



## Planning and Access Committee

Meeting: 27 June 2022

Agenda item: 4

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**SUBMITTED BY:** Director of Place

<b>APPLICATION NUMBER:</b>	2022/0089/DET
<b>APPLICANT:</b>	West End Adventure
<b>LOCATION:</b>	The Manse, Church Road, Luss
<b>PROPOSAL:</b>	Change of use of garden curtilage (Class 9) to outdoor education (sui generis)
<b>NATIONAL PARK WARD:</b>	Ward 5 - West Loch Lomond and Balloch
<b>COMMUNITY COUNCIL AREA</b>	Luss and Arden
<b>CASE OFFICER:</b>	Name: Julie Gray Tel: 01389 727753 E-mail: Julie.gray@lochlomond-trossachs.org

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## 1. Summary and reason for presentation

- 1.1. The Application site is the garden ground of the Luss Church Manse (use class 9) located on Church Road to the south of the village of Luss. Permission is sought for the change of use of the garden ground for use for outdoor education (*sui generis*).
- 1.2. At the time of writing the report, the application has been subject to 21 representations comprising 10 notes of objection. Luss and Arden Community Council has also submitted an objection to the proposal.
- 1.3. In accordance with the National Park Authority's Scheme of Delegation Section 5.7, development which, in the opinion of the Appointed Officer, has been the subject of a significant level of valid objection, will be the subject of a report for consideration by the Planning and Access Committee.

## 2. Recommendation

2.1. That Members:

**REFUSE** the application for the reasons set out in Appendix 1.

## 3. Background

Site Description	
3.1.	The application site is the garden grounds of the 'C' listed Luss Church Manse (see Site Location Plan in Appendix 2 and aerial image in figure 1). The Church Manse is located on Church Road to the southern edge of the village boundary of Luss. It is also part of Luss Conservation Area. For the avoidance of doubt, the application site does not include the Church Manse and no change of use is therefore proposed to the building.
3.2.	The site is to the rear (north) and side of the Church Manse and is bounded by a tall stone wall to the north, east and west. The southern boundary includes the Church Manse itself, one residential cottage known as the Manse Cottage, and a single storey traditional building which has formerly been used as an art gallery/craft shop and pilgrimage centre.
3.3.	To the north of the boundary wall there are 6 residential properties, 4 of which share a mutual boundary with the Manse garden. Luss General Store and Loch Lomond Fish and Chip Co. also share a boundary to the north west. The Fish and Chip Co. have an outdoor seating area adjacent to the mutual boundary. The Coach House Coffee Shop is located to the east and north of the boundary wall and also has an outdoor seating area to the rear.

## Site Description

3.4.	Approximately 8 portacabins are sited within the garden to the western boundary – these having been introduced to the site in 2006 in association with church activities. A number of mature trees are also located on the site predominantly to the eastern half of the site. The site is relatively flat, sloping gently upwards to the east and is grass covered. The northern boundary wall has a strip of shrub planting against it.
3.5.	Access to the site can be taken on foot via 2 different points as shown on the map in figure 1. Car parking is located to the front (south) of the Manse.



**Figure 1: Aerial View**

## Description of Proposal

3.6.	Permission is sought for the change of use of the garden ground (Class 9) to use for outdoor education (sui generis).
3.7.	The Operational Management Plan submitted in support of the application notes that the site would be used as an operational base where participants would gather to prepare for outdoor activities using changing and toilet facilities before leaving the site to take part in activities at another location. Participants would then return to the site for lunch and to prepare for the afternoon activity. Participants taking part in a full day activity would likely not return to the Manse gardens at lunch time.

## Description of Proposal

3.8.	Up to 72 participants could be onsite at any one time during the morning preparation time, lunch time and preparation to leave the site. One group of up to twelve participants would remain on site to take part in an archery activity.
3.9.	The site is expected to be in operation from March – October between the hours of 9am – 5pm, Monday - Friday.
3.10.	The existing portacabins within the garden are being used for changing/toilet facilities, office space and storage. Temporary gazebos are set up when required. No new permanent buildings or alterations are proposed.

## Planning History

3.11.	<p>2021/0380/DET -Withdrawn -5 January 2022 Change of use of garden curtilage (Class 9) to outdoor education (sui generis)</p> <p>The application was submitted in November 2021 subsequent to an enforcement investigation into the alleged unauthorised use of the land. A number of complaints had been received regarding noise and disturbance from the use of the site. The enforcement investigation found that the use of the garden ground for outdoor education was unauthorised. The submission of a planning application was requested in order to fully understand the extent of operations at the site and provide an opportunity for complainants to submit representations which could be formally assessed through due planning process.</p> <p>The application was withdrawn in January 2022, the reason cited was that the applicant intended to meet with Luss and Arden Community Council- who had objected to the 2021 application -to seek to address concerns expressed in the objection.</p> <p>The current planning application was submitted further to complaints received this year that operations had re-commenced without planning permission.</p>
3.12.	<p>The portacabins were installed in the Manse gardens in 2006. The National Park was made aware of this and through dialogue with the Church a retrospective planning application was requested. It is the approach of the National Park to resolve planning breaches by negotiation and agreement rather than formal enforcement action where possible. No planning application was forthcoming despite protracted dialogue on the matter at the time. Given the temporary nature of portacabins and the benefit of them being relatively discreet within the garden ground of the Manse (aside from the partial view over the wall to Church Road) together with no other complaints being received - the breach of planning control was a low priority on the enforcement charter. The long term aim was to work with the Church to secure a higher quality solution. As more than four years has elapsed since their installation the portacabins are now immune from enforcement action. (Enforcement action is time barred for operational development after four years).</p>

#### 4. Environmental impact and habitat regulations assessment

Environmental Impact Assessment (EIA)	
4.1.	The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2017. 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.
4.2.	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.

Habitat Regulations Assessment (HRA)	
4.3.	The Habitats Regulations require that where an authority concludes that a development proposal is likely to have a significant effect on a European site (SPA or SAC) it must undertake an Appropriate Assessment (AA) of its implications for the European site in view of the site's conservation objectives.
4.4.	In this instance the proposal will not have any impact on a SPA or SAC.

#### 5. Consultations and representations

Responses to Consultations	
	<u>Luss And Arden Community Council</u>
5.1.	<ol style="list-style-type: none"><li><b>Objection.</b> The Community Council has requested the application is refused – the reasons for this request are summarised below and the full content of the objection is available to view on the <a href="#">National Park Authority's Public Access website</a>. Click on view applications, accept the terms and conditions then enter the search criteria as '2022/0089/DET'.</li><li>The application is not supported by Overarching Policy 1 of the LDP and is contrary to the aims 1 and 4 of the National Parks (Scotland) Act.</li><li>The application is not supported by Overarching Policy 2 due to the conflict with neighbouring land use.</li><li>The application is not supported by Natural Environment Policy 1 – it is detrimental to the landscape and on the historic setting of the grade C listed Manse.</li><li>The application is not supported by Historic Environment Policies 1,2,3,4, 6 and 7.</li></ol>

## Responses to Consultations

	<p>6. The proposal will add to existing visitor pressure on Luss which has been classified as very high in the West Loch Lomondside Rural Development Framework.</p> <p>7. The National Park Safe Recovery Group Covid Response Plan identifies additional pressures and need for improvements. It notes ‘The National Park has a duty to balance the needs of visitors with the protections of the environment and quality of life for the people who live and work within the area’. The quality of life for Luss Residents, particularly those living in the heart of the village, is rapidly deteriorating.’</p> <p>8. The application should be for Use Class 11 – Assembly and Leisure. It is not sui generis.</p> <p>9. The proposal is a commercial leisure operation with a small charitable element on occasion – it is open to anyone who is willing to pay for activities.</p> <p>10. The proposal is not suited to the location in the heart of Luss Conservation Area in a predominantly historical and residential location – it will change the character of this relatively peaceful, tranquil and picturesque area to the detriment of visitors and residents.</p> <p>11. The proposal is not a high quality development and will not enhance the natural or cultural resources of the area.</p> <p>12. The commercial activity will not benefit the community or wider rural economy.</p>
	<u>Argyll and Bute Council Environmental Health</u>
5.2.	<b>No Objection.</b> The Environmental Health Department has requested a number of conditions related to noise, lighting and waste from the development.
	<u>Argyll and Bute Council Roads Authority</u>
5.3.	<b>No Objection</b>

## Representations Received

5.4.	Twenty one representations have been received. Ten in objection and eleven in support of the application.
5.5.	<p>In summary the matters raised in <b>support</b> are:</p> <ul style="list-style-type: none"> <li>• It is a positive change for the land to be used</li> <li>• Children of Luss Primary have enjoyed and benefitted from taking part in activities offered at the site.</li> </ul>

## Representations Received

	<ul style="list-style-type: none"> <li>• The site is a safe walled garden away from tourists and traffic</li> <li>• The operator provides fantastic opportunities and outdoor adventure for children which will benefit their mental, physical, and cognitive health.</li> <li>• The instructors seem genuinely interested in the local community and are willing to get involved with the community</li> <li>• Seeing children enjoying the outdoors and learning new skills that they otherwise would not have an opportunity to experience can only be good.</li> <li>• Allowing children to take part in these activities will help them to understand the countryside and the importance of looking after it - they will then hopefully respect it when they are older and will be beneficial in the long term.</li> <li>• There is nothing in the plans which should be seen as detrimental to the village or residents</li> </ul>
5.6.	<p>In summary the matters raised in <b>objection</b> are:</p> <ul style="list-style-type: none"> <li>• The proposal does not comply with the following policies and guidance:             <ul style="list-style-type: none"> <li>▪ First aim of National Park</li> <li>▪ Overarching Policy 2 states that “development proposals must address the following requirements: Amenity and environmental effects: Avoid any significant adverse impacts of :.....noise.....”</li> <li>▪ “Historic environment: Protect and / or enhance the character, appearance and setting of the historic environment.”</li> <li>▪ The West Loch Lomond Rural Development Framework - This states that the “opportunities for commercial and economic development within Luss will help generate income to the rural economy”– the income generated will be for the benefit of the company only.</li> </ul> </li> <li>• The proposal does not comply with the following national policy:             <ul style="list-style-type: none"> <li>▪ National Planning Policy Framework (2014) This “sets out a vision for.....growing sustainable communities....”</li> <li>▪ Scottish Planning Policy (2014) “Policies and decisions should.....give due weight to net economic benefit” - the only economic benefit is to the company involved.</li> </ul> </li> <li>• Impact on residential amenity as a result of noise from the development</li> <li>• The sound of children and teachers screaming is atrocious - at times, the noise pollution is very bad and is unacceptable</li> <li>• Impact on quality of life within home and garden of neighbouring properties</li> <li>• The rear gardens of the individuals are their only source of peace and quiet from influx of tourists</li> <li>• The heart of the village is not the right location for this business in close proximity to residential properties.</li> <li>• the context of the extremely excessive noise disturbance that residents of the village already have to endure from the recently extended temporary Planning Consent for use of the Coach House Coffee Shop</li> </ul>

## Representations Received

	<p>outside space and the expected disturbance from the “Luss Activity Centre” at Shore Cottage.</p> <ul style="list-style-type: none"> <li>• Luss is at saturation point with businesses and tourists and this development is exacerbating an already intolerable situation</li> <li>• There are other suitable spots on Loch Lomond rather than an already over crowded village</li> <li>• There is no charitable aspect or community benefit to this proposal</li> <li>• The Community Council is actively trying to reduce footfall and non-essential vehicle movements in the village – this proposal does the opposite of that.</li> <li>• The church and WEA did not consult the community before commencing operations and are doing so without planning permission</li> <li>• Village life is disrupted by the proposal and will further degrade the living situation for residents impacting on people’s wellbeing.</li> <li>• Children walking en masse on roads without pavements is unsafe</li> <li>• The operator also caters to adult customers</li> <li>• The development could escalate catering to more and more groups of people</li> <li>• Planning conditions are unlikely to be able to specify the nature of the type of customers and even if they could, the monitoring would be impossible due to the enclosed nature of the site</li> <li>• The village is of vital historical importance and is being ruthlessly exploited, a stop should be put on any further businesses in Luss</li> <li>• The added vehicles are having an impact, sometimes there are 3 mini-buses and the companies own vans towing trailers</li> <li>• The reference to upgrading the Portacabins to make them more of an asset to the Community is misleading since they are on private ground to which the Community has no access.</li> <li>• Query regarding the outdoor education description vs leisure business – it should be classed as assembly and leisure.</li> <li>• It should be noted that of residents on Church Road and Pier Road, only one has expressed support for the proposal – the remainder have objected.</li> <li>• The site has 5 levels of protection – National Park, Conservation Village, Outstanding Conservation Area, Article 4 Direction, and listed building including the walled garden.</li> </ul>
5.7.	<p>The full content of the representations is available to view on the <a href="#">National Park Authority’s Public Access website</a>. Click on view applications, accept the terms and conditions then enter the search criteria as ‘2022/0089/DET’.</p>



## 6. Policy context

The Development Plan	
6.1.	<p>Section 25 of the Town and Country Planning (Scotland) Act 1997 states that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan comprises the Loch Lomond &amp; The Trossachs National Park Local Development Plan (LDP) (adopted 2017) and Supplementary Guidance (SG).</p>
6.2.	<p><u>Local Development Plan (2017-2022)</u></p> <p>The <a href="#">Local Development Plan (LDP)</a> sets out the vision for how the National Park should change over the next 20 years. The LDP covers the period from 2017 to 2026 is updated every 5 years.</p> <p>The following LDP Policies are relevant to the determination of this application:  <u>Local Development Plan (Adopted 2016)</u>            OP1 – Overarching Policy 1: Strategic Principles            OP2 – Overarching Policy 2: Development Requirements            VE1 - Visitor Experience Policy 1: Location and Scale of new development            VE2 - Visitor Experience Policy 2: Delivering a World Class Visitor Experience            TP2 - Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options            TP3 - Transport Policy 3: Impact Assessment and Design Standards of New Development            NEP1 - Natural Environment Policy 1: National Park Landscapes, seascape and visual impact            NEP8 - Natural Environment Policy 8: Development Impacts on Trees and Woodlands            HEP1 - Historic Environment Policy 1: Listed Buildings            HEP2 - Historic Environment Policy 2: Conservation Areas            HEP3 - Historic Environment Policy 3: Wider Built Environment and Cultural Heritage            HEP6 - Historic Environment Policy 6: Scheduled Monuments and other Nationally Important Archaeological Sites            WMP1 - Waste Management Policy 1: Waste Management Requirement for New Developments</p>
6.3.	<p><u>Supplementary Guidance</u></p> <p>The adopted Supplementary Guidance provides support to the policies of the LDP and carries the same weight in the determination of applications. The Supplementary Guidance of relevance to this application comprises:</p> <ul style="list-style-type: none"> <li>• West Loch Lomondside Rural Development Framework</li> </ul> <p>Luss and its environs are identified in the National Park Partnership Plan (2012-2017) as an area that experiences significant visitor pressure and which requires more intense management to reduce the impacts of high levels of visitor pressure and recreation use. It includes the following sections:</p> <p><u>Jobs and Economy</u></p>

## The Development Plan

	<ul style="list-style-type: none"><li>• Tourism and agriculture dominate the local economy and relative to other parts of the Scottish economy, remuneration in these sectors is relatively low.</li><li>• Whilst the village is small, it acts as one of the key employment centres for the wider area. The majority of employment is in the tourism and leisure sector with around half of all residents employed in hotel, restaurant retail sector. A survey of local businesses undertaken to inform the Luss Strategic Development plan found that 85% of all people who work in Luss village do not live there.</li><li>• It is felt that the commercial and employment opportunities resulting from visitor numbers are not being fully exploited. In addition, business generated by visitor is seasonal.</li></ul> <p><u>Visitor Experience and Management</u></p> <ul style="list-style-type: none"><li>• Luss is a popular destination for day visitors, arriving by car, coach or boat and can experience extreme visitor pressures at peak times (e.g. bank holidays).</li><li>• Village feels swamped by visitors. There is a sense that the village bears the brunt of major tourist invasion without being rewarded with economic benefits.</li></ul>
6.4.	<p><u>Planning Guidance</u></p> <p>Planning guidance supports policies in the Local Development Plan and it is a material planning consideration in determining planning applications. The Planning Guidance of relevance to this application includes:</p> <ul style="list-style-type: none"><li>• Listed Buildings and Conservation Areas</li><li>• Visitor Experience</li></ul>

## Other Material Considerations

6.5.	<p><u>National Park Aims</u></p> <p>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:</p> <ul style="list-style-type: none"><li>• to conserve and enhance the natural and cultural heritage of the area;</li><li>• to promote sustainable use of the natural resources of the area;</li><li>• to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and</li><li>• to promote sustainable economic and social development of the area's communities.</li></ul> <p>Section 9 of the Act 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,</p>
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## Other Material Considerations

	greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.
6.6.	<p><u>National Park Partnership Plan (2018-2023)</u></p> <p>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. The following outcomes and priorities of the Partnership Plan are relevant.</p> <ul style="list-style-type: none"> <li>• Conservation Priority 2.1 – Landscape and Heritage – protecting views to landmark features</li> <li>• Visitor Experience Priority 6.3 – Water Recreation - Encouraging more participation in established and emerging water recreation activities such as fishing, kayaking, canoeing, open water swimming and board sports by promoting suitable locations and itineraries as well as clear water safety advice.</li> <li>• Visitor Experience Priority 7.1 – Growing Tourism Markets - Encouraging new and established tourism businesses to innovate and collaborate by capitalising on growing markets</li> <li>• Visitor Experience Priority 8.1 – Visitor Management</li> <li>• Visitor Experience Priority 9.1 – Health Improvement</li> <li>• Visitor Experience Priority 9.2 – Engagement and Learning – Increasing opportunities for engagement, volunteering and education activities</li> <li>• Rural Development Priority 10.2 – Built Heritage – Conserving and enhancing the built and historic environment.</li> </ul>
6.7.	<p><u>Scottish Planning Policy</u></p> <p>The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory but directly relates to the determination of planning applications and appeals. As a statement of Ministers’ priorities, the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case.</p>

## 7. Summary of supporting information

### Supporting Information

7.1.	<p>The applicant has submitted the following documentation in support of the planning application:</p> <ul style="list-style-type: none"> <li>• Supporting Planning Statement produced by MH Planning Associates</li> <li>• Operational Management Plan produced by West End Adventure</li> </ul>
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## 8. Planning assessment

<b>Key Issues</b>	
8.1.	<p>The key issues for consideration in the determination of this application are:</p> <ul style="list-style-type: none"><li>• Principle of Development</li><li>• Residential amenity – noise and disturbance</li><li>• Traffic and parking</li><li>• Impact on setting of Conservation Area and Listed Building</li><li>• Community Benefit</li></ul>

<b>Principle of Development</b>	
8.2.	<p>Visitor Experience Policy 1 supports new visitor facilities which are located within towns or villages. The Luss Church Manse is located within the village of Luss and the change of use can therefore be supported in principle.</p>
8.3.	<p>The proposal for change of use of garden curtilage to outdoor education would not be assessed under the Community Facility Policy. What constitutes a community facility can depend on the local context and the type of facility is therefore not easily defined and can vary from case to case. For a development to be considered as a community facility certain key aspects will have to be met. As a general principle, Community facilities contribute to the sustainability and wellbeing of a community ensuring a high quality of life for residents by encouraging social contact and community development and identity. Community infrastructure can provide day-to-day services, employment, recreational opportunities and meeting places. They play an important role in nurturing a sense of place for those that live, work and visit the communities within the National Park.</p> <p>Whilst the proposal offers outdoor education and an activity hub for young people in summer, the company specifically states that these services are provided to non-residents for young people from Glasgow and the wider area – the proposal is therefore assessed as a new visitor facility.</p>

<b>Residential Amenity</b>	
8.4.	<p>Residential amenity is a key consideration in the assessment of the application - it has been raised in all of the representations objecting to the proposal. This is in terms of both neighbouring properties sharing a boundary with the development and also in terms of wider impacts within the village locale.</p>
8.5.	<p>The rear garden ground of 4no. residential properties on Pier Road share a mutual boundary with the garden ground at the Manse. Objection to the proposal has been received from 2 of these 4 properties whilst 1 letter of support has been received from 1 of the 4. Objection to the proposal has also</p>

## Residential Amenity

	<p>been received from the 3 closest neighbouring properties to the east on the opposite side of Church Street. Complaints were received prior to the planning application being submitted primarily due to noise and disturbance arising from the development. This resulted in an enforcement investigation and ultimately to the submission of a planning application (please refer to section 3.11).</p>
8.6.	<p>Since the submission of this planning application, the operator has adapted how it operates in order to mitigate noise nuisance. The Operational Management Plan submitted in support of the application outlines the measures which include:</p> <ol style="list-style-type: none"> <li>1. Change to the arrangement of drop off/collection of participants to avoid participants walking through the village</li> <li>2. Maximum of 12 participants on site for the duration of the day outwith busiest times of morning preparation, lunch time and leaving time.</li> <li>3. Operating hours between 9am – 5pm, Monday to Friday</li> <li>4. Appropriate ratio of staff to participants to ensure behaviour management</li> <li>5. Participants are taught about a 'Leave No Trace' policy. This policy reminds participants that they are in a residential, historical and ecologically significant area, and it should be treated as such.</li> </ol>
8.7.	<p>In considering the potential noise impact from the development, cognisance must be given to existing noise sources in the locale to form a baseline from which to assess the impact of increased activity. Luss attracts over 750,000 visitors per year. The West Loch Lomondside Rural Development Framework identifies Luss and its environs as an area that experiences significant visitor pressure. The streets, businesses and loch shore in Luss can therefore be extremely busy, particularly during peak season – the Partnership Plan notes that more intense management is required to reduce the impacts of high levels of visitor pressure and recreation use.</p>
8.8.	<p>In the vicinity of the development, existing noise sources include adjacent hospitality businesses; road noise from the A82; local road noise; boat/jet ski noise from Loch Lomond and visitors using the beach area and exploring the village on foot. The village is therefore a busy location with varying sources of background noise and disturbance. Residents may already experience an adverse impact on their amenity due to existing visitor numbers to the village.</p>
8.9.	<p>A key determining factor in the consideration of the application is therefore if the additional noise from the development is of significant harm to residential amenity as to justify refusal of the application. In this case, the development primarily affects the rear garden areas of 4 properties which front Pier Road. The residential properties on Pier Road and Church Street are located directly adjacent to the public road -there is no footpath. Their level of amenity could therefore be considered to have already been diminished by virtue of their location on the main route through Luss, thus making the rear garden ground a place for quieter enjoyment of their property away from visitor pressures. In considering the acceptability or otherwise of the level and duration of noise from</p>

## Residential Amenity

	the development, a comparison can be drawn from what can reasonably be expected from normal family residential use.
8.10.	Family occupation could reasonably be expected to lead to outdoor play and use by the residents' children and their friends at weekends, public holidays and possibly early evenings in summer. This is balanced against the use by the operator which would be limited to 9am – 5pm, Monday to Friday with peak noise level being approximately between 9am - 10am, 12noon - 1pm and 3pm - 4pm. Whilst the noise arising from the site as a result of the change of the use of the land is during daytime hours and therefore would not be considered to be a statutory noise nuisance - as advised by Argyll and Bute Council Environmental Health – it is noted that the demographic of Luss is such that it is primarily an older population who may be retired and at home during the working day and therefore use their garden throughout the day.
8.11.	At peak times, the manse garden could host 72 participants – significantly more than an average family home. Reports have been received from neighbouring properties of children screaming, and instructors shouting commands to the children. Three site visits were carried out by officers at varying times of the day and noise could be heard out with the site boundary. The noise was primarily of children playing with occasional screams and instructors could occasionally be heard shouting. The noise could be heard within the garden ground of the properties sharing a mutual boundary to the north and also when walking along Church Road to the south of the Coach House Coffee Shop. (At this time, the Coach House Coffee Shop has outdoor seating to the front of the property which is permitted through the emergency Covid Legislation - it has not been assessed through a planning application). Generally, a noise which is more variable or intermittent is regarded as potentially more annoying or disturbing than a noise which is continuous over the same time period (As noted in <a href="#">Assessment of Noise: Technical Advice Note</a> - <i>nature of sound source</i> ). The disturbance caused by noise of this character is subjective in that tolerance levels for different noise sources varies from person to person as is evidenced in the representations received from the neighbouring properties. A residential home and garden ground is described as a highly sensitive noise sensitive receptor. A noise assessment has not been carried out due to the variable nature of the development, i.e. one group of participants could create more/less noise dependant on age, character, behaviour, weather – any results could therefore be inconclusive.
8.12.	The Operational Management Plan, submitted in support of the application, notes that the number of participants on site for the duration of the day would be limited to 12, however, it is not considered that this could be adequately enforced through the use of a planning condition. The site is screened from public view and it can easily accommodate in excess of this number of participants. Further to this, there is no internal accommodation for participants, potential noise disturbance is therefore for the duration of the day unlike, for example, in a nursery or school setting where children will be indoors for some part of the day or during inclement weather.
8.13.	It is clear that the potential noise generated from a large group (up to 72 participants) in a relatively confined space, being the garden ground of the

## Residential Amenity

Manse, is significantly more than what could reasonably be expected from a residential property on a regular basis. Notwithstanding the advice received from Environmental Health officers that the potential disturbance would not be considered a statutory noise nuisance (as it would occur during day time hours), given the older demographic of Luss, particularly in the cottages of Pier Road; the cumulative impact on amenity due to existing significant visitor pressure resulting in the rear garden areas being of particular importance to residents; and the character of the noise being variable and intermittent – it is considered that there would be a significant adverse impact on residential amenity as a result of noise disturbance from the development. This would be contrary to the requirements of Overarching Policy 2: Development Requirements – Amenity and Environmental Effects of the Local Development Plan

## Traffic and Parking

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|-------|--|
| 8.14. | Mitigation measures have been introduced by the operator to reduce the impact of additional traffic to the site. The Operational Management Plan submitted in support of the application notes that participants would be dropped off and picked up from the Main Road at the bridge crossing and walk to the site from that point via the Faerie Trail (See figure 2) Staff vehicles would primarily be left at the main Headquarters in Glasgow. A limited number of minibuses would travel directly to the site dependant upon what activities were taking place that day. The Roads Authority has not raised any concerns. Parking is available to the front of the Manse within its garden ground. Given the limited number of vehicles trips which are anticipated to arrive and depart from the Manse Gardens; availability of onsite parking and plans for the majority of participants to arrive at the site on foot via the Faerie Trail, there are no concerns regarding additional traffic arising from the development. |
| 8.15. | However, in the event that a different operator took on the site and introduced alternative arrangements to take access, there are concerns that the onsite provisions for the number of participants could be inadequate.   |

## Traffic and Parking



**Figure 2 - Aerial Map showing walking route on Faerie Trail**

## Conservation Area, Listed Building and Scheduled Monument

8.16.	Historic Environment Policy 2: Conservation Areas, seeks to protect/enhance the character and appearance of Conservation Areas through appropriate scale, siting, massing, design and use of materials in new developments. This includes the protection of important views within, from and into the Conservation Area. Historic Environment Policy 1 supports development where it can be demonstrated that proposals will protect, conserve and/or enhance the character, integrity and setting of the listed building. Historic Environment Policy 6: Scheduled Monuments notes that development shall not be permitted which adversely affects scheduled monuments and their settings.
8.17.	In considering the impact of the change of use of the land on the character of the conservation area, it is noted that there is no physical change or development planned. The Draft Luss Conservation Area Appraisal however notes that land use is an important if subtle defining characteristic of the Outstanding Conservation Area. Similarly, Planning Advice Note 71: Conservation Area Management, notes that land use change in conservation areas should always be founded on a detailed understanding of the historic and urban design context. Land use within a conservation area is therefore an important characteristic of the conservation area and will impact upon users experience.
8.18.	The Manse is an integral part of the setting of Luss Church and burial ground. The draft Conservation Area Appraisal for Luss notes that the burial ground provides a tranquil setting for the Parish Church. Increased activity as a direct



### Conservation Area, Listed Building and Scheduled Monument

result of the change of use is evident on Luss Water, to the south of the burial ground, where participants take part in activities when based at the Manse. Raft building equipment and canoes can be seen regularly at Luss Water and, whilst this does not require planning permission as it is not considered to be a change of use of the land, the activity is a result of operations currently underway at the Manse Gardens. The introduction of increased commercial outdoor activity, would introduce a use which is not compatible with the historical importance of the site and relatively tranquil character of this part of Luss by virtue of the visual clutter and noise from the proposed use. The development within the grounds of the listed building; within the conservation area and in close proximity to the scheduled monuments within the burial grounds will adversely impact on the setting and experience of the listed building, conservation area and scheduled monuments contrary to Historic Environment Policies 1, 2 and 6 and is not a compatible use for the heart of Luss, one of the National Parks most important heritage assets.

### Community Benefit

- |       |   |
|-------|---|
| 8.19. | Representations received in support of the application highlight the benefits of the proposal to the children of Luss Primary School and also for children who may not have access to the Park who have taken part in activities offered by the operator. The mental and physical benefits of the activities for children are recognised and supported – they also closely align with the aims and vision set out in the National Park Partnership Plan, particularly in terms of Visitor Experience Priorities 9.1: Health Improvement and Visitor Experience 9.2: Engagement and Learning. The NPPP also highlights the proximity of the National Park to a large urban population- such as Glasgow- as an opportunity to get more people to engage with the outdoors and learn about its natural environment and encouraging initiatives which facilitate both young people and those experiencing disadvantage to be able to visit the National Park. |
| 8.20. | Notwithstanding the potential benefits of the development for the children able to take part, it is noted that this is not a unique proposal and there are other providers of outdoor activities specifically for children across the Park area. These include Active Stirling; Ardmay House; Ardroy Outdoor Education Centre; Ardentinny Outdoor Education Centre; Blairvadach Outdoor Education Centre; Dounans Centre, Aberfoyle and The Lochgoilhead Centre.  |
| 8.21. | Representations have also been received noting that the proposal does not bring wider community benefits or help the rural economy. It is not clear if the proposal will provide any employment opportunities or add to the local economy as participants and staff travel to the site from the Glasgow area and return there daily. There is however a clear benefit to children of Luss Primary School – it is understood that the operator is offering one free session per week to children from the Primary School.  |

## Conclusion

8.22.	In concluding the assessment of the application, a balanced judgement must be made weighing the potential adverse impacts of the development against the potential benefits of the development and relevant policies and guidance. A summary of the perceived impacts and benefits are outlined below.
8.23.	Given that the applicant has been operating at the site since March of this year and also in the latter part of 2021 – the impact of the development has already been experienced by neighbouring properties and this is evident in the representations received. The assessment of the impact on residential amenity concluded that there would be a significant adverse impact.
8.24.	Whilst the development will attract more traffic to the village, this is not considered to be significant given that the majority of participants will arrive at the site on foot via the Faerie Trail. A limited number of minibus journeys will be made directly to the site daily however this does not represent a material increase on existing traffic passing through the village. The roads authority has not raised any concerns.
8.25.	The proposal is considered to be contrary to Historic Environment Policies 1, 2 and 6 due to the impact on the character and experience of the Conservation Area, listed building and scheduled monuments of the burial grounds.
8.26.	There is a clear benefit to the proposal in terms of the physical and mental health for the children taking part in activities. The principle of the proposal aligns with the vision and aims of the National Park Partnership Plan to promote engagement in outdoor activities and learn about the natural environment and to increase engagement with disadvantaged groups.
8.27.	<p>In balancing the adverse impacts of the development against the benefits of the proposal, it is concluded that the site is not an appropriate location for the operation of an outdoor activity business and would be contrary to Overarching Policy 2 and Historic Environment Policies 1, 2 and 6 for the following reasons:</p> <ol style="list-style-type: none"> <li data-bbox="384 1429 1374 1529">1. Luss experiences significant visitor pressure and residential amenity is already impacted upon by high visitor numbers - The cumulative impact of the development would cause significant harm to residential amenity.</li> <li data-bbox="384 1563 1374 1697">2. Properties on Pier Road which share a mutual boundary with the application site do not have a front garden thus making the rear garden ground of high importance as a place for quieter enjoyment of their property away from visitor pressures on the main route through Luss.</li> <li data-bbox="384 1731 1374 1832">3. The demographic of Luss is such that it is primarily an older population who may be retired and at home during the working day and when the site would be in operation.</li> <li data-bbox="384 1865 1374 1966">4. The character of the noise from the development being variably and intermittent could be more intrusive than a continuous noise of the same volume and therefore more disruptive.</li> </ol>

## Conclusion

5. Potential noise generated from 72 participants is significantly more than what could reasonably be expected from a residential property on a regular basis.
6. Planning conditions could not be adequately enforced to control the number of participants at the site at any one time, the precise activity taking place nor to limit the activity to children given the enclosed nature of the site.
7. The introduction of increased commercial outdoor activity, would introduce a use which is not compatible with the historical importance of the site and relatively tranquil character of this part of Luss by virtue of the visual clutter and noise from the proposed use.

The benefits of the proposal do not outweigh the adverse impacts arising and a need for the development to be in this specific location has not been identified. Similarly, the proposal is not unique and there are other outdoor activity providers operating across the National Park. It is therefore recommended the application is refused.

## 9. Appendix 1 Reasons for refusal

In balancing the adverse impacts of the development against the benefits of the proposal, it is considered that the benefits of the proposal do not outweigh the adverse impacts arising. A need for the development to be in this specific location has not been identified and the proposal is not unique - there are other outdoor activity providers operating across the National Park. It is concluded that the site is not an appropriate location for the operation of an outdoor activity business and would be contrary to Overarching Policy 2: Development Requirements and Historic Environment Policies 1: Listed Buildings, 2: Conservation Areas and 6: Scheduled Monuments of the Local Development Plan for the following reasons:

1. Luss experiences significant visitor pressure and residential amenity is already impacted upon by high visitor numbers - the cumulative impact of the development would cause significant harm to residential amenity.
2. Properties on Pier Road which share a mutual boundary with the application site do not have a front garden thus making the rear garden ground of high importance as a place for quieter enjoyment of their property away from visitor pressures on the main route through Luss.
3. The demographic of Luss is such that it is primarily an older population who may be retired and at home during the working day. The site would be in operation during the day thus impacting on residential amenity.
4. The character of the noise from the development being variably and intermittent could be more intrusive than a continuous noise of the same volume and therefore more disruptive to residential amenity.
5. Potential noise generated from 72 participants is significantly more than what could reasonably be expected from a residential property on a regular basis.
6. Planning conditions could not be adequately enforced to control the number of participants at the site at any one time, the precise activity taking place nor to limit the activity to children given the enclosed nature of the site.
7. The introduction of increased commercial outdoor activity, would introduce a use which is not compatible with the historical importance of the site and relatively tranquil character of this part of Luss by virtue of the visual clutter and noise from the proposed use.

## 10. Appendix 2 Location Plan

The Manse, Church Road, Luss  
2022/0089/DET



Not to Scale

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