

As a result of these applications, the site currently has permission for 613 caravans and 118 chalets.

Members should also note that there is an additional application (ref. 07/00373/DET) elsewhere on this agenda for the retention of 31 static caravans (regularisation of previously approved layouts), and erection of 8 chalet lodges.

## (ii) Consultations

**Scottish Natural Heritage** (response date 28<sup>th</sup> March 2007): No objection subject to conditions in respect of provision of a woodland management plan and restricted felling of trees.

**Scottish Water** (response dated 7<sup>th</sup> March 2007): No objection in principle but advisory comments regarding connection to waste and water systems which still require to be fully catered for in Dunoon. It is noted that Loch Eck Treatment Works currently has sufficient capacity to service the proposed development.

**Forestry Commission Scotland** (response dated 20<sup>th</sup> March 2007): Comments regarding status of protected woodland. Lack of information regarding woodland survey and management plan. Once these details submitted more detailed comments can be made on the likely impact of the development on the woodland.

**Hunters Quay Community Council** (response dated 22<sup>nd</sup> March 2007): Surprised at speed at which this application appears to be pushed forward. Due to timescale and scheduled meetings request made to continue this application when it can be determined at an Area Committee meeting in Dunoon once all consultation responses have been received.

**Scottish Environment Protection Agency** (response dated 21<sup>st</sup> March 2007): SEPA would have no objection to the proposed foul drainage system if a Section 75 Agreement or planning condition be imposed to ensure that connection to the public sewerage is made when planned capacity has been implemented and a connection can be made.

Since no details have been submitted regarding surface water drainage SEPA objects to this aspect of the proposal. If details are submitted in respect of a satisfactory Sustainable Drainage System (SuDS) with no unacceptable adverse impact on the environment then this objection could be removed.

Additional comments on watercourse engineering and biodiversity.

**Area Roads Manager** (expiry date 21<sup>st</sup> March 2007): No response.

**Lomond and Trossachs National Park Authority** (expiry date 21<sup>st</sup> March 2007): No response.

### (iii) **Publicity and Representations**

The proposal was advertised under *Potential Departure* to policies POL RUR1, POL RUR2, POL TOUR14 and POL BE8 of the Cowal Local Plan 1993, advertisement published 9<sup>th</sup> March 2007 (expiry date 30<sup>th</sup> March 2007).

To date, the department has received 5 letters of objection from Yelnek Pott, Sloep 5, 3863 T6, Nykenk, The Netherlands (letter received 15<sup>th</sup> March 2007); Eddie Wassink Beehmansgoed 13, 3863 XL Nykenk, The Netherlands (letter dated 12<sup>th</sup> March 2007); Bryan-Kevin Van Alphen, Fratersgoed 22, 3865 XP Nykerk, The Netherlands (letter dated 12<sup>th</sup> March 2007); Susan and Martin Harvey, 49 Cammesreinach Crescent, Hunters Quay (letter dated 26<sup>th</sup> March 2007); J. Harrington, Stonefield Cottage, Strone (letter dated 14<sup>th</sup> March 2007).

The concerns and issues raised in the letters of objection can be broadly summarised as follows -:

- Adverse impact on wildlife and natural habitats including protected species such as bats and squirrels. Previous expansions of the caravan park have already resulted in a decrease in wildlife sightings.
- If this development is permitted yet more high aesthetic value ancient woodland will be destroyed that is protected by a Tree Preservation Order.
- This proposal represents a gross overdevelopment of an already over large site.
- Road traffic increase affecting safety including pedestrians.
- Enforcement orders have been ignored and Section 75 agreements have not been carried out.
- This application contains a large element of disguised retrospective planning permission to deal with tree felling, road creation, siting too many caravans and not in accordance with previously approved plans.
- Application is contrary to Cowal Local Plan policies POL RUR 1, POL RUR 4, POL COM 4, POL COM 5, POL TOUR 1, POL TR 4, POL BE 8.
- Extra caravans and caravans would be a scar on the landscape when viewed from the nearest shore of Holy Loch, now part of the National Park.
- There is also an issue of noise pollution. Already noise can be heard from a wide area surrounding the existing site. If the site is enlarged as planned the only possible result will be increased noise.
- The existing 700 caravans in this holiday village are a blot on the landscape with their regiment position. The proposed expansion will further diminish the landscape character of the area.

These issues will be assessed in a finalised report.

#### (iv) Applicant's supporting Information

In support of their application, Cowal Leisure Ltd. has submitted in addition to detailed layout and section drawings, a Supporting Landscape Statement February 2007 and Bat Roost Assessment February 2007.

In the Supporting Landscape Statement the applicant's agent comment that the three discrete new villages are located on land close to but separate from existing villages. Bute Village will be located within the existing quarry where it will be screened by enclosing landform and by raising of the intervening bund to the north of the site. Regrading will re-instate the slope at the foot of the 'Knoll' where a track had been cut into the embankment and create a more natural topography. Woodland planting will be introduced to enhance the visual amenity of the site, improve ecological value and integrate the new development within its established landscape setting.

Colonsay and Gigha Villages will be located on either side of an existing track to the south west of the Town Village. Both areas have previously been cleared of trees and are currently clearings. Reducing the existing platform will help to minimise visual impact of Gigha Village where Colonsay will be regarded to form two terraces. Again, tree planting and landscaping is proposed to help minimise visual impact. Views from identified receptor viewpoints have been assessed using a caravan sited in these new village locations. Both magnitude and significance of impact have been considered to be neutral or slight. Mitigating planting will reduce impact still further over time.

The Bat Roost Assessment and Expert-eye Assessment undertaken in February 2007 found no evidence for bats during the survey/assessment but noted that the timing of the survey was in winter when bats are in hibernation not roosting. The survey concluded that although a few of the trees within the development zones may provide opportunities for roosting bats, it is clear that bats in the area around the holiday village have access to good roost resources in the large and small trees nearby. The absence of any signs of roosting during the survey does not however mean that bats are permanently absent from roosting in the trees and a Bat Method Statement should be used during development of the site to minimise the risk of harm to bats.

In terms of Red Squirrel, opportunities exist to build dreys within the area of Gigha and Colonsay Villages but the main opportunities lie outside the margins of the development zones. A single drey was recorded in a Scots pine on the margins of the site in a tree that is to be retained.

In ornithological terms, opportunities exist within the trees, shrubs and ground vegetation for nesting birds where the felling and vegetation clearance programme must consider either avoiding the nesting season until felling/clearing is complete or undertake nest checks within that season.

Recommendations made include:

1. Any felling of trees at the site should be carried out during the winter period (December to February) with reference to the Bat Statement;
2. Checks should be made of mature trees pre-felling to ensure no dreys have been built post-survey assessment;
3. The appended Bat Method Statement should be utilised at all times during tree felling and site clearance;
4. Undertake bird nest checks from March to September if site clearance not complete during the winter months, and utilise the appended Bird Method Statement.

#### (B) POLICY OVERVIEW

##### (i) Scottish Planning Policy

SPP 1: The Planning System sets out three primary objectives for the planning system; to set the land use framework for promoting sustainable economic development to encourage and support regeneration; and to maintain and enhance the quality of the natural heritage and built environment, "*protecting and enhancing the quality of the environment is a key objective of the planning system.....the conservation and enhancement of both the natural and built environment brings benefits to local communities and provide opportunities for economic and social progress...*" (para 15).

SPP2: Economic Development; "*The environment is an important resource. High environmental quality can be used to promote an area for business development (para 47)....in making provision for economic development and*

considering proposals, planning authorities should seek to minimise adverse effects on natural and built heritage, consistent with national planning policies in SPPs/NPPGs (para 51).....

**NPPG14: Natural Heritage** :*"Within this wider framework for sustainable development, the Government's objectives for Scotland's natural heritage are to conserve, safeguard and, where possible, enhance: the overall populations and natural ranges of native species and the quality and range of wildlife habitats and ecosystems; geological and physiographical features; the natural beauty and amenity of the countryside and the natural heritage interest of urban areas; .....opportunities for enjoying and learning about the natural environment"(para 6)....."Past development has sometimes led to the fragmentation or isolation of habitats, substantially reducing their ecological value. Planning authorities should seek to prevent further fragmentation or isolation and identify opportunities to restore links which have been broken. A strategic approach to natural heritage planning, in which wildlife sites, landscape features and other areas of open space are linked together in an integrated habitat network, can make an important contribution to the maintenance and enhancement of local biological diversity".(para 19)....."The presence of a protected species or habitat is a material consideration in the assessment of development proposals. Planning authorities should take particular care to avoid harm to species or habitats protected under the 1981 Act or European Directives, or identified as priorities in the UK Biodiversity Action Plan".(para 20)....."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".(para 51)....."While much can be done to mitigate the environmental effects of development through the use of conditions or agreements, there may be instances where the scientific evidence is inconclusive but the potential damage could be significant. In view of the importance of safeguarding biodiversity, the Government is committed to the application of the precautionary principle where there are good scientific grounds for judging that a development could cause significant irreversible damage to our natural heritage".(para 80)*

**SPP15: Planning for Rural Development:** *"Tourism is of vital importance to the social, economic, environmental and cultural well-being of rural Scotland. Planning authorities should support the development of the tourism and leisure industry with appropriate policies on siting and design of new development. The quality of the final product is crucial and planning authorities will have to carefully weigh the economic benefits with the environmental and social impact.(para 14)..... National planning policy and advice emphasises the importance of fit and design of new development in the landscape. This is often the key to making development acceptable and requires more emphasis in development plans. Some places cannot absorb any substantial change but for many others there can be some scope.(para 27).*

**NPPG18: Planning and the Historic Environment:** *Planning also has a positive role to play in enabling development that is appropriate in terms of land-use, location and design. In doing so it can safeguard the historic environment from inappropriate development and provide for change that respects the character of and provides for the needs of people within these areas. (para 11).....The cultural and environmental value of the historic environment adds to the quality of life of the local community. Additionally, it can help promote an area as a visitor destination which, in turn, can help generate widespread economic benefits through tourism and recreation.(para 26)*

## **(ii) Argyll and Bute Structure Plan (2002)**

The overall aims of the Structure Plan include:

- promote 'sustainable development' within short- and long-term economic, social, and environmental perspectives.
- promote the safeguarding and the enhancement of the natural and historic environment and the maintenance of biodiversity within Argyll and Bute.
- guide the preparation of the detailed Argyll and Bute Local Plan ...

Under STRAT SI 1 Sustainable Development policies seek to :

- b) make efficient use of vacant and/or derelict brownfield land;
- h) conserve the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources;
- i) respect the landscape character of an area;

### **STRAT FW2 – Development Impact on Woodland**

Development shall not damage nor undermine the key environmental features of important woodland areas including the following categories:

- a) Woodland areas and trees which have been mapped for safeguarding in Argyll and Bute Local Plans or are protected by Tree Preservation Orders;
- b) Ancient and long established semi-natural woodland as identified in Scottish Natural Heritage Inventory sources;
- c) Other broadleaf woodland over 1 hectares in extent.

#### STRAT DC 2– Development within the Countryside Around Settlements

Within the Countryside Around Settlements encouragement shall be given to development which accords with the settlement plan for the area including appropriate small scale infill rounding-off and redevelopment.

#### STRAT DC 7 – Nature Conservation and Development Control

C) Development which impacts on Local Wildlife sites or other nature conservation interests, including sites, habitats or species at risk as identified in the Local Biodiversity action Plan, shall be assessed carefully to determine its acceptability balanced along with national – or local – social or economic considerations.

D) Enhancement to nature conservation interests will also be encouraged in association with development and land use proposals

#### STRAT DC 8 – Landscape and Development Control

A) Development which .... damages or undermines the key environmental features of a visually contained or wider landscape or coastscape shall be treated as 'non-sustainable' and is contrary to this policy

B) Protection, conservation and enhancement to landscape will also be encouraged in association with development and land use proposals

### **(iii) Cowal Local Plan 1993**

In the adopted Cowal Local Plan 1993, the site is located between the settlements of Hunter's Quay and Ardnadam covered specifically by Policies POL RUR 1, RUR 2 and TOUR 14.

In terms of the Cowal Settlement Strategy, Policy STRAT 1 – Regeneration of Cowal advises that the prime strategy shall be economic regeneration and population increase throughout Cowal in a manner which is sustainable in its use of natural resources and does not compromise the natural heritage of the area.

The application site is situated within the Central and East Cowal Local Scenic Area as defined by POL RUR 1: Landscape Quality, under Areas of Local Landscape Significance specifically Camus Reineach Broadleaf Woodland where the Council will resist prominent or sporadic development which would have an adverse landscape impact.

The Council will under the provisions of POL RUR 2: Nature Conservation resist developments and land use changes, which would erode or have an adverse effect on features of wildlife and scientific value, in particular IV) ancient woodland inventory sites and all broadleaf woodland over 5 hectares and VI) local features of wildlife value and in particular small native broadleaf woodlands and 'scrub, and mixed woodland including amenity planting.

Under POL RUR 4: Forests, Woodlands and Trees, the Council will encourage the planting and positive management of forests and woodlands with regard to II) the protection of the landscape, III) nature and heritage conservation; V) the appropriate development or protection of tourism and recreational opportunities; VI) accepted sources of advice on good practice in particular the Forest Authority's guidelines on 'Forestry Landscape Design', 'Wildlife Conservation in Woodlands', and 'Management of Broadleaved Woodlands'.

Under POL COM 5 the Council will oppose potential "Bad Neighbour" developments when it is considered that they are likely to adversely affect the amenity of neighbouring properties and land.

Under POL TOUR 14 the Council will encourage the improvement and/or development of small-scale facilities at specific locations including Hafton.

Policy POL BE 8 encourages the retention and enhancement of existing tree groups and belts of trees within or directly adjacent to built up areas. The Council will normally require that developments and land use changes within its powers of control do not lead to the destruction of trees, woodlands and hedges and in appropriate cases may place tree preservation orders in the interests of conservation. In addition the Council may designate "woodland



management areas” and seek management agreements with interested parties with a view to securing appropriate funding and organisations for the successful implementation of such proposals.

#### **(iv) Argyll and Bute Modified Finalised Draft Local Plan June 2006**

A Modified Finalised Draft of the Argyll and Bute Local Plan was approved in June 2006 for consultation purposes from 20 July to 1 September 2006. Although not finally adopted, the following policies should be accorded some weight, although some may be subject to objections which may have to be considered at a local plan inquiry.

The site is located within an area zoned as Countryside Around Settlement where only small-scale, infill and rounding off and redevelopment proposals will be supported where appropriate and provided they do not compromise the long term growth of the settlement. In terms of the proposed development the proposal constitutes a Large Scale Tourist Development (refer to Policy LP TOUR 1 below) which would be contrary to STRATDC2 where appropriate small scale infilling, rounding off and redevelopment is encouraged in these zones.

The Holiday Village site had been identified in the Argyll and Bute Finalised Local Plan May 2005 as a Potential Development Area for Tourism (PDA2/49). In response to objections submitted, this designation was removed from the Modified Draft Local Plan June 2006. However, further objections to this change will require to be considered at the Local Plan Inquiry.

The Structure Plan sets out economic, social and environmental objectives to guide an investment strategy for Argyll and Bute. These objectives are carried over as the main objectives of the Argyll and Bute Local Plan as follows:

##### **Economic and Social Objectives SI 1**

- a) to improve economic competitiveness and the relatively poor economic performance of Argyll and Bute as a whole.
- b) to enhance the economic and social prospects of the geographically diverse local communities in Argyll and Bute.
- c) to promote appropriate responses to the variety of challenging economic, transport-related and planning circumstances facing these local communities.
- d) to treat the rich natural and historic environment of Argyll and Bute as a not fully realised economic asset which, if safeguarded and enhanced, can stimulate further investment and increased economic activity.

##### **Environmental Objectives SI 2**

- a) to safeguard the diverse and high quality natural and built heritage resources, including the abundant landward and maritime biodiversity of Argyll and Bute.
- b) to reinforce the strength of protection given to the European and national statutorily protected nature conservation sites, habitats, species and built heritage sites, with which Argyll and Bute is particularly richly endowed.
- c) to enhance and invest in the quality of the natural and built environment and to engage development more effectively with this enhancement process.
- d) to encourage development of a scale, form, design and location appropriate to the character of the landscape and settlements of Argyll and Bute.

##### ***Policy LP ENV1 Development Impact on the General Environment***

*In all development control zones the Council will assess applications for planning permission for their impact on both the natural, human and built environment. When considering development proposals, the following general considerations will be taken into account, namely:*

- (A) The development is of a form, location and scale consistent with Structure Plan Policies STRAT DC 1 to 6;*
- (B) Likely impacts, including cumulative impacts, on amenity, access to the countryside and the environment as a whole;*
- (C) All development should protect, restore or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. The 'Landscape Assessment of Argyll and the Firth of Clyde' (ERM 1996, Review No. 78) will be used to inform assessment of development proposals.*
- (D) The location and nature of the proposed development, including land use, layout, design, external appearance, density, landscaping, open space, safety hazards, flood risk, air quality, crime prevention measures and privacy of existing and proposed development;*

(F) The availability of infrastructure and relationship to existing community facilities;  
(G) Water resources and the marine environment (particularly pollution controlled waters by any contaminants associated with the land); biodiversity; and other land uses in the area;  
(H) Current Government guidance, other policies in the Argyll and Bute Structure and Local Plan and particularly those relating to the proposed type of development.

#### **Policy LP ENV2 Development Impact on Biodiversity**

When considering development proposals the Council will seek to contribute to the delivery of the objectives and targets set by the Local Biodiversity Action Plan (LBAP).

Proposals that incorporate existing site interests within the design wherever possible will be encouraged. Where there is evidence to suggest that a habitat or species of local importance exists on a proposed development site, the Council will require the applicant, at his/her own expense, to submit a specialist survey of the site's natural environment. Applications with significant adverse impacts will be refused unless the developer proves to the satisfaction of the Planning Authority that the following criteria are met: and,

(B) Satisfactory steps are taken to avoid, mitigate or compensate for damage.

#### **Policy LP ENV6 Development Impact on Habitats and Species**

In considering development proposals, the Council will give full consideration to the legislation, policies and conservation objectives, that may apply to the following:

Habitats and Species listed under Annex I, II & IV of the Habitats Directive;

Species listed under Annex I of the Birds Directive;

Species listed on Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981; (and as amended by the Nature Conservation (Scotland) Act 2004);

Habitats & Species listed in the UK Biodiversity Action Plan; AND, Habitats and Species which are widely regarded as locally important as identified in the LBAP.

#### **Policy LP ENV7 Development Impact on Trees/Woodland**

In accordance with Schedule FW 2, the Council will protect trees, groups of trees and areas of woodland by making Tree Preservation Orders (TPOs) where this appears necessary in the interests of amenity. In addition, the Council will resist development likely to have an adverse impact on trees and will ensure, through the development control process, that adequate provision is made for the preservation of and when considered appropriate the planting of new woodland/trees, including compensatory planting and management agreements.

Schedule FW 2 – Features of important woodland/trees to be safeguarded include:

The whole area of woodland or segments of woodland when these are highly valued and not capable of absorbing development without fundamental damage occurring to the integrity, appearance or prized features of the woodland. The prize features of an important woodland may include:

- recreational value to local people;
- amenity value;
- The woodland setting;
- The habitat value;
- Highly valued tree specimens;
- Windbreak characteristics;
- The configuration of open space, glades, network, canopy and understorey components within the woodland area;
- The important contribution of the woodland, as key landscape features, to local and regional landscape character and distinctiveness.

#### **Policy LP ENV 8 :Development Impact on Local Nature Conservation Sites**

Development that would have a significant, adverse effect on Local Nature Conservation Sites or other nature conservation interests, including sites, habitats or species at risk as identified in the Local Biodiversity Action Plan will be refused unless the developer proves:

(A) Its public benefits at a local level clearly outweigh the nature conservation value of the site; and,

(B) There is no suitable or available alternative site for the development.

Where development is allowed which could affect any of the above sites, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the sites' ecological, geological and geomorphological interest, depending on the designated interest.

#### **Policy LP ENV19 Development Setting, Layout and Design**

The Council will require developers and their agents to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A of this Local Plan, the Council's sustainable design guide and the following criteria: -

**Development Setting**

(A) Development shall be sited and positioned so as to pay regard to the context within which it is located.

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#### *Development Layout and Density*

*(B) Development layout and density shall effectively integrate with the urban, suburban or countryside setting of the development. Layouts shall be adapted, as appropriate, to take into account the location or sensitivity of the area. Developments with poor quality or inappropriate layouts or densities including over-development and over-shadowing of sites shall be resisted.*

#### *Development Design*

*(C) The design of developments and structures shall be compatible with the surroundings. Particular attention shall be made to massing, form and design details within sensitive locations .... Within such locations, the quality of design will require to be higher than in other less sensitive locations.*

#### *Policy LP BAD 1 Bad Neighbour Development*

*In all Development Control Zones proposals for developments classed as "Bad Neighbour" Developments\* will only be permitted where all the following criteria are satisfied.*

*(A) There are no unacceptable adverse effects on the amenity of neighbouring residents;*

*(B) The proposal includes appropriate measures to reduce the impact on amenity as defined by the use classes order (i.e. noise, light, smells);*

*(C) There are no significant transport, amenity or public service provision objections;*

*(D) Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full (see Appendix C);*

*(E) The proposal does not conflict with any other Structure Plan or Local Plan policy.*

#### *Policy LP TOUR 1 Tourist Facilities and Accommodation, including Static and Touring Caravans*

*There is a presumption in favour of new or improved tourist facilities and accommodation provided:*

*(B) In the countryside development control zones the development is of a form, location and scale consistent with policies STRAT DC 2-6;*

*(C) They respect the landscape/townscape character and amenity of the surrounding area;*

*(D) They are reasonably accessible by public transport where available, cycling and on foot, or would deliver major improvements to public transport services;*

*(E) They are well relating to existing settlements and avoid dispersed patterns of development, unless the developer has demonstrated a locational requirement based on the need to be near to the specific tourist interest being exploited, and that the facility will not damage those interests; AND,*

*(F) The proposal is consistent with other policies contained in the Structure and Local Plan;*

#### *Policy LP SERV 3 Drainage Impact Assessment (DIA)*

*The Council will generally require developers to submit a Drainage Impact Assessment (DIA) with the following categories of development:*

*(C) Other non-householder extensions involving new buildings, significant hard standing areas or alterations to landform.*

## **(C)ASSESSMENT**

### **(i) Background**

Following recent refusal of a 'masterplan' proposal, this application refers to the creation of three 'villages' to be created within the existing Hunters Quay Holiday Park, Hunters Quay, Dunoon. The Holiday Park site is characterised by a mixture of caravans, buildings and chalets in both a parkland and mature woodland setting. 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 and Larch. The woodland structure provides a high amenity for walkers and visitors 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. Cammesreinach woodland is classified as Long Established of Plantation Origin and an existing Tree Preservation Order (TPO 8/91) covers the entire application site and the adjacent Kennel Woods.

The Hunters Quay Holiday Park presently comprises 613 static caravans and 118 chalets with associated facilities at the Leisure Centre, reception building, shop and caretaker's house. The Holiday Park 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.

The built areas comprise a timber chalet site (Burnside Village) in the western side of the site with two dense areas of caravans on either side (Iona and Town Villages). The Town Village in particular comprises many caravans in twelve regimented lines with little separation distances between. In the centre of the site is Jura Village with Tiree Village wrapped round the wooded knoll, though still in regimented form. Islay Village is situated to the north east of the office and leisure complex, benefiting from a better layout and screening than the Town Village or Tiree Village.

## **(ii) The Proposal**

The proposal involves the expansion of the existing Holiday Park by almost one tenth to form 3 new villages in the rear portion of the Holiday Park comprising 66 static stances with associated roads, drainage, services, landscaping and reinforcement screen planting. These villages will be arranged in three separate 'neighbourhoods' located generally within the existing quarry or clearings in the south western corner of the site.

### *Bute Village*

The easternmost compartment comprises Bute Village – 14 caravans, proposed within the existing quarry. The quarry is partially screened by a bund at the opening where the access track to the rear of the existing Jura Village swings uphill and round The Knoll. While part of this landscaped bund has been removed or altered, the proposal is to properly reinstate this as a natural buffer which will effectively screen the proposed Bute Village sited on the levelled quarry floor at a height of 51.0 metres AOD at the rear to 48.0 metres AOD at the front. The existing ridgeline will be raised to a maximum height of 51-52 metres AOD in front of Bute Village forming a natural screen bund between Jura Village and Bute Village. This will help to minimise visual impact from longer distance and present a more natural remodelling of existing slopes around the quarry.

No trees exist within the quarry with all surrounding trees retained. Additional tree planting and landscaping on screen bunds will also help to improve integration.

An existing track has been cut close to a stand of mature trees at the foot of The Knoll. Proposals include regrading these sharp slopes to more natural sloping landform. As a result the existing track around The Knoll will be removed. The siting of 14 caravans within the quarry has a natural not regimental feel where planting and remodelling will assist in restoring the existing scarred and denuded area.

The remaining two villages, Gigha and Colonsay, are located at the end of the existing access track into a clearing in the south western corner of the site to the rear and uphill from the main Town Village.

### *Gigha Village*

Gigha Village – 26 caravans are proposed south-west of the existing access track with 19 stances located in an existing clearing on a plateau. This area has a backdrop of mature trees between the Holiday Park and Lochan Wood. The caravans will be sited off a new single loop access. The site will be lowered slightly and levelled with remodelling of enclosing slopes to minimise visual impact. Only two existing trees within this clearing will be felled with all surrounding trees retained. Tree planting is proposed around the site. An existing thicket at the front of the site will be retained with tree planting proposed.

An additional 7 stances will be located south of the track on sloping ground to the rear of the proposed Colonsay Village.

### *Colonsay Village*

Colonsay Village – 26 caravans located in three terraced tiers to the rear and south-west of the existing main Town Village. A proposed woodland thicket is proposed as a screen buffer between the densely packed Town Village and Colonsay Village. The three tiers would be accessed from the existing track with 12, 7 and 6 stances rising towards the proposed Gigha Village. Only one existing tree will be felled with all other existing trees retained and augmented. The tiers would be remodelled and planted with trees to form natural terraces screening both Colonsay Village as well as parts of Gigha Village.

The proposal also involves improvements to the existing access track to a width of 5.5 metres for the area serving the three new villages with internal vehicular access tracks serving the new villages. It is also proposed to connect to an existing private sewer system and connection to public waste water system.

### **(iii) Policy Considerations**

The following issues will require to be fully assessed in a final report when the views of all consultees (and representations) have been obtained :

#### *(a) Environmental Impact - Landscape and Visual*

Long range and wider views in particular from the Loch Lomond and the Trossachs National Park Authority including key viewpoints around the Holy Loch. Potential mitigation measures in respect of timetable for initial earthworks, screening and tree planting for effectively screening against the woodland backdrop.

#### *(b) Ecology*

A final report will include a detailed assessment of issues including potential ecological damage to wildlife and habitats as a result of the proposed development, where the introduction of an additional 66 caravans, their accesses and hard standings, drainage and other clearings required all have the potential to threaten the existing rich ecological interests within the site and its mixed mature woodlands.

Scottish Natural Heritage (SNH) was involved in pre-application meetings and site visits and has expressed no objection to the proposal subject to safeguarding conditions. A woodland management plan for the entire Hunter's Quay Holiday Village must be prepared in accordance with Forestry Commission's Guidance note 12 – Management Plans and must include planting proposals to screen some of the new development and the implementation of the plan must be secured through a Section 75 agreement between the applicant and the Council. In addition, any felling of trees to take place during December to February and to be undertaken with reference to the bat method statement described at the Appendix to the BRAES report.

#### *(c) Servicing and Infrastructure*

No response has been received yet from the Area Roads Manager who previously advised that the site of this development is accessed from the A815 at Hafton within an urban 40 mph speed restriction.

Scottish Water has no objections to the proposed development subject to advisory notes. No response has been received from SEPA.

It is considered that any of the issues raised above could be addressed via specific recommended conditions.

### **(D) CONCLUSION**

In the absence of all consultee responses, the number of objections received (5 to date), a request from Hunter's Quay Community Council to have the application continued to allow a detailed response to be made and local feeling towards the scheme, it is recommended that a discretionary hearing should be held before the application is determined. A finalised report will be prepared addressing all of the issues in more detail.