

**PLANNING AND ACCESS COMMITTEE**

**MEETING: 27<sup>th</sup> August 2018**

<b>SUBMITTED BY:</b>	<b>Director of Rural Development &amp; Planning</b>
<b>APPLICATION NUMBER:</b>	<b>2018/0157/DET</b>
<b>APPLICANT:</b>	<b>Cameron House (Loch Lomond) Ltd</b>
<b>LOCATION:</b>	<b>Land Between Old Luss Road And Cameron House Resort, Balloch G83 8QZ</b>
<b>PROPOSAL:</b>	<b>Siting of temporary lodge visitor reception, installation of lighting and temporary use of south access as the principal public access to the resort.</b>

<b>NATIONAL PARK WARD:</b>	Ward 5
<b>COMMUNITY COUNCIL AREA:</b>	Alexandria Community Council (currently not active)
<b>CASE OFFICER:</b>	Name: Craig Jardine Tel: 01389 722020 E-mail: <a href="mailto:craig.jardine@lochlomond-trossachs.org">craig.jardine@lochlomond-trossachs.org</a>

**1 SUMMARY AND REASON FOR PRESENTATION**

- 1.1 This application relates to Cameron House Hotel resort, on the south-west shores of Loch Lomond. The proposal presented is principally for the temporary change of use of the existing southern access to the resort (off Old Luss Road) to be the main business entrance/exit while the existing main access (off the A82 Trunk Road) is utilised for construction vehicles during the reinstatement of the fire damaged hotel. The application also includes a proposal to site a temporary reception 'portacabin', for lodge customers, within the resort grounds and new and upgraded lighting columns along the southern extent of the resort's internal access road.
- 1.2 In accordance with the agreed Scheme of Delegation, this application is being presented to the Committee as a significant level of representation has been received.

**2 RECOMMENDATION**

**That Members:**

**APPROVE** the application subject to the imposition of the conditions set out in Appendix 1 of the report.

### 3 BACKGROUND

**Site Description:**

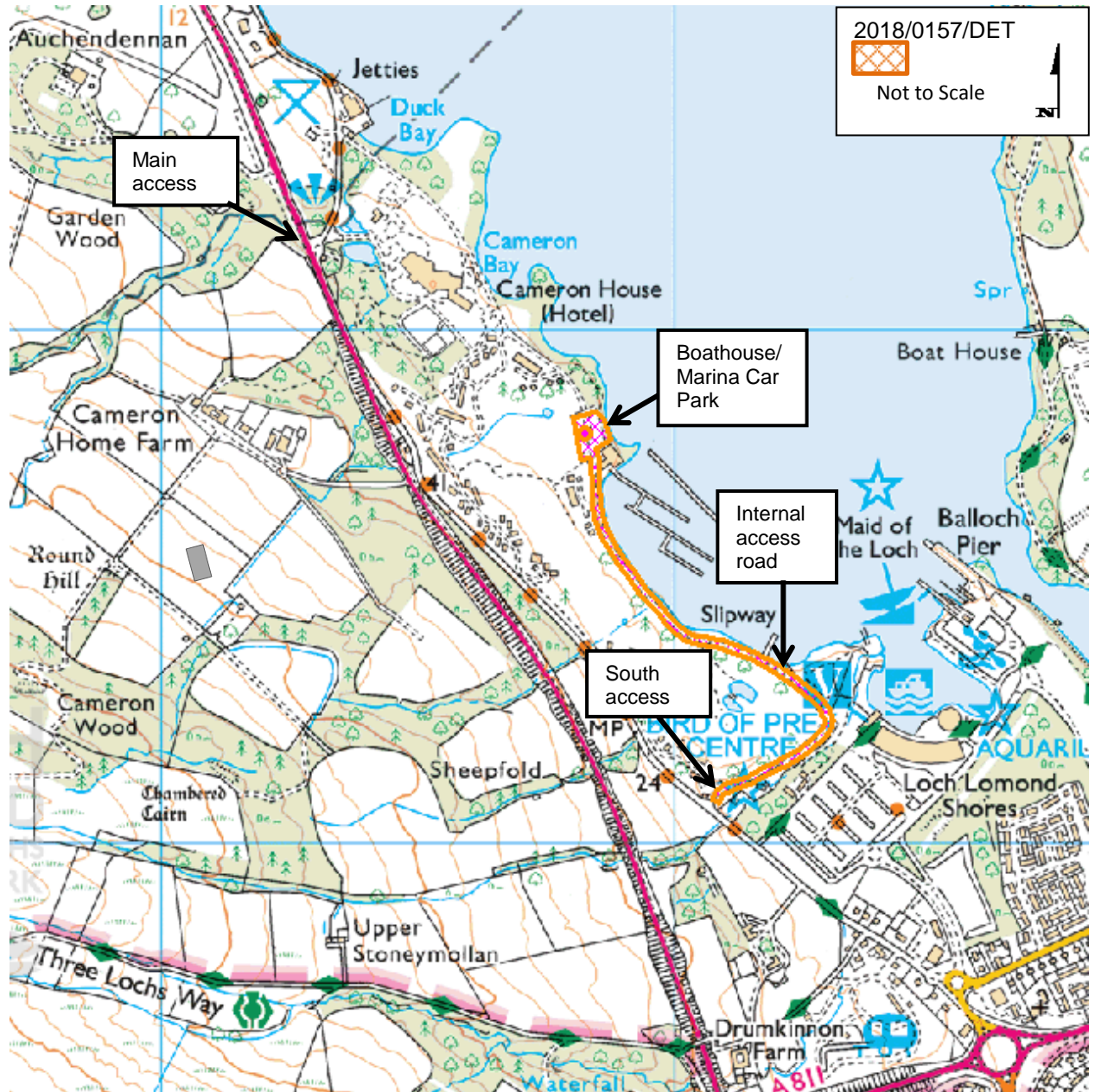
- 3.1 Cameron House resort is situated approx.1.5 kilometres north-west of Balloch, as indicated by the red star in Figure 1 below.



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**Figure 1. Location Plan. Cameron House resort**

- 3.2 The application site comprises of the existing southern access to Cameron House, positioned at the junction of South Lodge and Old Luss Road (on the south-west outskirts of Balloch), and the existing internal access road through the grounds of Cameron House leading to the Boathouse Restaurant and Marina car park.



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**Figure 2. Site Plan. Application site outlined and hatched in orange**

- 3.3 The south access is currently used infrequently as a service access and also for boat transportation to/from the marina. The south access is positioned at the original Cameron House South Lodge (Category B listed building, including boundary wall and gatepiers). The access is positioned some 580 metres along the length of Old Luss Road from its junction with the Old Luss Road/Ben Lomond Way roundabout.



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**Plate 1:** Photo of South Access at junction with Old Luss Road and showing the South Lodge (South Lodge in separate ownership)

- 3.4 Old Luss Road is a public road. It terminates approx. 1km to the north of the South Lodge (with no through route for cars) at which point it becomes a footpath/cycle path leading north to Duck Bay and West Lochlomondside. Old Luss Road is designated as a core path being both a regional (West Loch Lomond) cycle route and forming part of the long distance John Muir and Three Lochs Ways.



**Plate 2:** Photo of Old Luss Road looking south towards Balloch



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**Plate 3:** Photo showing example of pavement surface at Old Luss Road looking south



**Plate 4:** Photo of Old Luss Road looking north, at edge of urban housing extent

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**Plate 5:** Northern termination of Old Luss Road as a public road.

- 3.5 The current principal access for Cameron House resort traffic is positioned 1.3km to the north-west of the south access and is accessed by a 'ghost island' priority junction off the A82 Trunk Road. Access to the resort is then via an approx. 5.5m wide carriageway between gate piers (as shown in plate 6 & 7 below).



**Plate 6:** Photo of turning off A82 towards Cameron House main access



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**Plate 7:** Photo of existing Main Access to Cameron House Hotel resort

- 3.6 The internal access road included in the application site routes from the South Access through the resort. The access road has a mixed surface, being predominantly tarmac but with sections of an un-finished stone surface. The access road is partially lighted with street lighting.



**Plate 8:** Photo of existing south access road through Cameron House Hotel resort



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**Plate 9:** Photo of existing lighting column

- 3.7 The application site terminates at a car park within the grounds which is currently used for business use primarily relating to the Boathouse Restaurant, Marina and Golf Course.





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**Plate 10 & 11 (above):** Photo of car park area and site for proposed temporary reception (highlighted with red star above)

### ***Environmental Impact Assessment (EIA):***

- 3.8 For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2011 the National Park is identified as a 'Sensitive Area'. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process. In this particular instance it has been determined that an EIA is not required as the proposal is not identified within Schedule 2 of the Regulations.

### ***Description of Proposal:***

- 3.9 Planning permission is sought to utilise the southern access to the Cameron House grounds as the primary business/customer access, on a temporary basis. This is proposed by the applicant for traffic management and building site construction safety reasons by separating construction traffic and recreational/customer traffic to avoid conflict at the A82 Trunk Road junction and manage public safety within the resort during the reinstatement of the fire damaged hotel (resulting from the fire of 18<sup>th</sup> December 2017). The applicant's justification for this proposal is summarised in the *Supporting Information* detailed in Section 6 of this report below.
- 3.10 Heavy HGV and other construction traffic would use the main access, via the A82 trunk road. Whilst customer/staff/delivery traffic, and pedestrians, in connection with the remaining business element of the resort (namely: 234 berth marina, 87 lodges, restaurant, golf course and sea plane flights) would be excluded from this part of the site thus separating these conflicting uses. This part of the proposal would not comprise any building or engineering operations and would solely relate to a material change of use of the existing access.
- 3.11 A change of use of land or buildings requires planning permission where it constitutes a material change of use. There is no statutory definition of 'material change of use'; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this is determined

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on the individual merits of each case. Although this southern access, via Old Luss Road, is currently used for boat transportation to the yard, marina and slipway on an infrequent basis it is concluded that the proposed temporary use of this access, as the principal business access for this mixed use site, would increase the number of vehicles using this route, and so would constitute a material change thus requiring this application for planning permission currently under consideration.

- 3.12 The use of the southern access, as the primary business access, was proposed initially for a three year period but has since been amended by the applicant to a two year period. This being anticipated to give sufficient time for construction activities at the site, whilst allowing for slippage of project timescales. The applicant has intimated that, should the reinstatement of the hotel be completed ahead of schedule, they will revert to using the main access for all traffic rather than await the expiry period of any planning permission granted.
- 3.13 Maintenance and repair of the southern access route (an existing internal private access road and the boat yard area) to a uniform tarmac surface is proposed by the applicant. These works are considered to be permitted development not requiring planning permission and the applicant has been advised of this and this aspect removed from the proposal description. Notwithstanding this, the planning case officer is satisfied that no established trees would be affected by the re-surfacing operations and no works to the trees on the eastern site boundary are proposed.
- 3.14 In addition, planning permission is sought for the upgrading of existing lighting columns and installation of new lighting columns (on new 5m light standards) along the access road route. All proposed lights are designed to be downward facing with LED lighting of low wattage and lumen levels (shown in plate 12 below).

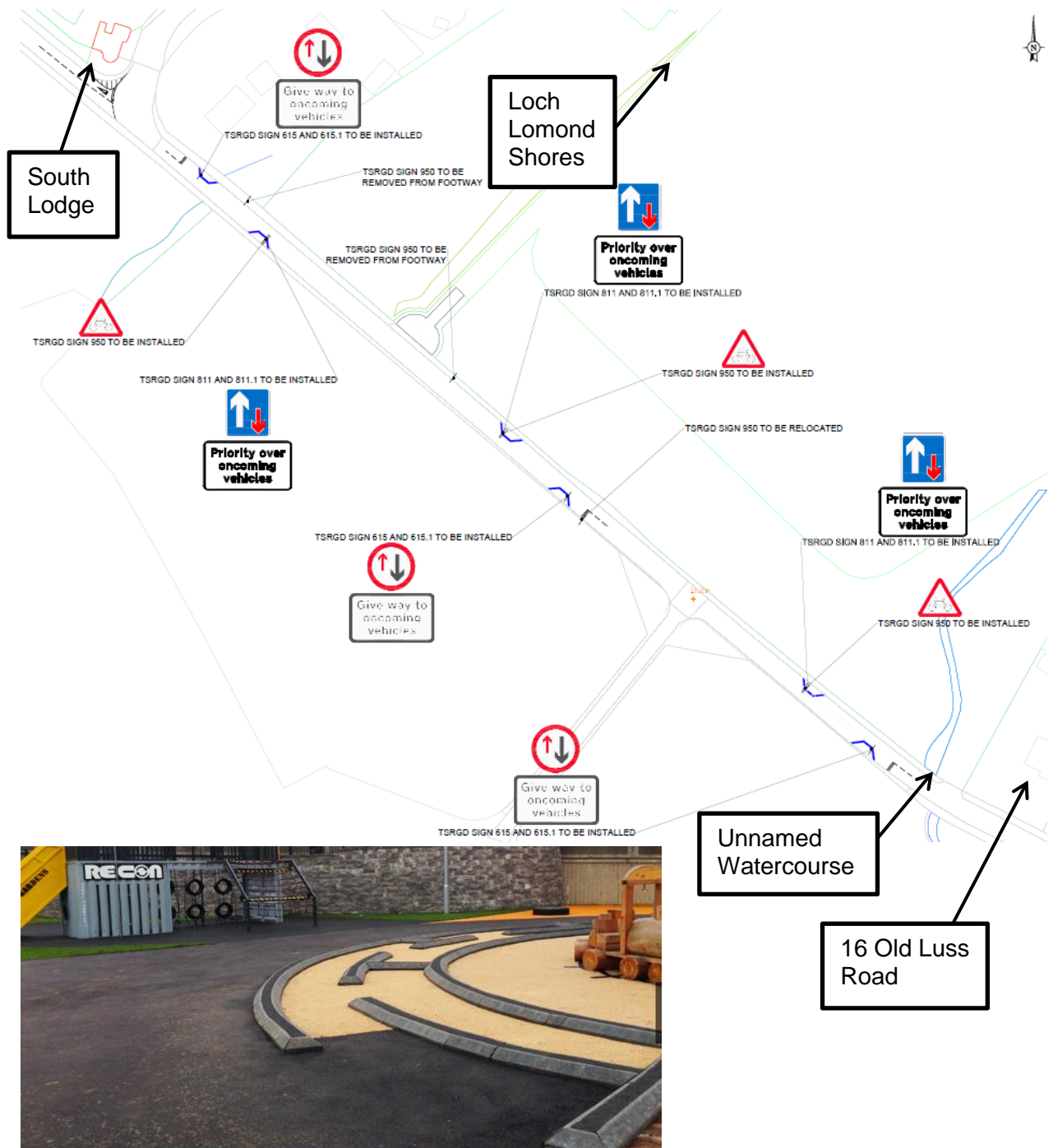


**Plate 12.** *Lighting lantern proposed*

- 3.15 The applicant has proposed traffic calming measures, to be installed during the temporary use of the south access. These would extend along Old Luss Road a distance of 350m between the urban housing extent and the south access with the purpose of reducing speeds and to help manage traffic movement. The measures proposed are detailed in the submitted plan and summarised in the *Supporting Information* Section 6 of this report and shown in Figure 3 below.



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**Figure 3.** Proposed Traffic Calming on Old Luss Road and typical example of temporary traffic calming kerbing proposed (product:RediKerb)

- 3.16 Temporary planning permission is also sought for the siting of a portacabin (shown in plate 13 below) within the gravel car park of the Boathouse Restaurant/Marina. This is to serve as a reception for lodge customers whilst work is underway on Cameron House Hotel. This consists of a standard 'portacabin' design measuring 12 metres by 4metres. This cabin is currently located elsewhere in the resort and would be a re-siting exercise to this temporary location.



**Plate 13.** Portacabin proposed

***Planning History:***

- 3.17 Cameron House Hotel has a detailed planning history. However, the most relevant to this application is as follows:
- 2008/0215/DET – Erection of slipway and access platform off existing road. Approved 5th September 2008.

**4 CONSULTATIONS AND REPRESENTATIONS**

***Responses to Consultations:***

- 4.1 West Dunbartonshire Council – Roads Service  
**No objections**, subject to a slight modification to the proposed temporary traffic calming measures to enhance cycling provision (the proposed chicane should be positioned/designed to incorporate cycle bypasses with a width of 1.5m) and that the access junction at South Lodge should conform with the relevant Roads Development Guide.

The consultation response acknowledges that there will be an increased volume of trips but that the impact is not considered significant. The response also acknowledges that there have been issues of flooding in the previous two years on Old Luss Road (between its junction with Lower Stoneyhall and the unnamed watercourse crossing under it). The response states that Scottish Water and West Dunbartonshire Council have undertaken repairs and improvements respectively and there is no evidence of this road being impassable due to flooding since then.

A Road Permit will be required from the Council for the installation of the chicanes, signs and alterations to the public road at the access.

Planning Officer Comment: Subsequent additional response was received on 5<sup>th</sup> July 2018 (summarised below) following a re-consultation issued with respect to the applicant's previously un-published Transport Statement:

On the basis of the anticipated daily traffic flow demonstrated in the applicant's traffic survey. The road, being the former A82 Trunk Road, has capacity in excess of the anticipated 1,000 vehicles per hour recorded. Therefore Old Luss Road can comfortably accommodate the generated trips indicated.



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**No objections**, all conditions associated with original response should remain.

### 4.2 West Dunbartonshire Council – Flood Management

**No objections raised as the below matters have no impact on this planning application**

The access road within the ground of Cameron House is at risk from fluvial flooding.

West Dunbartonshire Council acknowledges previous issues with flooding on Old Luss Road (from its junction with Lower Stoneymollan Road to the unnamed watercourse culverts crossing under Old Luss Road). Investigations have found the main source of flooding was due to blockage within the combined sewer that Scottish Water has identified and repaired. West Dunbartonshire Council have arranged an independent survey of the roads drainage at this location to identify any improvements required.

West Dunbartonshire Council have no reports or evidence of this road being unpassable due to flooding from any source.

Planning Officer Comment: The Council's Flood Officer was consulted due to part of the application site (the private southern access route) being located within Medium Surface Flood Risk area. However, use of the existing public road (Old Luss Road) to access the application site does not raise any planning issues with respect to flood risk. This matter is addressed further in para 7.18 of this report below.

The proposed resurfacing/widening of the internal access road has been determined as being 'permitted development' thus not requiring planning permission. The applicant's legal obligations with respect to surface water management have been highlighted separately to them in writing.

### 4.3 West Dunbartonshire Council – Environmental Health

**Comments offered:** Recommend that construction works, which are audible at the site boundary, be limited to specific working hours on Mondays to Saturdays only; lighting style, design and lumen levels should be approved; and that the applicant be made aware of requirements under Health and Hygiene legislation.

#### ***Representations Received:***

- 4.4 Representation was received from 27 individuals objecting to the application in writing. Their concerns are summarised below and grouped under headings for clarity. The full content of the representations is available to view on the National Park Authority's Public Access website (<http://www.lochlomond-trossachs.org/planning/> Click on view applications, accept the terms and conditions then enter the search criteria as '2018/0157/DET').

#### Road Capacity & Safety

- Proposal will result in road congestion on Old Luss Road. This will be exacerbated by on-street parking that currently occurs from nearby/adjacent businesses, Loch Lomond Shores overspill and hillwalkers parked at Lower Stoneymollan junction. Representations submitted include photos to demonstrate parking obstructions on Old Luss Road and highlight this as a current issue affecting transporting of large boats via low loaders to/from Cameron House and caravans/motorhomes from Lomond Woods Caravan Park along Old Luss Road.
- Concerns that the established emergency vehicle access/egress from Lomond Shores

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(onto Old Luss Road) will be impeded by increased traffic and uninhibited car parking on Old Luss Road.

- Significant increase of customer/staff and delivery traffic (some via HGV) re-routed to southern access will have a significant impact on the road condition of Old Luss Road. Representations state that the road is not maintained effectively and the increase in traffic proposed will have a further adverse impact on the road condition.
- Concerns that the proposal will result in a secondary impact on the surrounding road infrastructure on the approach to, and around, Balloch which, (in the opinion of the contributor) is currently substandard and subject to congestion, particularly during event days.
- Contributors estimate that anticipated traffic movements (on the basis of membership/customer numbers) would be at in excess of 1000 daily movements as opposed to 200 at current levels (500% increase) experienced on Old Luss Road. Concern that no estimated traffic figures have been produced or submitted by the applicant or West Dunbartonshire Council for Old Luss Road and adjacent roads, for comparison.

Planning Officer Note: Following submission of the application it was highlighted to the applicant's agent that the submission did not include the document from their Transport Consultants (WYG Environment Planning Transport Ltd.). The document, containing a Transport Statement, was submitted shortly after and filed on 6<sup>th</sup> June. There was a delay in publishing this document online - until representations received on 2<sup>nd</sup> July pointed this out and this error was rectified that day. Neighbours/contributors and West Dunbartonshire Council Roads Officer were all re-consulted to ensure they had the opportunity to take account of and comment on the applicant's Transport Statement. Subsequent representations were received stating that the submitted Transport Statement was flawed as the traffic survey was conducted on a Thursday, rather than a weekend and was therefore understated in its figures and didn't give a representative account of traffic flows to Cameron House resort.

- Representations received state that the Council Roads Service consultation response (received on 5<sup>th</sup> July) referring to the status of Old Luss Road as the former Trunk Road, does not take account of the road's changed status and character since it ceased use as the A82, when the bypass was built in the 1970s.
- If development of Woodbank House is approved (ref: 2018/0133/PPP) then this will further exacerbate traffic on Old Luss Road.
- The northern access to Cameron House, via the A82, should continue to be used as this doesn't experience the same level of issues presented by Old Luss Road. Privacy /security concerns of Cameron House could be answered with a screen placed around the hotel during the period of works. A representation received presents benefits/disbenefits of the proposal and similarly for alternative proposals (i.e. use of main entrance with traffic management measures employed, or customer traffic utilising North Lodge access combined with traffic management measures).

### Recreation & Active Travel

- Increased traffic and on-street parking (reducing road width and causing blind spots) will cause serious public safety issue with conflict between motorists and cyclists/pedestrians/joggers who currently use this route.
- There will be a potential accident risk due to increased traffic, as pedestrians (with/without prams/buggies and wheelchair users, infirm) walk on the road due to the inadequately surfaced footpath
- There will be a potential accident risk due to increased traffic as there is no safe pedestrian crossing point to access Lower Stoneyrollan Road to the John Muir Way and bus stops on the A82.



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### Amenity

- Increased noise/disturbance/air pollution from increase in traffic will be detrimental to the amenity of local residents and businesses, particularly at weekends, which are busier.
- Residents' access to their properties may be impeded due to increased traffic.
- Impact on present tranquillity of the area.
- Increased litter.

### Flooding

- The road is subject to flooding making the road impassable at times. Representations include details and photos demonstrating recent flooding and reporting the issues relating to drain configuration/sediment maintenance and blockage of culverted watercourses, rather than sewage pipe issues which they state are independent of each other - contrary to consultation responses from the Council Roads Service & Flood Officer regarding flood issues and actions carried out.
- Representations invite the applicant to investigate options to resolve the flooding concerns and state that the road being impassable due to flood events is a reason for Old Luss Road being unsuitable for the increase in traffic proposed.

### Letter of Support

One letter of representation made on behalf of the Friends of Loch Lomond & The Trossachs has been submitted in support of the application and raises the following matters:

- This proposal would enable the rebuilding of the flagship hotel with no conflicts between construction traffic and visitor traffic to the remaining parts of the business.
- Given the level of concerns regarding safety and the condition of the pavements, and to allow Cameron House resort to progress their proposals whilst minimizing safety risks to pedestrians, it is suggested that the applicant/West Dunbartonshire Council explore measures to improve the pavement condition so that they are usable during the period of temporary consent. The contributor questions whether this matter could possibly be considered as a planning condition.

A representation was received in response to the above comments from the Friends of Loch Lomond and The Trossachs stating that it was not relevant to the application and included incorrect and invalid statements; namely, regarding reference to Old Luss Road as being the former A82 as a case for support, and stating that steps have been previously taken to deal with road flooding issues which the contributor refutes.

Representations received acknowledge and sympathise with the events that transpired at Cameron House Hotel in December 2017 and support them in their pursuit of returning to operating at full capacity.

### Community Councils

Alexandria Community Council is currently not active and therefore no comments were received. Balloch and Haldane Community Council advised that the application site is outwith their boundary and therefore it is not within their remit to make representation on this application.

## 5 POLICY CONTEXT

### ***National Park Aims:***

- 5.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:

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- (a) to conserve and enhance the natural and cultural heritage of the area;
- (b) to promote sustainable use of the natural resources of the area;
- (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- (d) to promote sustainable economic and social development of the area's communities.

5.2 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

### ***Development Plan:***

#### 5.3 National Park Local Development Plan (Adopted Dec 2016):

##### *Relevant Policies:*

- OP1 - Overarching Policy 1: Strategic Principles
- OP2 - Overarching Policy 2: Development Requirements
- TP2 - Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options
- TP3 - Transport Policy 3: Impact Assessment and Design Standards of New Development
- HEP1 - Historic Environment Policy 1: Listed Buildings
- HEP4 - Historic Environment Policy 4: Gardens and Designed Landscapes
- NEP1 - Natural Environment Policy 1: National Park Landscapes, seascape and visual impact
- NEP13 – Natural Environment Policy 13: Flood Risk

Full details of the policies can be viewed at:

<http://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/>

### ***Other Material Considerations:***

#### 5.4 National Park Partnership Plan (2018-2023)

All planning decisions within the National Park require to be guided by the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. In this respect the following outcomes of the Partnership Plan are relevant.

- Outcome 2: Landscape Qualities
- Outcome 5: Recreation Opportunities

## **6 SUMMARY OF SUPPORTING INFORMATION**

6.1 The applicant has submitted documentation in support of the planning application. The points made in their submission are summarised as follows:

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### Statement from Applicant's Consultant: WYG Environment Planning Transport Ltd.

Transport Statement to provide background, justification and traffic survey details of anticipated trip generation pertaining to the proposal, from a traffic management perspective:

- Due to the narrow existing width of the access road from the trunk road and anticipated substantial volumes of HGV traffic associated with construction activities the mix of these two types of use would be likely to result in a conflict between passing traffic if the existing A82 access were to be used for all traffic.
- To reduce potential conflict and associated safety concerns it is proposed to afford construction traffic exclusive use of the existing principal access from the A82 whilst routing and separating business transport via the southern access.
- No construction traffic would be permitted to access the site by the way of the southern access during this period.
- Proposed traffic volumes, on the basis of a traffic survey undertaken on the existing northern access on Thursday 17<sup>th</sup> May 2018, identified the following:
  - Daily traffic flow of 744 bi-directional vehicles; and
  - Peak hour between the hours 10:00-11:00 with 40 vehicles recorded northbound (exiting) and 34 vehicles southbound (entering).

The statement concludes that it is considered that the temporary relocation of the above traffic flows onto Old Luss Road during the construction period would not result in any adverse capacity or safety issues.

### Statement from Applicant's Consultant: Hirst Landscape Architect Consultants

Statement to confirm that the mature tree specimen close to the proposed private access road widening will be avoided. Notwithstanding this, tree protection fencing will be installed for the duration of works.

### Traffic Calming Proposals

Proposed measures to be installed temporarily over a 350m distance between the urban extent of housing on Old Luss Road and the south access to Cameron House. The proposed measures include temporary bolt down rubber kerbing chicanes, give-way road markings, traffic priority signage, relocated cycle warning signage

### Photos of Proposed Temporary Reception

Photo of proposed 'Portacabin' (currently sited elsewhere in the resort in use as a site office) to be relocated to site proposed.

### Lighting Specification

Specification for proposed downward facing LED light lantern with flat glass (power output of 28W, lumen level of 3128lm).

## **7 PLANNING ASSESSMENT**

7.1 The relevant issues to assess are:

- Road Capacity & Safety
- Recreation & Active Travel Experience
- Amenity
- Other Material Considerations

These are considered under the headings below:

### Road Capacity & Safety

7.2 The principle element of this planning application is the proposal to utilise the existing south access as the primary business access whilst construction traffic uses the northern existing



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access for the purpose of trunk road traffic management and construction site safety during the period of works proposed for the repair and restoration of Cameron House Hotel. The resultant material increase in traffic using the southern access, via Old Luss Road, is the aspect that has triggered the need for planning permission and requires consideration in relation to statutory consultation responses and representations, having regard to, Local Development Plan policy.

- 7.3 As planning authority for the National Park there is reliance upon the responses and advice from West Dunbartonshire Council Roads Service, as the key statutory consultee and authority with respect to road capacity and safety matters. The Council's Roads Service has considered all of the documents submitted and has been alerted to the serious concerns of residents (detailed in the written representations received). On this basis the Council has responded to the proposal and the proposed traffic calming measures for Old Luss Road and raise no objections, subject to conditions to enhance and ensure safe cycle provision whilst the temporary measures are in place (recommended planning condition detailed in Appendix 1 of this report).
- 7.4 The letters of objection received all raise concerns about the principle of using Old Luss Road as a means of access, despite being on a temporary basis. These objections are summarised in para 4.4 of this report. The concerns raised regarding the capacity of the road system and connecting road network and the standard of the condition of the road and footways to accommodate the increase in traffic and level of pedestrian/walking/cycling use are all acknowledged. Furthermore, the alternative options suggested by contributors for Cameron House to continue use of the main access (via the A82) for all traffic are also acknowledged. However the Roads Authority, as the key consultee on such matters, has raised no objection to the proposal to use the southern access. Consequently, there is no evidence to support the objectors' request that the principle of the application should be refused and that submission of an alternative proposal should be sought. As planning authority, the National Park is required to consider and determine the application that has been submitted.
- 7.5 In conclusion, the concerns raised by residents and public are acknowledged and have been fully considered; however, on the basis of the advice received from the Council Roads Service this proposal is deemed to comply with Local Development Plan policies OP2 and TP3 by ensuring proposals have a safe road access, in this instance serviced by existing road infrastructure which is fit for purpose.

### Recreation & Active Travel Experience

- 7.6 Old Luss Road forms part of the National Park's core path network, with connections beyond as part of the long-distance regional cycle route and John Muir Way and Three Lochs Way. It is currently well used by a variety of persons (cyclists, walkers, hikers, joggers), of different abilities, for recreation and active travel, and the National Park has a role to support this continued usage.
- 7.7 The proposal would not prevent the usage of Old Luss Road for recreation/active travel purposes and this resource will remain safeguarded. However, (and as highlighted in representation received) beyond the urban extent of housing (heading northwards) the single footway on the eastern side of the Road is of rougher stone surface. For this reason, a number of pedestrians/walkers currently favour the road surface as their principle walking route albeit that the footway is usable. The concerns raised are that the increase in traffic and habitual use of the road by pedestrians as a smoother surface will put pedestrians at an increased risk of accident.
- 7.8 The National Park's Recreation and Access Adviser is supportive of the inclusion of the proposed cycle bypass provision within the traffic calming measures and any improvements to the footway provision (such as the relocation of existing signage). They are supportive of the

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proposal on the basis that the traffic calming measures are removed following completion of works to Cameron House Hotel and that the road reverts to its current use and condition.

- 7.9 As detailed above in para 4.4 of this report, a number of concerns have been raised regarding the current footway surface on Old Luss Road. No concerns have been raised in this regard by the Roads Authority with respect to pedestrian safety. However, in response to the issues and concerns raised by residents/users of Old Luss Road the applicant has agreed, in principle, to improve the surface of the pedestrian footway on the northern side of Old Luss Road between no.16 Old Luss Road and the South Lodge access. It is proposed that this work would be completed by the applicant as part of their scope of works, before usage of the south access commenced. This approach is welcomed to address some of the pedestrian safety concerns raised in the representations received. At the time of finalising this report, a plan was submitted by the applicant to indicate the extent of footpath works proposed to mitigate the concerns raised. It is recommended that this offer be accepted and the implementation of these works be addressed by planning condition (see condition nos. 1 & 2 in Appendix 1).
- 7.10 With respect to cycling provision, the change in character, resulting from increased traffic will affect approx. 580m of distance (between the junction with the Old Luss Road/Ben Lomond Way roundabout junction to the south access to Cameron House). The proposed traffic calming will ensure speeds and traffic are managed over the approx. 350m distance where it would be installed and that cycle bypass provision (addressed in planning condition no.2 in Appendix 1) will ensure that the recreational experience will not be significantly affected.
- 7.11 In conclusion, it is determined that the measures proposed and those covered by planning condition will ensure that the continued use of Old Luss Road as a core path will be safeguarded as a safe, sustainable recreation and travel and so comply with Local Development Plan policy TP2.

### Amenity

#### Residential & Visitor Amenity

- 7.12 An increase in traffic levels can be expected to increase traffic noise as vehicles pass residents' properties on Old Luss Road; however traffic speed will be controlled by proposed traffic calming measures and this increased usage will be for a temporary period (2 years). The concerns of residents in relation to the temporary change in character that will be experienced is understood and acknowledged; however, these matters would require to result in a significant amenity or environmental impact to justify refusal of the application under the terms of Local Development Plan policy OP2. No significant concerns in this regard have been raised by the Council's Environmental Health Service. Therefore, taking account of the concerns highlighted by residents/users, the anticipated noise impact, although acknowledged as an inconvenience, is not deemed sufficient to justify refusal, on the basis of the consultation responses received, the fact it is an adopted public road and will be for a temporary (2 year) period only.
- 7.13 The Council's Environmental Health Service has recommended a condition relating to hours of construction works which, although more closely aligned to the original submission which included the resurfacing of the internal access road, is deemed to still be relevant to any works proposed as part of this application. For this reason these controls are included in the set of planning conditions (see condition no.4 in Appendix 1).
- 7.14 The Council's Environmental Health Service has commented on the proposed new lighting. This is addressed below in para 7.15.

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### Landscape & Visual Amenity

- 7.15 The National Park's Landscape Adviser has advised that the proposed additional and replacement lighting (due to its location, design and light levels proposed) will not result in any significant impact on the landscape qualities or visual amenity of the designed landscape. It is considered that sufficient details have been submitted to avoid the necessity for this to be further addressed by planning condition. On this basis the application is deemed to accord with Local Development Plan policies OP2 and NEP1 by safeguarding visual amenity and landscape character.
- 7.16 Some consideration to screen planting around the temporary lodge reception building was raised with the applicant who has confirmed that they intend to consider this and other landscape enhancements along the access route. It is recommended that the minor operational development and temporary use proposed in the application does not justify the imposition of planning conditions requiring additional landscaping within the grounds and that it should be left, in this instance, to the applicant to undertake in line with their stated intention as the impact on any internal or external important views is negligible. .

### Other Material Considerations

#### Flooding

- 7.17 A number of objections have raised the matter of flood risk through the assessment of this planning application specifically in connection to flooding issues on Old Luss Road from its junction with Lower Stoneymollan Road to the unnamed watercourse culverts crossing under Old Luss Road to the north-west. These representation are summarised in para 4.4 of this report above and the detail of the representations is covered in the individual letters of representation received.
- 7.18 Planning authorities are required to take flood risk into consideration when determining planning applications. In this instance, no physical development is proposed to Old Luss Road and this existing public road infrastructure would be used to travel to/from the south access to Cameron House. As such, this is no different from any other proposal which would utilise the public road network that may/may not be subject to flood events. With reference to the main planning considerations of this application; the proposal would have a neutral impact on flood storage capacity and, on the basis of the consultation response provided by the Council's Flood Officer, would not be impeded in its usage by or impact on the referenced flood events/risk. As such, the proposal is considered to be in accordance with the Flood Risk Framework, as defined in Scottish Planning Policy, and the terms of Policy NEP13 of the Local Development Plan. Despite the number of points raised in representations in this regard, the use of the public road and south access to Cameron House for an increased level of traffic it is not a material planning consideration in the assessment of this application. The concerns highlighted in the letters of representation with respect to localised flooding of Old Luss Road are more relevantly addressed by the responsible authority in this regard (i.e. West Dunbartonshire Council).

#### Historic Environment

- 7.19 The listed gatepiers and walls of South Lodge (Category B) would not be affected by the proposal, given the change of use proposed. Further to negotiations with the applicant, and to be sympathetic to, and avoid adverse impact on the setting of this listed building a nearby proposed lighting column (ref: C23, sited adjacent to South Lodge) was deleted from the proposals. As a result this proposal raises no issues with respect to Local Development Plan policies OP2 and HE1 which seek to protect the character, appearance and setting of the historic environment.
- 7.20 Cameron House is a non-inventory designed landscape. As stated above in para 7.15 of this



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report the National Park's Landscape Adviser has advised that they are satisfied that the proposed additional and replacement lighting (due to its location, design and light levels proposed) will not result in any significant impact on the designed landscape qualities.

- 7.21 As a result this proposal raises no issues with respect to Local Development Plan policies OP2, HEP1 & HEP4 which seek to protect the character, appearance and setting of the National Park's historic environment.

### Natural Heritage - ecology

- 7.22 There is no reason to believe that any protected species are present at the site proposed for the reception or for new lighting standards. With regards to ground nesting birds, proposed works should be conducted outwith the bird breeding season, unless absence of nest is first established. It is recommended that an informative be included in any decision issued to advise the applicant of their obligations under the Wildlife and Countryside Act (see Informative no. 6).

### Socio-economic benefits

- 7.23 It is recognised that the proposal, to utilise the south access via Old Luss Road for business/customer traffic on a temporary basis, has been presented by the applicant in anticipation of the intense period of works to the fire damaged hotel that will be scheduled over the coming year. This proposal would support the aim of the applicant in better facilitating a swift reinstatement and return to full operation of this core element of their business and employment. This well-intentioned aim of Cameron House Hotel is supported through the National Park's fourth aim in promoting sustainable economic development.

### Park Aims

- 7.24 The proposed development is not considered to raise any issues with respect to the four statutory aims of the National Park as follows:
- The proposal is such that there would be no detrimental impact on the natural heritage (including landscape qualities) and would have no detrimental impact on the cultural heritage of the area;
  - The proposed use has a neutral impact on sustainable use of resources;
  - The proposal has been assessed as suitably managing the continued promotion (through visitor use and recreation on the adjacent core path network) the special qualities of the area;
  - The tourism spend in the local economy generated from the continued operation of the existing business will help promote sustainable economic development of the area's communities.

## 8 CONCLUSION

- 8.1 In conclusion, the proposal utilises an existing access off a public road. For the level of traffic proposed for this size of business it is judged to be a material increase and change in the use of the existing access requiring planning permission. The proposal as presented and justified by the applicant for traffic management and construction site/ public safety reasons is deemed to be acceptable to West Dunbartonshire Council, as Roads Authority. This recognises that Old Luss Road is of a construction and width, considering it was a former trunk road, that can meet the standards reasonably expected. Although this proposal will result in a change in traffic levels on Old Luss Road this would be temporary (maximum 2 year period), vehicle speeds during this time would be controlled by the traffic calming measures proposed and the road capacity and size is considered suitable. Whilst concerns over safety, volume of traffic and amenity concerns, amongst others, have been highlighted by residents and users of Old Luss

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Road, consultation with specialists or consultees have advised the National Park Authority that they are satisfied with the proposal and proposed mitigation and it is considered that the proposal complies with the relevant Local Development Plan policies. The remaining elements of the application (siting of temporary reception and new lighting) do not raise any other material planning issues. The representations submitted in objection to the proposal have been carefully considered and do not raise material considerations of sufficient weight to justify refusal of planning permission. For these reasons, on balance of the issues presented, there are no reasonable planning grounds to refuse permission. It is therefore recommended that planning permission be approved.

**Background** <http://www.lochlomond-trossachs.org/planning/>

**Documents:** *Click on view applications, accept the terms and conditions then enter the search criteria as '2018/0157/DET'*

**List of Appendices:** *Appendix 1 - Conditions and Informatives*

## **Appendix 1**

### **Planning Conditions**

1. **Temporary use of Southern Access:** The use of the 'Southern Access' and internal access road as the primary business access for Cameron House resort, (as detailed in this application and specifically shown outlined in red on the approved plans dwg. nos. 17064 95 001 Rev A & 17064 95 002, received on 28<sup>th</sup> May 2018), shall endure for a temporary period of two years commencing from the date of 'completion of development' consisting of the completion of the traffic calming measures and proposed footway surfacing on Old Luss Road (as detailed in approved plan dwg.no. SK001 Rev P2, received on 13<sup>th</sup> August 2018) and any modifications required to accord with Condition 3 below, unless otherwise agreed by the Planning Authority in consultation with West Dunbartonshire Council as Roads Authority. During which time all construction traffic related to the proposed construction works to Cameron House Hotel shall use the 'main access' via the A82 Trunk Road.

The date of 'completion of development' shall be recorded in the *Notice of Completion of Development* (see Informative no.3) which shall be submitted to the planning authority no later than two weeks following 'completion of development'. Any proposed extension to, or reduction of the approved two year period, must firstly be submitted to, and agreed in writing by, the Planning Authority.

For the avoidance of doubt, on completion of the temporary period, as agreed by the Planning Authority, the primary access to Cameron House resort shall revert to the 'northern access' via the A82 Trunk Road with the 'southern access' via Old Luss Road reverting to secondary use for boat yard/service purposes (as previously used at the time of the planning application decision) and the traffic calming measures detailed in Condition no.2 shall be removed from Old Luss Road.

REASON: Permission for the material change of use of the Southern Access to Cameron House resort has been applied for on a temporary two-year basis and justified in the interests of trunk road traffic management and construction site public safety by separating construction traffic and activity from business traffic and visitors during the works proposed for Cameron House Hotel.

2. **Traffic Calming Measures:** The Traffic Calming Measures and footway surfacing proposed for Old Luss Road shall be implemented in accordance with timings set out in Condition no.1 above, unless otherwise agreed in writing by the Planning Authority in consultation with West Dunbartonshire Council as Roads Authority. The Traffic Calming Measures shall be implemented in accordance with the details set out in the approved plan dwg. no. SK001 Rev P2, received on 13<sup>th</sup> August 2018 and shall incorporate a cycle bypass within the chicane design of a width of 1.5 metres (as per Cycling by Design Manual 2010). For the avoidance of doubt, the traffic calming measures shall be removed in accordance with the timescale agreed under the terms of Condition no.1.

REASON: To ensure that the traffic calming measures required and agreed by the Roads Authority incorporate sufficient facilities for cyclists to encourage sustainable means of transport and recreation in accordance with the National Park's first and third Aims and that the footway surfacing proposed by the applicant is implemented as agreed.

3. **Access:** The private access road at the junction of the South Lodge and Old Luss



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Road shall conform and be maintained to conform with the specifications set out in Figure 10 of the National Roads Development Guide (for which a copy can be obtained from West Dunbartonshire Council Roads Officer) during the temporary period agreed under Condition no.1.

**REASON:** To ensure a suitable standard of access in the interests of road and pedestrian safety.

4. **Hours of Work:** Where residential occupiers are likely to be affected by noise, construction works relating to this planning permission which are audible outwith the site boundary shall be undertaken during normal working hours, viz:- 08.00 to 18.00 hours Monday to Friday, and 09.00 to 13.00 hours on Saturdays. No noisy works audible outwith the site boundary are permitted on Sundays or recognised Scottish Bank Holidays.

**REASON:** To protect the occupants of nearby dwellings, adjacent commercial businesses and visitors to the area from excessive noise/disturbance associated with the implementation of this permission.

### **Informatives:**

1. **Duration of permission:** In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.
2. **Notification of Initiation of Development:** Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. **Notification of Completion of Development:** As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.
4. **Roads Consent** – The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 a Road Opening Permit is required from West Dunbartonshire Council to install the approved traffic calming chicanes, signs and alterations to Old Luss Road and any associated works prior to works being commenced.
5. **Surface Water** - Disposal of surface water from the site should comply with General Binding Rules (GBRs) 10 and 11 of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Details of the requirements of these GBRs can be found on SEPA's website or from your local SEPA office at: Balloch Office, Carrochan, Carrochan Road, Balloch G83 8EG (tel no. 01389 727770).

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6. **Protected Species in Vicinity** – Breeding birds are known to be in the vicinity of the proposed development. Please be aware that they are fully protected, and it is an offence to deliberately, capture, injure or kill them or to damage, destroy or obstruct their breeding or resting places. It is also an offence to disturb them in their breeding or resting places. It is therefore recommended that the site preparation and ground works take place outwith normal bird breeding season (March to July inclusive) unless absence of nests has first been established.
7. **Health & Safety:** The applicant should contact The Food & Business Group of West Dunbartonshire Council Environmental Health Section (tel. no. 0141 951 7957) to ensure that the temporary premises comply with the requirements of the Health & Safety at Work etc. Act 1974 and the legislation/regulations made thereunder.