

DEVELOPMENT SERVICES

Local Members Councillor B. Chennell & Councillor B. Marshall

PLANNING APPLICATION REPORT
Bute and Cowal Area

Date of Validity - 16th February 2007
Committee Date - 11th April 2007

10th April 2007

Reference Number: 07/00373/DET
Applicants Name: Cowal Leisure Ltd.
Application Type: Detailed
Application Description: Retention of 31 static caravans (amended 'as-built' layout 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.
Location: Hunter's Quay Holiday Village, Hunter's Quay, Dunoon

SUPPLEMENTARY REPORT

(A) THE APPLICATION

Development Requiring Express Planning Permission.

- retention of 31 static caravans (amended 'as-built' layouts previously approved under 00/01899/DET);
- retention of temporary caravan transit parking area;
- the erection of 8 chalet lodges on three sites with associated drainage within the existing chalet park area;
- formation of vehicular access;
- installation of new 100,000 litre water storage tank (6 x 6 x 3 metres) adjacent to existing water tank;
- installation of new 54,000 litre septic tank to supplement existing two tanks.

Other Specified Operations

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

(B) RECOMMENDATION

Given the outstanding consultation responses concerning issues of a visual and ecological nature, the number of representations received (28 letters of objection) and a request from Hunter's Quay Community Council to have the application continued, it is recommended that, subject to a discretionary hearing, planning permission be **Granted** subject to the standard condition and reason and the following conditions and reasons together with '*notes to the applicant*' set out overleaf.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

The proposal is for the retention of 31 static caravans (amended 'as-built' layouts previously approved under 00/01899/DET) and temporary caravan transit parking, the erection of 8 new chalet lodges, the installation of new water storage tank and septic tank within Hunters Quay Holiday Park.

Planning permission (ref. 00/01899/DET) was granted on 21st December 2001 for an extension to the holiday village for five new villages which included Village D Iona, Village E Burnside and Village C Tiree. Work commenced on these villages around Spring 2001, prior to the conclusion of a Section 75 Agreement that was concluded on 21st December 2001. Potential enforcement action on the as-built layouts was 'deferred' due to discussions between the applicant and his agents and the department on the method to

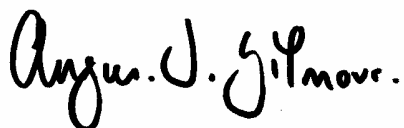
deliver a 'masterplan' proposal for the holiday park which involved large scale expansion and regularising outstanding matters.

However, following refusal of such a detailed masterplan scheme (ref. 04/02439/DET) on 5th September 2006 for an additional 9 new villages with a total of 291 caravan stances (which included the current proposal), the applicant has reviewed his proposal for expansion and has lodged a separate application for the formation of 3 new villages (proposed in accompanying application ref. 07/00379/DET) and deal with 'as-built' layouts within the current proposal.

Given the siting and 'masterplan' background, the regularisation of the 31 additional caravan stances are considered to be acceptable in light of the wider context of the holiday park and accompanying application (ref. 07/00379/DET) for an additional 66 caravan stances located in three new villages. While Scottish Natural Heritage has no comments to make on this proposal, they have sought a woodland management plan for the entire site for the accompanying scheme (07/00379/DET), a view also supported by the Forestry Commission. Given the outstanding enforcement liability it would be reasonable to impose a similar condition on this application to ensure that these villages and other areas are suitably screened and the woodland properly managed.

The applicant's agent has confirmed that his client would be "*willing and fully committed to implementing a woodland management plan.....in the likelihood that planning permission is granted then they would be prepared for conditions to be introduced so that this management plan is realised. It is Cowal Leisure Ltd intentions to commission an independent study by JDC Ecology to ensure that this is adhered to and is carried out in the most suitable manner. In addition to a woodland management plan our client is prepared to carry out additional planting around the proposed schemes within the Holiday Village*".

At this stage, consultation responses are awaited from the Woodland Trust and Loch Lomond & Trossachs National Park, who previously had serious concerns for the 'masterplan' proposal. To date the department has received 28 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

Case Officer:	B. Close	01369-70-8604
Area Team Leader	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".

CONDITIONS AND REASONS RELATIVE TO APPLICATION 07/00373/DET

2. This permission shall **not** permit the erection of 8 timber chalet units or any other development on sites 'x', 'y' and 'z' on Proposed Site Layout Drawing No. 07.0008/03 and Proposed Lodges Layout No. 07.0008/05 RevA received 16th February 2007.

Reason : *In the interest of visual amenity and layout as the proposed chalets would remove important areas of open space and in terms of impact on existing tree cover and watercourses.*

3. Within three months from the date of the Decision Notice (or other suitable timetable that may be agreed in writing with the Planning Authority), a woodland management plan for the entire Hunter's Quay Holiday Village shall be submitted to and approved in writing by the Planning Authority. The management plan scheme shall be prepared (following a Life Level 2 survey of the woodland) in accordance with Forestry Commission's Guidance Note 12 – 'Management Plans' and shall include planting proposals to augment and screen the as-built Iona, Burnside and Tiree Villages and areas surrounding these approved villages including all other features to be retained including the age species and location of tree and shrub planting in addition to planting in and around other villages and parts of the park. The woodland management plan, 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 before or commensurate with siting of the caravans 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 that any local impacts of development upon the natural heritage of the woodland, and local visual impacts, are mitigated by improved management of the entire woodland area.*

4. For the avoidance of any doubt, this approval does not include provision for any watercourse engineering works or culverting of existing watercourses.

Reason: *In order to provide for sustainable development of the site, and to avoid any unacceptable adverse impact on the watercourse environment.*

5. All static caravans within the approved areas shall be green and identical in colour to all those caravans currently in situ and the British Standard Reference Number shall be submitted to and agreed in writing by the Planning Authority prior to any additional caravans being so sited.

Reason: *For the avoidance of doubt and in the interests of visual amenity and to help integrate the proposal into the surrounding landscape setting.*

6. The static caravans hereby approved within Iona, Burnside and Tiree Villages shall be used solely for holiday purposes and shall not be used for permanent residential occupation. Any group, family or individual shall not occupy the static caravans for more than three months in total in any given calendar year, unless otherwise agreed in writing by the Planning Authority.

Reason: *In accordance with the use applied for as it is not considered that caravans are suitable by virtue of their design, finish and method of construction for permanent residential occupation.*

ADVISORY NOTES TO APPLICANT RELATIVE TO APPLICATION 07/00373/DET

(i) *The applicant/developer is advised by Scottish Water, that:*

- *While Scottish Water has no objection to this planning application, please note that although Scottish Water has given approval at this stage, this planning consent does not guarantee a connection to our infrastructure until a satisfactory solution is identified.*
- *there are no known sewers in the vicinity of the proposed development. It is advisable that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker;*
- *Loch Eck Water Treatment Works currently has sufficient capacity to service this proposed development;*
- *Water Network – there maybe issues within our Water Network that serves your proposed development;*
- *In view of the possible network issues it will be necessary for the developer to ensure that this development will not have any detrimental impact on the water services that we currently provide to our existing customers. The developer will be required, as part of any network upgrading work, to provide a solution that would prevent or mitigate any further impact.*
- *The Scottish Ministers have issued Regulations (The Provision of Water & Sewerage Services (Reasonable Cost) (Scotland) Regulations 2006) regarding the upgrading of networks i.e. water mains, sewer, pumping stations, etc. If this development requires the existing network to be upgraded, these costs will generally be met by the developer.*
- *Scottish Water will make a Reasonable Cost Contribution per property where additional public sewers or water mains are provided by a developer. The payment can be up to a maximum of £1,321 for water and £1,492 for waste water per household connection. For non-domestic connections the level of contribution is based on an average unit cost of water delivered and waste water treated.*
- *If the connection to the public water main requires to be laid through land outwith the applicant's ownership, then the applicant must provide evidence of formal approval from the affected landowner(s) through whose ground the connection to the public water main must pass. This shall be done at the time of application;*

The applicant/developer is advised to contact Scottish Water directly (Alan Steele, Developer Services, tel.0845 601 8855, or at www.scottishwater.co.uk).

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 30th April 2001. Replanting has already been undertaken.

An Enforcement Notice (ref. 00/00035/ENFOTH) was issued on 9th 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. This notice was withdrawn on 21st December 2001(planning permission 00/01899/DET granted 21st December 2001).

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 21st December 2001 following conclusion of a Section 75 Agreement which required the formation of a pedestrian footpath, signage and implementation of a woodland grant scheme.

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

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. 07/00379/DET) elsewhere on this agenda for the formation of three holiday villages comprising 66 static caravans, formation of vehicular access, earth works/remodelling and tree planting/landscaping.

(ii) Consultations

Scottish Natural Heritage (response dated 5th March 2007): No objections.

Hunters Quay Community Council (response dated 22nd 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 21st 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 submitted on surface water drainage SEPA objects to this aspect of the proposal. If a satisfactory SuDS scheme is submitted this objection could be removed. Additional comments regarding surface water drainage and a request for a condition restricting the use of culverts in any watercourse engineering.

Scottish Water (expiry date 21st March 2007): No response.

Area Roads Manager (expiry date 21st March 2007): No response.

Loch Lomond and Trossachs National Park Authority (e-mail dated 6th March 2007): Seek extension until 16th April 2007 to allow detailed response to be made.

(iii) Publicity and Representations

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

To date, the department has received 28 letters of objection from: the Geir family, Lodge B15 Hafton, Hunters Quay (letter dated 19th February 2007); Yelnek Pott, Sloep 5, 3863 T6, Nykenk, The Netherlands (letter received 15th March 2007); Eddie Wassink Beehmansgoed 13, 3863 XL Nykenk, The Netherlands (letter dated 12th March 2007); Bryan-Kevin Van Alphen, Fratersgoed 22, 3865 XP Nykerk, The Netherlands (letter dated 12th March 2007); Alasdair and Elaine Marshall, Rose Cottage, Hafton Hunter's Quay (letter dated 23rd February 2007); R C Reid, The Old Mill, Ferry Road (e-mail dated 28th February 2007); Mrs. S Fitzpatrick, 4 Ennerdale, Newlandsmuir, East Kilbride (letter dated 4th March 2007); Mr. and Mrs. Pursley, 15 Deercroft, Hafton, Hunter's Quay (letter dated 12th March 2007); J. Harrington, Stonefield Cottage, Strone (letter dated 16th March 2007); A H Young, 28 Royal Crescent, Dunoon (letter dated 26th March 2007); Mrs. I.G. Young, 28 Royal Crescent, Dunoon (letter dated 26th March 2007); Jenifer Cousins, Iona, Victoria Road, Hunter's Quay (letter dated 22nd March 2007); Charles T. Downes, Mentmor, 35 Royal Crescent, Dunoon (letter dated 27th March 2007); Mrs. Margaret D. Young, 1 Craiglockart Gardens, Edinburgh (letter dated 26th March 2007); M R Wall, 5 St. Mary's Close, Old Basing, Basingstoke (letter dated 26th March 2007); Roland Zielinski, 51 Cammesreinach Crescent, Hunters Quay (letter dated 26th March 2007); Katherine Zielinski, 51 Cammesreinach Crescent, Hunters Quay (letter dated 26th March 2007); David Fulton, Echaig, Rashfield (letter dated 27th March 2007); Mrs. S. O'Connor, Aleppo, 15 Victoria Road, Hunter's Quay (letter dated 28th March 2007); R.T. O'Connor, Aleppo, 15 Victoria Road, Hunter's Quay (letter dated 28th March 2007); Mr. P Thallon, Buchan, 33 Eccles Road, Hunter's Quay (letter dated 28th March 2007); Mrs. R Thallon, Buchan, 33 Eccles Road, Hunter's Quay (letter dated 28th March 2007); Mrs. S. Saxena, Buchan, 33 Eccles Road, Hunter's Quay (letter dated 28th March 2007); F. Hamilton, 25 Bellflower Grove, East Kilbride (e-mail dated 31st March 2007);

A number of letters of representation relate to both this application and the accompanying application ref. 07/00379/DET for the siting of 66 caravans within three new villages. There may therefore be some overlap in either the comments received or made. 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. Amazed that this application has been submitted when any further development at this site was rejected only several months ago. The historic natural woodland has already been extensively damaged with detrimental effect to the wildlife population, many of which are protected species.*

Comment – SNH have not objected to the proposal. The application seeks approval for as-built layouts which are located in less sensitive and screened locations within the park. In the accompanying application SNH request a woodland management plan for the entire park with restrictions on felling.

- *As first time tourists to the area, surprised at how large and unattractive the existing holiday park is where further development could have a serious impact on the woodlands, wildlife and habitats, and attracting tourists;*

Comment – Hopefully the implementation of an updated woodland management plan and sensitive tree planting/screening will help to integrate the as-built villages within the existing park where additional planting is proposed or required.

- *Time gap in planting around new and as-built villages. Would have to wait around ten years for planting to become established.*

Comment – The preparation of a woodland management plan and successful implementation should integrate new and existing villages into the landscape. There may however be short term gaps in the woodland cover/screening although there is no reason why this planting cannot be carried out immediately under the applicants own initiative.

- *Existing access rights and condition of existing access roads in respect of surfacing and drainage;*

Comment – This is considered to be a civil matter between owners of houses and chalets within the holiday village and the owners of the site. All of the access roads are private.

- *No provision on chalet plans for vehicular access, parking or footpaths. Lack of information on existing trees and shrubs around chalets. One of the chalets at Eaglecroft built on top of a burn – what happens to burn ?*

Comment – The applicant's agents have been advised of this omission. While details have been submitted on the design of the chalets only indicative siting is shown on the layout plans with no details of accesses, parking, footpaths, hardstanding areas, drainage, protection of existing trees and proposed tree planting/landscaping.

- *This proposal represents a gross overdevelopment of an already over large site and would remove what meaningful amenity/play/open space that remains between chalets.*

Comment – The department concurs with this view and consider that the sites for the chalets form important amenity open areas within the chalet park.

- *Seems that developer intends to lodge a series of small applications contrary to policies to get what he proposed under the masterplan scheme.*

Comment – This and the accompanying application were the subject of discussions and site meetings with the developer, his landscape and ecological advisors and SNH. The chosen sites were deemed to be less sensitive than in areas previously proposed. Any future applications will be determined on their individual merits where the integrity of the woodland and ecological interests will be crucial considerations.

- *Existing site from aerial views resembles an industrial estate. There are three large caravan parks in the Cowal Area owned by the applicant at Lochgoilhead, Loch Eck and Hunter's Quay where it would be a pity to allow Dunoon to become the 'Blackpool' of Argyll and the National Park. 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.*

Comment – While it is regrettable that the main town village draws most attention with its poor layout and regimented rows of caravans, other villages are better located within the park where they are mostly screened from view by existing tree cover. The provision of adequate screening is therefore essential for any existing or proposed villages to avoid further visual blight.

- *Proper arrangements have not been made to view the plans in Milton House and difficulty viewing plans in Hunters Quay Post Office. Request that application be re-advertised.*

Comment – The application was advertised in the Dunoon Observer (expiry date 30th March 2007) and plans made available for viewing in Milton House and Hunters Quay Post Office. While the department accept that both locations may be cramped the plans were and are still available for public viewing in addition to being available on line.

- *Application is contrary to Cowal Local Plan policies POL RUR 1 and POL BE 8 in addition to local Biodiversity Plan. Approval of both applications would be a deception of these policies where the proposed development would have a serious impact on the Camus Reinach Woodland, covered by a Tree Preservation Order.*

Comment – The sites for the proposed villages are located in the quarry or in a clearing where very few trees require to be felled. The onus is on the applicant to replant around these villages in addition to other areas within the park thereby increasing the amount of trees and safeguarding the existing protected woodland. The current application is for approval of as-built layouts in already built up areas of the park.

- *Flooding to gardens surrounding this site has caused serious problems to residents in Cammesreinach Crescent.*

Comment – This particular application will have no impact both visually and physically to properties in Cammesreinach Crescent. While the previous masterplan proposed villages close to these properties the current scheme is to regularise layouts and erect new chalets on the opposite side of the park. Concerns regarding flooding are considered to be civil matters and should be discussed between property owners.

- Road traffic increase affecting safety including pedestrians.

Comment – While no response has been received from Roads yet, an additional 66 caravans is unlikely to have significant impact on the surrounding roads network. Traffic management measures within the park are the responsibility of the applicant/developer.

- Enforcement orders have been ignored and Section 75 agreements have not been carried out. Assurances given from the Planning Authority that the developer would not be allowed any additional development until outstanding conditions were carried out. The current application is a good example of how little the developer regards enforcement procedures and does what he likes when he wants to and backed by Councillors who support his behaviour with amendments.

Comment – The original Section 75 attached to permission 00/01899/DET was successfully concluded which involved provision of a pedestrian footpath link, signage and implementation of a woodland grant scheme. Other aspects regarding woodland management, tree planting and regularisation of layouts are either the subject of the accompanying application (07/00373/DET) or covered by conditions attached to this application.

Some of these issues are further addressed in the assessment below.

(iv) Applicant’s supporting Information

None.

(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 states that development exceeding 50 caravans or stances is regarded as Large Scale) which could 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.

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

The existing Hunters Quay Holiday Park 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 (it should be noted that this figure does not include modifications to the as approved layouts of *Burnside*, *Iona* and *Tiree* villages to formalise the as-built situation with an additional 31 caravan stances, the subject of this application).

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 in the western side of the park with two dense areas of caravans on either side (*Iona/Burnside* 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

Regularisation of as-built layouts

The application seeks approval for the formalisation of the as-built layouts of *Tiree*, *Iona* & *Burnside Villages* relative to the layouts approved under ref. 00/01899/DET. The as-built layouts have created an additional 31 caravan stances which have resulted in more closely packed layouts in each of these Villages by utilising amenity space which provides a degree of separation and character between villages.

Development first took place in these villages around spring 2001 although the Section 75 Agreement was not concluded until 21st December 2001. The lack of enforcement on these layouts was primarily due to a series of discussions between the developer and the department on the submission of a 'masterplan' scheme for the entire holiday park that would seek to regularise these as-built layouts and other outstanding issues i.e. tree planting, screening, woodland management etc. The refusal of this 'masterplan' scheme in September 2006 has now resulted in approximately six years of 'deferred' enforcement on various matters within the park.

Tiree Village C had original approval for 71 units with stances located on the eastern flanks of the knoll. The current proposal seeks approval for the as-built layout (of 71 units) which has removed 19 caravans off the steeper eastern slopes of the Knoll and relocated them in a double row on the lower strip. However, the siting of stances within *Tiree Village C* is considered an improvement on that previously improved but this area could be improved further with replanting of the slopes of the knoll and reinstatement of the access track which is a prominent scar on the wider landscape. Additionally, tree planting and landscaping within *Tiree Village* could assist in integrating this site further.

Iona Village D had original approval for 41 units arranged in a more natural form with a loop of 29 caravans enclosing two rows of 6 and 7 caravans. The current proposal seeks approval for the as-built layout of 70 units which shows a much tighter and closely packed layout than originally approved with roughly five regimented rows of caravans. While this has resulted in almost twice as many vans within this village as originally approved, the siting and location together with surrounding screening does not impact on the wider landscape than some of the villages located at higher levels within the park. Reluctantly the department would accept the as-built layout on the

basis that additional tree planting and landscaping is carried out within this village and other parts of the holiday park.

Burnside Village E had original approval for 21 units and the current proposal seeks approval for the as-built layout of 23 units which shows infilling of an open space gap between the previously looser layout. The reconfigured layout and additional two units within Burnside Village E are not considered to be significant when viewed in the greater context of the holiday park. The as-built layout while now forming a continuous crescent of stances has relocated four stances from the higher part of the site where tree planting/landscaping forms a buffer.

Proposed 8 chalets

The proposal also involves the erection of 8 new chalet units with associated drainage within existing chalet park. The proposed timber lined chalets would be single storey with a pitched roof of metal roof tiles. While layout drawings offer indicative siting of these chalets, no details have been submitted in respect of access, hardstanding areas, drainage, landscaping, tree planting in addition to details of existing trees and watercourses.

Five new chalet units are proposed within the Deercroft area (site 'x') close to the western boundary between an existing five chalets and the chalet site access route. This triangular site is characterised by a mixture of mature trees which form a landscaped buffer between the perimeter of the site and the 'A' frame lodges adjacent. Three of the five chalets are shown close to or beside existing mature trees and also likely to impact on their root systems. Without full details of vehicular accesses, total areas of hardstandings, proposed drainage and landscaping it is considered that development on this site could be unacceptable in respect of removing an important amenity space area and impact on tree cover which provides natural screening and part of the overall woodland cover.

Two chalet units are proposed south of this area within the Eaglecroft area (site 'y') in a clearing surrounded by eight chalets. A burn runs through this site and the two new chalet units are proposed on either side of the burn. Without full details of vehicular accesses, total areas of hardstandings, proposed drainage and landscaping it is considered that development on this site could be unacceptable in respect of removing important amenity space between the existing chalets and possible impact on the existing watercourse.

One chalet unit is proposed at the end of Fircroft at the junction of Burnside and Iona Villages on a corner site. A burn runs through this site with existing trees beyond the burn at the eastern end of the site. Without full details of vehicular accesses, total areas of hardstandings, proposed drainage and landscaping it is considered that development on this site could be unacceptable in respect of removing an important amenity space beside the existing chalet and possible impact on the existing watercourse.

With the limited information available, it is considered at this stage that erection of additional chalets in the three areas identified will remove what little meaningful open space exists between the chalets in addition to potential impact on existing trees and watercourses.

Retention of temporary caravan transit parking area

The proposal includes the retention of a temporary parking area for caravans which is located between the main town Village and Tiree/Jura villages. This area is for the accommodation of static caravans in transit and bounded by a low timber fence.

Proposed Water Tank

A new 100,000 litre water storage tank (6x6x3 metres) is proposed and located adjacent to the existing water tank in the south west corner of the site and screened by mature woodland. The storage tank will be constructed in grey coloured GRP panels, sited on a concrete base with granite chips and enclosed by a 2.0 metre high green pvc coated chain link security fence and gates.

Proposed Septic Tank

The proposal also involves the installation of a new 54,000 litre septic tank to supplement the existing two tanks located at the front of the holiday park site close to the A815. Discussions have taken place between the applicant, SEPA, Scottish Water where it is proposed to connect into the new Scottish Water sewer.

Previous Section 75 Agreement relative to application ref: 00/01899/DET

The previous Section 75 Agreement sought the provision of:

- i) A 1.50 metre wide footpath from the access between 'Craigend' to 'Hafton East Lodge' and Hunters Quay for a distance of approximately 25 metres on the landward side of the A 815. The footpath and woodland walkway had to include competent drainage measures and adequately surfaced to allow pedestrian usage and provided and maintained from the existing Hunters Quay Holiday Village access road to the A 815;
- ii) In the absence of i) above, the provision of a 1.50 metre wide footpath from the access between 'Hafton East Lodge' and Hunters Quay for a distance of approximately 59 metres on the shoreward side of the A 815 unless the alternative footpath link on the landward side of the A 815 as specified under i) above is brought into use. The footpath and woodland walkway had to include competent drainage measures and be adequately surfaced to allow pedestrian usage and shall be provided and maintained from the existing Hunters Quay Holiday Village access road to the A 815;
- iii) A series of road signs to be erected within the vicinity of the area outlined above, to advise the public that there is "Pedestrians in road ahead 'No footway for 360 metres'" on the A 815 at either end of the Hunters Grove frontage. The approved signage as may be agreed, shall be erected to the satisfaction of the Planning Authority in consultation with the Area Roads Manager within 60 or 90 days of the granting of permission, whichever time period is applicable, and prior to the occupation of any caravans within Village C, Village D & Village E.
- iv) The submission of a Woodland Grant Scheme to the Forestry Commission to encompass all of the land within the applicants ownership to establish and ensure the long term health and management of this woodland and promote its flora, fauna and wildlife whilst promoting improved public access within it. The Woodland Grant Scheme had to be implemented to the satisfaction of the planning authority in consultation with the Forestry Commission and in accordance with the timescale prescribed in the approved Woodlands Grant Scheme.
- v) Subject to the terms of i)-iii) inclusive being met to the satisfaction of the planning authority, the planning authority shall withdraw in writing the Enforcement Notice reference 00/00035/ENFOTH dated 9th March 2001 under Section 129 of the 1997 Act to permit the siting of 30 caravans at Village F, subject to the relevant planning conditions of permission 00/01899/DET remaining in force.[iv) The applicant shall submit a Woodland Grant Scheme to the Forestry Commission within 28 days upon conclusion of the agreement. The said scheme shall encompass all of the land within the applicant's ownership and shall aim to establish and ensure the long term health and management of this woodland and promote its flora, fauna and wildlife whilst promoting improved public access within it. The Woodland Grant Scheme shall be implemented to the satisfaction of the planning authority in consultation with the Forestry Commission and in accordance with the timescale prescribed in the approved Woodlands Grant Scheme.]

(iii) Policy Considerations

As outlined under Section B above the site is situated within a Local Scenic Area and specifically Camas Reinach Woodland as defined under POL RUR 1 of the Cowal Local Plan whereby the Council will resist prominent or sporadic development, which would have an adverse environmental impact. Any proposal would require to be assessed against the following criteria:

(a) Environmental Impact - Landscape and Visual

Long and short range views

Many of the views from within the site and the proposed 'as-built' villages and chalets are protected generally by the dense woodland in which they are located. This natural protection however depends on the successful maintenance and management of woodland cover to avoid unnecessary destruction and felling to further expose built areas. The 'as-built' villages area located in less sensitive areas which are heavily screened by mature deciduous tree cover that allows them to nestle into the holiday park site. From short range views and viewed from within the park the 'as-built' village layouts are not considered to create an adverse visual impact when viewed against the tightly packed town village which dominates the park setting from many angles. The proposed chalet locations would only have serious visual impact on the basis of removing valuable and important amenity spaces and open landscaped buffers between chalets groups but insignificant from longer views.

Longer Views from Strone

When viewed from Dunselma and Strone Primary School, the site forms three distinctive areas with the eastern flanks of Camas Reinach wood forming a long rising ridge. Beyond this the unauthorised track (east of Tiree Village) is clearly visible which forms a diagonal, splitting the view with the central wooded knoll which rises to a crest. A large separate area of mature deciduous woodland is present in the middle of the site which helps to screen the tightly packed Town Village and other surrounding sites including the as-built Iona and Burnside Villages. Whilst Tiree village is generally hidden from view, reinstatement of landscaped bunds and the unauthorised track would further screen this area around the central knoll.

Longer Views from Strone – Gibb's Point/Midge Lane

When viewed from these areas, the majority of the existing Holiday Park is relatively well screened (in summer months) with only glimpses of existing villages peeping through the canopy. While the eastern ridge appears flattened, both, wooded knolls are pronounced and create key landscape features. The quarry site and entrance is also visible.

Longer Views from Kilmun – Graham's Point

When viewed from this area, the eastern ridge appears flattened with both knolls well pronounced and key landscape features. The quarry site, access track and wooded knoll are readily visible. The quarry at this point has been opened up to longer views by the removal of natural front screening and bunds. The continuous extraction in the quarry area has also left highly visible scarring on the quarry walls and resulted in some clearing and damage to root systems of some of the birch trees on the knoll adjacent to the quarry. The removal of natural vegetated slopes at the nose of the knoll has resulted in a blunt and scarred face which again is readily visible from both short and long views. The thinning of birch trees on this knoll is also evident where any further loss or destruction to trees will result in a prominent scarred hilltop, which could be viewed from many vantage points. It is also very unfortunate that Hafton House now has a backdrop of a scarred quarry face and erosion to the knoll which would only be further scarred and desecrated by insensitive siting of caravans at the highest points of the site.

In landscape terms, the proposed development would have a significant adverse impact on the existing woodland and landforms and would be contrary to Argyll and Bute Structure Plan policy STRAT DC 8 – Landscape and Development Control; to Cowal Local Plan 1993 policies POL RUR1, POL RUR2, POL TOUR1 and POL BE8; and to policies Policy LP ENV1 Development Impact on the General environment, Policy LP ENV6 Development Impact on Habitats and Species, Policy LP ENV 7 Development Impact on Trees/Woodland, Policy LP ENV 8: Development Impact on Local Nature Conservation Sites, Policy LP ENV19 Development Setting, Layout and Design, LP TOUR 1 Tourist Facilities and Accommodation, including Static and Touring Caravans of Argyll and Bute Modified Finalised Draft Local Plan June 2006.

(b) Ecology and Habitat

Whilst the landscape and visual assessment may be of a subjective nature, the ecological damage to wildlife and habitats as a result of the introduction of an additional 8 chalets, 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) have no comment to make on this application as it involves as-built layouts within existing village areas and new chalets within the chalet area. However, on the accompanying application (ref. 07/00379/DET) SNH recommend that a woodland management plan for the entire Holiday Village be prepared prior to the commencement of any works, in accordance with Forestry Commission's Guidance note 12 – Management Plans. The plan must include planting proposals to screen some of the new development and the implementation of the plan should be secured through a Section 75 agreement between the applicant and the Council. Additionally, SNH comment that any felling of trees shall take place during December to February and shall be undertaken with reference to the bat method statement described at the Appendix to BRAES report. Given the outstanding enforcement liability it would be reasonable to impose a similar condition on this application to ensure that the as-built villages and other areas are suitably screened and the woodland properly managed.

In terms of woodland management and additional planting the applicant's agent has confirmed that his client would be agreeable to the imposition of planning condition(s) where a further ecological study will be carried out to ensure that a woodland management plan and additional planting is fully implemented.

(c) Servicing and Infrastructure

No response has been received 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 Environment Protection Agency (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 on surface water drainage SEPA objects to this aspect of the proposal. However, if a satisfactory SuDS scheme is submitted this objection could be removed. Additional comments regarding surface water drainage and a request for a condition restricting the use of culverts in any watercourse engineering.

Scottish Water has no objections to the proposed development subject to advisory notes.

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

(D) CONCLUSION

The principal question before Members in determining this application is balancing the competing demands associated with a development of this nature and to determine whether the associated concerns regarding the impact on the fragile and important habitat of the ancient mixed woodland which provides such an important screening and magnificent backdrop to the Holiday Park have been satisfactorily addressed.

Compared to the previous Masterplan approach for an additional 291 caravans, this application primarily seeks planning permission to regularise as-built layouts which have resulted in an additional 31 caravan stances in Tiree, Burnside and Iona Villages as well as the erection of an additional 8 chalet units. Members will also be aware that another application (ref. 07/00379/DET) also on this agenda seeks detailed planning permission for a further 66 caravans to be accommodated within 3 new villages. With the new villages and retrospective approval sought for as-built layouts, the department considers that the site has reached its capacity in environmental and visual terms. However on the basis that a woodland management plan will be prepared for the entire site (also under ref. 07/00379/DET) which should guarantee that existing screening and tree planting will be augmented and properly maintained, the additional units are considered to be acceptable in the wider context of the holiday park and thereby avoiding more sensitive areas without any additional adverse serious visual impacts on the wider landscape. The applicant's agent has confirmed that Cowal Leisure would be agreeable to the imposition of planning condition(s) to secure a woodland management plan which should safeguard and augment the existing protected woodland.

In terms of the proposed chalets, the applicant has not ably demonstrated that these additional 8 units can be satisfactorily accommodated within their particular sites. Part of the character of the holiday village and in particular the chalet park, are the unbuilt areas between chalet units which provide welcome amenity spaces and separation or buffers between built development. It would be unfortunate and unacceptable to over-develop sites 'x','y' and 'z' if it involved the felling of mature healthy trees and potentially affect the root systems of others. These large trees not only act as necessary screening particularly from wider viewpoints but provide part of the woodland habitat for a wide range of fauna. For this reason, the department cannot support further chalet development on these sites and are not hereby approved within this application.

(E) REQUIREMENT FOR A HEARING

Although the development broadly accords with the development plan, it is recommended that, because of a specific request from Hunter's Quay Community Council to have the application continued to allow a detailed response to be made, representations received (28 letters of objection) and local feeling towards the scheme, it is recommended that a discretionary hearing should be held before the application is determined.