

National Park Authority Board Meeting

Agenda Item 6



Proposed Procedure for Determining Major Planning Application 2018/0133/PPP, Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House, Balloch

Paper for decision

1. Purpose

- 1.1. This paper seeks to update Members on the above application and outline the proposed procedures for its determination by the Board. Approval for a Hearing is sought, with an accompanying Site Visit. **This report does not consider the merits of the application and these must not be considered or discussed by Members at this time.** It includes a factual overview of the proposed development, the current status of the application along with a summary of the level of representations received to date. This informs the recommendation on the procedures the Authority should follow to determine the application.

2. Recommendation

It is recommended that Members:

- 2.1. Note that, in accordance with the Standing Orders, the major planning application (2018/0133/PPP) relating to a tourism and leisure led mixed use development at land at Pier Road, Ben Lomond Way and Old Luss Road, West Riverside and Woodbank House, Balloch will be brought to the full Board for determination considering the significant public interest in the application;
- 2.2. Agree to holding a Hearing and Site Visit in relation to this major planning application and delegate to the Director of Rural Development and Planning in liaison with the Convener to agree the appropriate procedures to be adopted and the date or dates for these.
- 2.3. Note that a Special Board Meeting to determine this major planning application will be arranged following a Hearing and Site Visit. A specific date or dates are yet to be identified, but it is envisaged that an officer report and recommendation on the application will be concluded by late summer 2019. Only Board Members who attend the Site Visit and the Hearing will be entitled to participate in the determination of the application.

National Park Authority Board Meeting

Agenda Item 6

Proposed Procedure for Determining Major Planning Application 2018/0133/PPP, Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House, Balloch

3. Contribution to National Park Partnership Plan and/or Our 5-year Plan

- 3.1. National Park Partnership Plan Outcomes will be a material consideration in the determination of the planning application. Any contribution that the proposal makes to these outcomes will be outlined within the report to be considered at the proposed Special Board meeting.

4. Background

- 4.1. Both the Board and Planning and Access Committee's Standing Orders set out categories of planning applications that will be considered by the full National Park Authority Board. While the relevant requirements can only be fully applied once the officer recommendation has been prepared, this application will clearly meet one of the criteria that will result in the application being for the Board to determine. The relevant sections are outlined below:

Board Standing Orders

Paragraph 44. c. - Applications where the Chair of the Planning and Access Committee in consultation with the Director of Rural Development and Planning consider that it would be appropriate for the Board to take the decision on the application for reasons, including the application raising new or significant issues meriting determination at Board.

Planning and Access Committee Standing Orders

Paragraph 7. d. - Where the Director of Rural Development and Planning in consultation with the Chair of the Planning and Access Committee consider that it would be appropriate for the Board to take the decision on the application for reasons, including the application raising significant issues or public interest meriting determination at Board.

In addition to the above, there is the potential that Paragraph 44. (a). of the Board Standing Orders and Paragraph 7. b. (ii) of the Planning and Access Committee Standing Orders could apply as they require major applications that would be a significant departure from the Local Development Plan, were the application to be approved, to be determined by the Board.

National Park Authority Board Meeting

Agenda Item 6

Proposed Procedure for Determining Major Planning Application 2018/0133/PPP, Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House, Balloch

This reflects a requirement in the relevant Scottish Government planning regulations 2013 for handling this circumstance, including the holding of a pre-determination hearing and therefore it is not at the discretion of the Board. As the application is still currently at the assessment stage it is not possible to confirm at this time whether Paragraph 44(a) or Paragraph 44(c) of the Standing Orders would apply and whether a pre-determination hearing will be required.

4.2 When the Committee or Board are making the decision on the application, there is the availability before that decision is taken, of holding a Site Visit and a Hearing to allow those who have commented on the application to make a short verbal presentation of the planning matters that they have raised and to allow Members to scrutinise these by asking questions. Additionally, such Hearings also allow the applicants to make a short verbal presentation on the application and to allow Members to scrutinise this by asking questions. Hearings are aimed at making the planning system more inclusive, allowing the views of applicants and those who have made representations (either for or against the application) to be heard before a planning decision is taken. A Site Visit would also provide the best opportunity for members to fully understand the context and characteristics of the site and how the development proposals relate to these.

4.3 Members may find the information outlined in Planning Advice Notes helpful, which cover Hearings and Site Visits arrangements. Links are provided as background at the end of this paper.

5. Planning Application (2018/0133/PPP)

5.1. Planning Permission in Principle is sought for a tourism and leisure led mixed use development including the following:

- Hotel
- Self-catering holiday lodges
- Residential development
- Hot food/café restaurant
- Ancillary uses including retail
- Public realm enhancements including public square improvements, footpaths and cycleways
- Bunkhouse Accommodation
- Erection of boathouse for water-based recreation
- Leisure and recreational facilities including swimming pool, water park, visitor reception and education/interpretation facilities
- Brewery
- Conversion and extension of Woodbank House to flats and conversion of

National Park Authority Board Meeting

Agenda Item 6

Proposed Procedure for Determining Major Planning Application 2018/0133/PPP, Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House, Balloch

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- Staff and service areas
 - New access from Ben Lomond Way and Pier Road
 - existing outbuildings to self-catering accommodation
 - External activity areas including forest adventure rides, tree top walkway, monorail, events/performance areas, picnic areas and play areas
 - Landscaping
 - site development infrastructure (including SUDS, and parking).
- 5.2. All of the planning application documents can be viewed on the [e-planning portal](#) using reference 2018/0133/PPP.
- 5.3. This application has been submitted jointly by two applicants, Flamingo Land Limited and Scottish Enterprise. It should also be noted that a small area of the application site, next to the Duncan Mills Memorial Slipway at Pier Road, is under the ownership of the National Park Authority. The Park Authority also has other interests within the application site as it occupies and sub-leases other areas. Planning law allows applications to be made on land not owned by the applicant provided the necessary notifications to other parties have been made. The Park Authority's ownerships and other interests as stated above are a separate matter from its duty and responsibilities as a planning authority to consider the planning merits of the proposals in its determination of the application.
- 5.4. An application for Planning Permission in Principle, as the title suggests, does not include details (such as detailed elevation drawings) of the buildings proposed to be erected. It seeks to establish the acceptability of a potential new use(s) of a site. The application site requires to be outlined in red, and in this case, an illustrative masterplan has also been provided. (See Figures 1 and 2).
- 5.5. Should permission be granted in principle for developing the site, a subsequent planning application (known as 'an Approval of Matters Specified in Conditions') would require to be submitted. This would seek approval of the detail of the development proposal which would be considered as a separate application(s) for Planning Permission. No development could take place until both stages were concluded.

National Park Authority Board Meeting

Agenda Item 6

Proposed Procedure for Determining Major Planning Application 2018/0133/PPP, Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House, Balloch

6. The Application Site

- 6.1. The application site contains two distinct areas known as West Riverside and Woodbank House and can be described as follows:

West Riverside: the site is bounded by the River Leven to the east, Loch Lomond Shores and Loch Lomond to the north, Old Luss Road and Ben Lomond Way to the west and Balloch Road and Drumkinnon Gate housing development to the south. This part of the site is characterised by areas of grassland/amenity space, large areas of woodland extending from the river to include Drumkinnon Wood and to the north of Loch Lomond Shores to Drumkinnon Bay in addition to small woodland pockets and a number of existing public car parks.

Woodbank House: this part of the site is bounded by Old Luss Road to the east, agricultural land to the north and west and housing to the south. The site comprises the former Woodbank House Hotel, now derelict, and associated out-buildings and gardens. It also includes an area of grazing land to the north and east and extensive area of woodland to the west. Woodbank House is a Category A listed building and all out-buildings and boundary walls are listed in association with the House.

National Park Authority Board Meeting

Agenda Item 6

Proposed Procedure for Determining Major Planning Application 2018/0133/PPP, Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House, Balloch

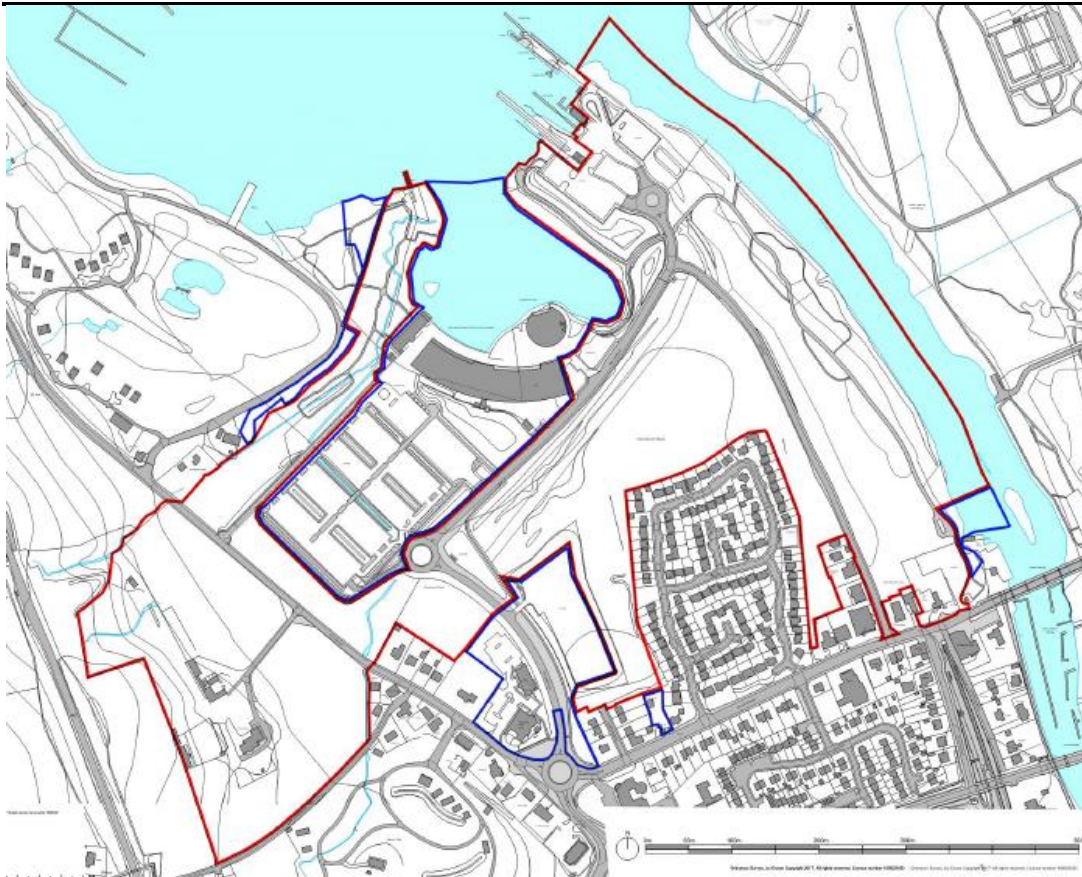


Figure 1: Site Plan (application site outlined in red and other land owned by the applicant's outlined in blue)

National Park Authority Board Meeting

Agenda Item 6

Proposed Procedure for Determining Major Planning Application 2018/0133/PPP, Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House, Balloch

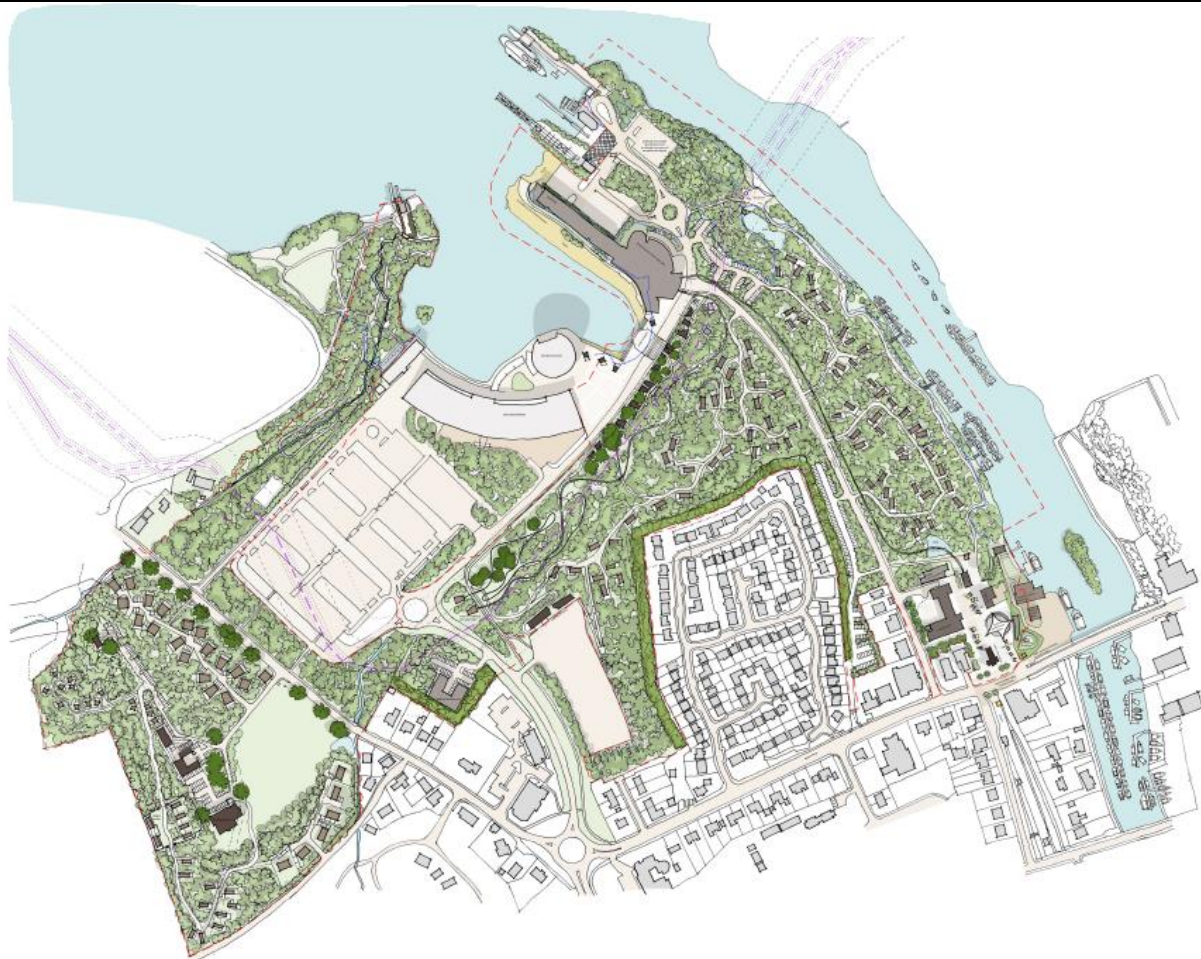


Figure 2: Illustrative Masterplan (indicative only)

7. Key Planning Considerations

- 7.1. In accordance with section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended, the decision on the application must be made in accordance with the Adopted Local Development Plan unless material considerations indicate otherwise. It will therefore be for Members to consider the proposal against the range of policies contained within the Plan and then in terms of the material considerations when determining this application at the proposed Special Board Meeting.

National Park Authority Board Meeting

Agenda Item 6

Proposed Procedure for Determining Major Planning Application 2018/0133/PPP, Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House, Balloch

7.2. The range of considerations which might be considered 'material' in planning terms is very wide but can be determined in the context of the case, and so, material considerations may include, but are not limited to:

- Local Development Plan
- National Park Partnership Plan
- National Park Aims
- Scottish Planning Policy
- Scottish Government Planning Advice and Circulars
- Pedestrian access
- Views of statutory and other consultees
- Planning history of site
- Public concerns and support expressed on relevant planning matters
- Impacts on existing infrastructure including roads, parking, sewerage and water
- Landscape capacity and impact
- Environmental Impacts
- Impact on economy

8. Representations

8.1. At the time of writing this report the National Park Authority has received a total of 57,108 of representations to this planning application. Representations were received through the following methods:

- As an individual representation; sent via e-mail or letter direct to the National Park Authority; or,
- Via the Scottish Green Party, which set up an online campaign called "Help Save Loch Lomond - Say no to Flamingo Land in Balloch". E-mails received through the campaign's website were formed from one of three template letters prepared by the campaign with the further option to generate individual comments. Included in the email is the individual's address. As these e-mails were all received via a Scottish Green Party e-mail address, all communications regarding these representations have been sent to the Scottish Green Party acting as their representative.

National Park Authority Board Meeting

Agenda Item 6

Proposed Procedure for Determining Major Planning Application 2018/0133/PPP, Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House, Balloch

A breakdown of the number of representations received through both methods (at the time of writing this report) is outlined on the following table. All representations can be viewed on the National Park Authority's planning website.

	No. of Objections	No. of Support	Neither Support or Object
Individual letters/e-mail sent direct to National Park Authority	1,194	54	10
E-mails received via the Scottish Green Party campaign	55,914	6	0
Total number of representations	57,108	60	10

8.2. These figures are subject to change as any further representations will be accepted and considered up until the recommendation report is being prepared by the case officer in accordance with our adopted practice. Board members will be provided with an update on the final number of representations in the officers report and at the Special Board Meeting.

8.3. Members are reminded that anyone can comment on an application for planning permission. This not only means neighbours and people who may be most directly affected by a proposal, but also the wider community and even those who may not be directly affected but have views on a proposal which might constitute a material consideration.

9. Media interest

9.1. In addition to the significant volume of representations received, as noted above, the case has attracted widespread local and national media interest having featured in newspaper articles, televised news and social media.

National Park Authority Board Meeting

Agenda Item 6

Proposed Procedure for Determining Major Planning Application 2018/0133/PPP, Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House, Balloch

10. Status of application / next steps

10.1. The planning application was submitted with an Environmental Statement on 21st May 2018. Additional information, including an Environmental Statement Addendum was subsequently submitted on 5th April 2019. Re-consultation with the relevant consultees has been undertaken, the application has been re-advertised and anyone who had already submitted a representation to the application has been informed. The application continues to be in the assessment phase, particularly in regard to the additional comments and consultation responses being received. Further clarification or additional information may still be required which in turn could delay the preparation of the officer's report.

10.2. Once the assessment phase has concluded, officers will prepare a report that includes a recommendation that will be published in advance of the Special Board Meeting to consider the report. Due to the significant public and media interest and the potential for significant issues to be identified it is recommended that a Hearing and Site Visit take place. Furthermore, given the nature, scale and public/media interest in this application, special arrangements for this meeting are likely to be necessary, with particular consideration given to:

- The order of proceedings including the number of days required for holding the Site Visit, Hearing and Special Board meeting.
- The location and size of the meeting venue;
- Arrangements for holding a Site Visit, over a large site. It will be important that the Board are able to view all important aspects of the site with appropriate time to ensure full understanding of the proposals;
- Ensuring matters discussed at the Hearing are relevant (material planning considerations) and avoid repetition. To avoid repetition it may be necessary to ask groups of objectors or supporters to appoint an individual(s) to speak on their behalf;
- The maximum time available for the applicant, consultees and objectors to speak. In the interests of efficiency it will be necessary to limit the time each individuals has to present their case.
- Allowing Members to ask questions of any participants and the opportunity for Board Members to ask for additional advice and information from planning officials. This is a standard approach.

National Park Authority Board Meeting

Agenda Item 6

Proposed Procedure for Determining Major Planning Application 2018/0133/PPP, Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House, Balloch

11. Conclusion

11.1. Considering the public interest in this case, demonstrated by both the representations and widespread media coverage, it is considered that this application meets the criteria of Section 7. d. of the Planning & Access Committee Standing Orders by raising significant public interest. As this requires the application to be determined by the Board, it is therefore recommended that members agree that a Hearing and Site Visit be arranged prior to the Special Board meeting.

Author: Vivien Emery, Planning Officer - Development Management

Executive Sponsor: Stuart Mearns, Director of Rural Development and Planning

Board Sponsor: Ellen Morton, Chair of Planning and Access Committee

[Background Material](#)

[Planning and Access Committee Hearings Advice Note](#) (hyperlink)

[Planning and Access Committee Site Visits](#) (hyperlink)