
10th October 2006

Reference Number: 06/01640/DET
Applicants Name: Mr and Mrs Lyle
Application Type: Detailed Planning Permission
Application Description: Erection of 28 Cabins
Location: DALAVICH, Cabin Park

(A) THE APPLICATION

Development Requiring Express Planning Permission.

- Erection of 28 holiday cabins.
- Foul drainage within the site.
- Access roads and paths and parking areas.

(B) RECOMMENDATION

Approval subject to conditions.

(C) DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

This application arises from the new proprietors of the site and follows the submission and subsequent withdrawal of a more extensive application in 2004 and 2005. This new application was the subject of detailed discussions with officers.

The application follows the withdrawal of a similar scheme for 30 cabins which was the subject of a discretionary local hearing in March 2006. That hearing led to the identification of certain inaccuracies in the application drawing.

This new application has been based on a new survey. The more accurate plans disclosed problems with the siting of two cabins which have been deleted, so that this application is for 28 cabins.

The site covers a substantial area immediately to the north of Dalavich village. The site is an established holiday cabin site which presently contains 44 cabins and a community building. The site was developed by the Forestry Commission under its permitted development powers and there are therefore no planning conditions as to the occupancy of the existing cabins. There is however a legal obligation on the owners of the cabins to occupy them only as holiday homes.

The Adopted Lorn Local Plan

The site is in the Loch Awe Local Scenic Area. The proposal is subject to Policies RUR 1 and RUR 2 which require the consideration of the following issues:

- i) Environmental Impact: The proposed development consists of the introduction of groups of new cabins within the cabin park. The effect on the broader landscape will be modest, given that the proposals do not materially extend the visual impact of the site. The character of the landscape within and around the cabin park will not be fundamentally changed by the proposals. The site is well screened and the proposal will have only a modest impact on the overall balance of open and forested areas.
- ii) Locational Need: There is no issue of locational need in this case.

- iii) Economic Benefit: The additional cabins are likely to have a beneficial effect on the local economy and strengthen the local facilities in the village.
- iv) Infrastructure: The Area Roads Manager is content with the scheme in terms of access to the site and the impact of the development on the road network.
- The site is served by a communal drainage scheme which serves the whole village. SEPA has expressed its content with the arrangements proposed for the augmentation and management of this system.
- There is a private water supply which has been approved by the Area Environmental Health Manager.

On balance the proposal meets the tests presented by Policy RUR 2.

Policy TOUR 4 states that the Council will allow for the development of additional self-catering accommodation. Kilchrenan is given as a preferred area. Whilst Dalavich is outside the area to which this policy gives priority, it is adjacent to it and could be said to support the intention of this policy.

Finalised Draft Argyll and Bute Local Plan

The site is designated as a Potential Development Area (5/115) which is intended for low density high quality tourism/leisure use subject to a comprehensive plan. The application is therefore entirely consistent with the Finalised Draft Plan, and the Development Policy Team has raised no objections.

I understand that there have been no objections to the PDA designation and it can therefore be given significant material weight.

Nature Conservation Issues

Scottish Natural Heritage has advised that it has no objections to the proposals. The site itself is not designated but a number of protected species have been considered as follows:

- i) Bats. Bats are protected under European Directive. The proposal involves the felling of only a few mature trees and therefore is unlikely to affect established roosts. In general the opening up of further clearings, combined with human activity, will be more likely to benefit than harm bat populations.
- ii) Red Squirrel The scheme does not require the felling of mature larch trees which are the favoured habitat of red squirrels. Again the nature of the proposal is unlikely, in itself, to harm the area as a habitat for squirrels.
- iii) Marsh Fritillary: A butterfly survey was undertaken and no rare species or habitat suitable for rare species were identified.

The key issue for nature conservation is the management of the trees on the site. A condition is attached which seeks the approval of a formal management plan for the trees. Following the more accurate survey the applicants have certified that no major oak or Scots pine trees will be felled.

Amenity Issues

Given the nature of the site, it is not necessary to adopt an approach to amenity which corresponds to that taken for permanent dwellings. In my opinion the proposal raises no significant issues of privacy and light, and there are no cases of existing cabins where the 18m window to window standard is abrogated.

There is however a need to improve the communal rubbish facilities, which are visible from the public road, and a condition is attached to that end. In addition the improvement and upgrading of the network of access ways and paths is considered essential for amenity and safety and a condition is also attached in respect of this issue.

Flood Risk

There is not a flood risk over the whole site, but a small number of cabins close to the burn running through the site may be at risk. Rather than requiring an assessment for the whole site, it is considered acceptable to impose a condition requiring that these cabins are not constructed until a flood risk assessment has been carried out and the findings incorporated into the final design. Should that final design amount to a material amendment or fall foul of the recommended conditions a new application will have to be made.

Design

The existing cabins are of a number of designs but all have common characteristics and details, and they have definite quality expressed in a modern style. The proposals include four designs and are not, in my opinion, of the same design quality as the existing. The majority, in two distinct blocks are of the pre-assembled type which has been approved at other locations around the loch. This type might be considered to fall into the definition of “caravan” but the cladding and permanence implied in this application mean that they can be treated as permanent cabins. I have concerns about the suitability of the design of Cabin Type A which has a very shallow roof. I consider this design would be greatly improved by a steeper roof pitch and I am recommending an appropriate condition. Elsewhere designs which more closely reflect the forms of the existing cabins have been specified. Whilst it would have been preferable to closely copy the design of the existing, the applicant wishes to use modern, off the shelf designs. On balance, I consider that the designs proposed meet a reasonable standard and reflect the way in which different groups of new cabins will be seen in relation to the existing cabins.

(D) CONCLUSION

The scheme submitted is consistent with the adopted and emerging local plans. It can be serviced to an acceptable standard and the proposed cabins can be accommodated within the extensive area of the cabin park without harming the landscape or nature conservation interests. The scheme is consistent with the Council's standards on amenity. The design of the new cabins is the least satisfactory element of the scheme, because of the distinctive design of the existing cabins, but I consider that the proposals and the way they relate to the existing cabins is reasonably satisfactory and not grounds for refusing the project.

Seventeen letters of representation have been received.

The application is recommended for approval subject to the following conditions.

Given the number of representations, consideration should be given to the holding of a discretionary local hearing. That consideration may take into account that the public were given the opportunity to raise their concerns at a hearing in respect of the previous application.

Angus J Gilmour
Head of Planning

Author:	Robert Walker	01631 567954
Contact	Ian McIntyre	01631 567951

CONDITIONS AND REASONS RELATIVE TO APPLICATION 06/01640/DET

1. Standard detailed. *Reason: Standard*
2. No tree felling or scrub clearance shall take place until a landscape management plan, prepared by a suitably qualified person, for the whole cabin site, has been submitted for the written approval of the Planning Authority. That plan shall show:
 - i) A detailed survey of trees within 10m of each cabin and 5m of new drainage trenches indicating the trees to be felled to achieve the development.
 - ii) For the whole cabin park, a species survey of the existing areas of trees, scrub and open grassland, proposed planting in connection with the approved development, a programme and specification for felling, replanting and maintenance and a management plan for the succeeding fifty years following the date of this permission to enhance the visual amenity and biodiversity of the cabin park.

Reason: To ensure that the landscape setting of the development is maintained.

3. Prior to the occupation of the first cabin approved under this permission a new refuse recycling, storage and collection facility shall be constructed in accordance with a scheme agreed in writing with the Planning Authority.

Reason: To ensure that waste is dealt with in a sustainable, healthy and visually acceptable manner.

4. The cabins approved under this permission shall be used for holiday accommodation only and not as a main residence and shall not be occupied by any family, group or individual for more than three months in any calendar year, unless as otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the site or the cabin does not become in permanent residential use in the interest of the areas amenities and in accordance with the use applied for.

5. Prior to the occupation of the first cabin approved under this permission the sewage treatment plant, described in the report submitted with the application, shall be upgraded and subjected to a maintenance and management scheme as approved in writing by the Planning Authority

Reason: To ensure that adequate sewerage treatment capacity is available for the development.

6. Prior to work starting on site, the materials and colours of the external finish of walls and roofs shall be agreed by the Planning Authority in writing and those materials and colours shall be maintained unless agreed otherwise in writing by the Planning Authority.

Reason: To ensure that the new buildings are in harmony with the existing buildings and the landscape setting of the cabin park.

7. Prior to work starting on site a revised design for cabin Type 'A' showing a roof pitch of between 30 and 45 degrees shall be submitted to and approved by the Planning Authority.

Reason: To ensure that the new buildings are in harmony with the existing buildings and the landscape setting of the cabin park.

8. Prior to the occupation of the first cabin approved under this permission the ways and footpaths throughout the whole cabin park shall be repaired and upgraded in accordance with a scheme agreed in writing with the Planning Authority which shall indicate their dimensions, finishing and edging. That scheme shall include the upgrading of the junctions of the park site roads with the public roads in accordance with Roads Services Drawing NA/32/05/2a and the provision of a hard standing at a location agreed by the Planning Authority to provide safe access to public transport.

Reason: To ensure that the site can be accessed and occupied safely.

9. The floor level of each cabin shall be fixed as close to the existing surrounding ground as reasonably practicable and shall in no case be more than 300mm above or below the adjacent ground level at any point without the written permission of the Planning Authority.

Reason: To ensure that the cabins are sited in a visually satisfactory manner.

10. Prior to the construction of cabins 21 - 26, a details of their construction including any flood mitigation measures for their sites shall be submitted for the written approval of the Planning Authority based on a flood risk analysis prepared by a qualified person.

Reason: To overcome any flood risk to the cabins close to the Dubh Uisce burn.

11. Notwithstanding the provisions of Article 3 and Classes 1, 3, 4, 5 and 7 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no development shall take place within the curtilages of the cabins hereby permitted without the prior written consent of the Planning Authority.

Reason: In the interests of visual amenity and in order to protect the privacy and amenity of adjacent properties from developments normally carried out without Planning Permission, these normally being permitted under Article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

12. Public Access shall be maintained along the loch shore within the application site and no fence or other barrier shall be erected to prevent access to the extent currently enjoyed by the public.

Reason: The shore path is an existing and well used means of access for recreation which should be maintained to protect the access rights under the Land Reform (Scotland) Act 2003

13. Full details of all external lighting to serve the development shall be submitted before development commences. The submitted details shall show the position of all proposed external lights and their illumination levels (provided in lux), together with appropriate mitigation measures to prevent light spillage and glare beyond the site boundary and pointing downwards. Thereafter, the development shall be carried out in accordance with the agreed details unless otherwise approved in writing by the planning authority.

Reason: The application site is in a raised area defined by a rural character. Therefore in order to protect and enhance the visual character and integrity of the area, particularly during the hours of darkness, the submission of such details is necessary in order that the planning authority could consider such matters fully.

APPENDIX RELATIVE TO 05/02410/DET

A. POLICY OVERVIEW

In terms of Section 25 of the Act the following Development Plan Policies are applicable:

Argyll and Bute Structure Plan

STRAT DC 7	<p>Nature Conservation and Development Control</p> <ul style="list-style-type: none"> A) Development likely to have a significant effect on a Natura site will be subject to an appropriate assessment. The development will only be permitted where the assessment indicates that it will not adversely affect the integrity of the site, or, there are no alternative solutions and there are imperative reasons overriding public interest. B) On sites of national importance, SSSIs and NNRs, development will only be permitted where it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or where any adverse impacts are clearly outweighed by social or economic benefits of national importance. 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	<p>Landscape and Development Control</p> <ul style="list-style-type: none"> A) Development which, by reason of location, siting, scale, form, design or cumulative impact, 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. Outwith the National Park particularly important and vulnerable landscapes in Argyll and Bute are those associated with: <ul style="list-style-type: none"> 1. National Scenic Areas 2. Historic landscapes with close links with archaeology and built heritage and designed landscapes. 3. Landward and coastal areas with semi-wilderness or isolated or panoramic quality. B) Enhancement to landscape will also be encouraged in association with development and land use proposals.

Lorn Local Plan

RUR 1	<p>The Council will seek to maintain and where possible enhance the landscape quality of National and Regional Scenic Areas and coasts and areas of local landscape significance and within these areas will resist prominent or sporadic development which would have an adverse environmental impact:</p> <ul style="list-style-type: none"> (a) National Scenic Area : (i) Lynn of Lorn; (ii) Ben Nevis and Glencoe (b) Regional Scenic Areas : (i) Knapdale/Melfort; (ii) North Argyll (c) Regional Scenic Coasts : North West Argyll (d) Areas of local landscape significance : (i) Loch Etive/Benderloch Coast; (ii) Loch Awe; (iii) Loch Nell; (iv) Glen Lonan; (v) Loch Avich; (vi) Glen Gallain/Loch Scammadale.
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RUR 2	<p>Proposals for development in or affecting National Scenic Areas, Regional Scenic Areas and Coasts or areas of local landscape significance will require to be justified against the following criteria</p> <p>(a) economic benefit (b) infrastructure implications (c) specific locational/operational need (d) environmental impact</p>
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(B) OTHER MATERIAL CONSIDERATIONS

(e) Site History

04/00859/DET – Erection of 34 cabins - Withdrawn

05/02410/DET – Erection of 30 cabins - Withdrawn

(ii) Consultations

	Response Date	Comment
Area Roads Engineer	20 th September 2006	No objection subject to conditions
Scottish Environmental Protection Agency	03 February 2006	No objection
Public Protection Unit	20 th September 2006	No objection subject to conditions
Community Council		None received.
Scottish Natural Heritage	8 th September 2006	No objections.
West of Scotland Archaeology	15 th September	No objections.

(iii) Publicity and Representations

Advert Type: Article 9 Vacant Land and A18 Local Plan Potential Departure

Closing Date: 31.08.2006

Representations: Yes

Name	Address	Letter date
Martin and Jill Littlejones	Rose Cottage, Mill Lane, Shearsby, Leicestershire, LE17 PW	8th August 2006
Mr and Mrs F.M Farnell	Littlethorpe, 30 Dalavich, By Taynuilt, Argyll, PA35 1HN	6th August 2006
John Robertson	6 Moss Way, Braehead, Lanarkshire, ML11 8FD	16th September 2006
Mr and Mrs A Risely	Gardners Farm, Langley Lane, Goosnargh, Preston, Lancs, PR3 2JS	8th August 2006
Mr and Mrs Peter Wright	29 Dalavich, Taynuilt, Argyll, PA35 1HN	21st August 2006
Miss Lena Lawson	Forest Cabin 21, Dalavich, Taynuilt, Argyll, PA35 1HL	6th September 2005
John Robertson	6 Moss Way, Braehead, Lanarkshire, ML11 8FD	26th September 2006
Mark Hamilton	Coneygrey Cottage, Glapthorn, Peterborough, PE8 5BQ	1st September 2006
Mr A L Richmond	5 Geils Avenue, Dumbarton, G82 2QJ	24th August 2006
Mr and Mrs Risely	Gardners Farm, Langley Lane,	15th August 2006

	Goosnargh, Preston, Lancs, PR3 2JS	
Mr and Mrs Unwin	Bishops Meadow, New Road, Weedon, Aylesbury.	10th August 2006
John and Carol Wilkes	Cabin 18, Dalavich	12th September 2006
Dr William Macrae	Mill of Avich, Dalavich	20th August 2006
Ms R Q Malik	Kelvindale, Glasgow (Cabin 17)	16th August 2006
Mrs C Skinner	Baillieston, Glasgow (Cabin 34)	17th August 2006
Mr and Mrs Butcher	Kirkaldy, Fife (cabin 20)	10th August 2006
Mr and Mrs James	Crowle, Worcestershire	5th August 2006

Summary of points raised:

- The designs of the new cabins are inferior, too large in scale and too different in appearance. The majority are no better than mobile homes.
- 28 cabins represent over development and will dominate the village.
- The infrastructure of the village cannot cope with this many new units.
- The applicant has not demonstrated any operational need as required by policy.
- The applicant has not demonstrated that the existing accesses have capacity.
- The application should have been accompanied by ground stability and hydrological reports, a transport assessment, sunlight assessments, an arboriculture report, a drainage impact assessment and details of external materials.
- The applications fail the relevant policy tests.
- The rubbish facilities are overloaded.
- Insufficient car parking is allocated for each new cabin particularly since the new cabins are bigger.
- The additional cabins would cause pollution.
- The Kilchrenan to Ford road has insufficient capacity.
- There is no demand for new cabins to buy or to let.
- The additional cabins would be a fire hazard.
- The existing trod paths along the loch will be interfered with.
- There will be more noise and antisocial behaviour to add to the existing problems.
- Parts of the development should be treated as, and licensed as a caravan site, because some of the cabins are prefabricated in two pieces.
- Each cabin site should be illustrated with sections.
- The development will harm habitats and species of conservation value.
- Too many trees, including old oaks, will be felled.

These issues are considered in the report above. The individual representations below in respect of particular relationships between new and old cabins do not, in my opinion, raise any cases which fail to meet normally acceptable standards of separation and intervisibility. The loss of view is not a material consideration.

- Cabins 22, 23, 24, 27, 30, 31 and 32 will require the removal of mature oak and birch trees and a considerable amount of other vegetation.

Comment: The new survey establishes that over the whole scheme few, if any, substantial native trees will be felled, and there are conditions relating to this issue to ensure that any losses are controlled and minimised.

- Cabins 22, 23, 24, 27, 30, 31 and 32 are at risk of and will enhance the risk of flooding in association with the Dubh Uisage.

Comment: These cabins cannot be built until a flood risk analysis has been undertaken.

- Proposed cabin 33 will deprive existing cabin 29 of light and be detrimental to its privacy.

Comment: The application plan shows a minimum separation of 22metres which meets reasonable privacy and light considerations.

- Proposed cabin 33 constitutes overdevelopment of the site.

Comment: I consider this cabin to be set in sufficient ground.

- Proposed cabin 33 will interfere with visibility on the access track.

Comment: Given local conditions and likely speeds I disagree with this objection.

- Cabin 32 cannot be fitted into the landscape and will cause drainage problems for existing cabin 21.

Comment: I disagree with this objection given the separation distance and lie of the land.

- Cabin 34 will affect the privacy of existing cabin 21.

Comment: The application plan shows a minimum separation of 21metres which meets reasonable privacy and light considerations

- New cabins 16 – 16 are too prominent.

Comment: Given the scale of the open playing field I consider that these cabins will not dominate the site.

- The site boundary adjacent to existing cabin 39 is incorrect.

Comment: This is a matter between the objector and the applicant. The ownership of the small disputed area is not a material planning consideration.

- New chalet 19 will dominate existing cabins 39 and 40.

Comment: The application plan shows a minimum separation of 26metres which meets reasonable privacy and light considerations

- New cabins 5 - 10 will destroy the screening to the public road.

A landscaping scheme is required by condition and will aim to screen the views of these cabins from the road.

- New cabins 17 – 24 will result in the loss of many trees.

The new survey establishes that over the whole scheme few, if any, substantial native trees will be felled, and there are conditions relating to this issue to ensure that any losses are controlled and minimised

- Cabins 3 and 4 cannot meet the proposed condition as to underbuilding.

Comment: If the applicant cannot meet the condition, the cabins cannot be built.

- New cabins 21 – 23 are too close together.

Comment: The aspect of these cabins and the arrangement of windows mean that reasonable privacy and amenity are maintained.