

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held BY MICROSOFT TEAMS on WEDNESDAY, 21 AUGUST 2024**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Mark Irvine
Councillor Gordon Blair	Councillor Andrew Kain
Councillor Jan Brown	Councillor Paul Donald Kennedy
Councillor Audrey Forrest	Councillor Liz McCabe
Councillor Graham Hardie	Councillor Peter Wallace
Councillor Fiona Howard	

Attending: David Logan, Head of Legal and Regulatory Support
Shona Barton, Governance Manager
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
Bryn Bowker, Area Team Leader
David Moore, Senior Planning Officer
Stuart Ramsay, Senior Planning Officer
Lesley Cuthbertson, Planning Officer
Emma Shaw, Planning Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Daniel Hampsey and Dougie Philand.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 17 June 2024 was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 19 June 2024 at 11.00 am was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 19 June 2024 at 2.00 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 19 June 2024 at 3.00 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 19 June 2024 at 4.00 pm was approved as a correct record.
- f) The Minute of the Planning, Protective Services and Licensing Committee held on 26 June 2024 was approved as a correct record.

- g) The Minute of the Planning, Protective Services and Licensing Committee held on 6 August 2024 at 10.00 am was approved as a correct record.
- h) The Minute of the Planning, Protective Services and Licensing Committee held on 6 August 2024 at 11.00 am was approved as a correct record.
- i) The Minute of the Planning, Protective Services and Licensing Committee held on 6 August 2024 at 2.00 pm was approved as a correct record.

4. ROCKHILL FARM LTD: PROPOSED REDEVELOPMENT OF BARN AND FARMHOUSE TO FORM SELF-CATERING TOURIST ACCOMMODATION TOGETHER WITH ERECTION OF SELF-CATERING TOURIST ACCOMMODATION (3 UNITS), INSTALLATION OF FLOATING JETTY, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS: ROCKHILL, ARDBRECKNISH, DALMALLY (REF: 21/02265/PP)

The Planning Officer spoke to the terms of the report. This application site lies within an area identified as 'Countryside Area' where Policy 02 of LDP2 gives a presumption in favour of sustainable development where it is of an appropriate scale, design, siting and use for its countryside location, as set out in the relevant sustainable siting and design policies of LDP2.

The site lies within a designated Local Landscape Area (formerly Area of Panoramic Quality) where LDP2 seeks to promote a flexible approach to small scale development in the Countryside through Policies 02 and 71.

A total of 44 objections and 6 expressions of support have been received in respect of this application. There have been no objections received from statutory consultees. The main concerns raised by objectors relate to biodiversity, water and drainage, noise and light emanating from the site and construction vehicles entering the site. It is the opinion of Planning Officers that a suite of safeguarding conditions can address these concerns raised. It is not considered that the objections raise any complex or technical issues that have not been addressed in the report of handling and it is not considered that a discretionary hearing would add value to the planning process.

The proposed development is considered to be consistent with the provisions of both the adopted National and Local Policy and it was recommended that planning permission be granted subject to the conditions and reasons detailed in the report of handling.

Decision

The Committee agreed to grant planning permission subject to the following conditions and reasons:

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. **PP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 25.10.2021; supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Plan As Existing	10/010	Rev A	18.03.2024
Site Plan as Proposed	20/001	Rev E	18.03.2024
Site Plan as Proposed 1:500	20/001		
Site Plan as Proposed 1:5000	20/001	Rev E	18.03.2024
Farmhouse & Barn Plan As Existing	20/001	Rev B	18.03.2024
Farmhouse & Barn Elevations As Existing	20/001	Rev A	01.12.2021
Farm Guesthouse Barn Elevations as Proposed	20/001	Rev C	18.03.2024
Farmhouse & Barn Plan as Proposed	20/001	Rev C	18.03.2024
Drainage and water supply layout	21-017-20	Rev C	18.03.2024
Landscape Planting Plan			18.03.2024
Cottage A1 Elevation as Proposed	20/001	Rev A	18.03.2024
Cottage A1, Plan as Proposed	20/001	Rev A	18.03.2024
Cottage A2 Elevations as Proposed	20/001	Rev A	18.03.2024
Cottage A2 Plan as Proposed	20/001	Rev A	18.03.2024
Cottage C Elevations as Proposed	20/001	Rev A	18.03.2024
Cottage C Plan as Proposed	20/001	Rev A	18.03.2024
Section as Proposed	20/001	Rev E	18.03.2024
Rendered Visualisations			18.03.2024

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. **PP – Vehicular Access**

No development shall commence until plans and particulars of the means of vehicular access to serve the development have been submitted to and approved by the Planning Authority in consultation with the Roads Authority. Such details shall incorporate:

- i) Details of upgrades to the existing private access track (within ownership control of the applicant) with intervisible passing places required at intervals of no more than 150m. Track width to be a minimum of 3.7m. Level 2m verge/step off on one side of track required;
- ii) Total length of unpaved access track (within ownership control of the applicant) surface requires upgrade including grading/leveling of surface, voids, potholes, rutting to be filled, levelled and compacted, using bituminous bound material and regularly maintained as required;
- iii) Details of parking and turning for two vehicles for each of the proposed self catering units; parking and turning for three vehicles for the farmhouse and 2 for the barn conversion;
- iv) Details of a turning head to Figure 18 of the Roads Development Guide to be provided within the farm yard area

The upgrades to the existing private access track (within ownership control of the applicant) shall be completed prior to the development first being brought into use.

Reason: In the interests of road safety.

3. **PP – Surface Water Drainage – Further detail required**

Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the occupation of the development and maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

Note to Applicant:

Regard should be had to SEPA's consultation comments in relation to the proposed development.

4. **PP – Landscaping Scheme and Biodiversity Enhancement Measures**

No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the

Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained; Details shall include tree protection measures to ensure that the trees which are located along the boundary of the eastern side of plot 7 are retained and maintained in perpetuity.
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance;
- vi) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

All physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc.) shall be implemented in full before the development hereby approved is first brought into use.

All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity and in order to comply with the requirements of NPF4 Policy 3.

Note to Applicant

The applicant is advised to observe the content of the consultation response which has been received from the Councils Biodiversity Officer.

5. PP – Finishing Materials

Notwithstanding the effect of Condition 1, no development shall commence until written details of the proposed external finishing materials to be used in the construction of the proposed development including details of the proposed decking have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

6. **PP – Private Water Supply**

No development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved in writing by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

Note to Applicant:

Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.

7. **PP – Outdoor Access Plan**

No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:

- i) All existing access points, paths, core paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
- ii) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;
- iii) All proposed paths, tracks and other routes for use by walkers, riders, cyclists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);
- iv) Any diversion of paths, tracks or other routes temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

Reason: In order to safeguard public access both during and after the construction phase of the development.

Note to Applicant:

The applicant is advised to observe the consultation response which has been received from the Council's Access Manager.

8. PP – Contaminated Land

No development shall commence until an assessment of the condition of the land has been undertaken, submitted and approved in writing by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site and identify any potential risks to human health, the water environment, property or designated ecological sites.

Where contamination is identified, then a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared and be subject to the approval in writing of the Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development with the exception of those actions required to carry out remediation unless otherwise agreed in writing by the Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation must be produced, and is subject to the approval in writing of the Planning Authority.

Reason: In order to ensure that contamination issues on the site have been fully investigated and remediated.

Note to Applicant:

Regulatory requirements for land contamination issues should be discussed with the Council's Environmental Health Officers in the first instance.

The floating jetty shall be used solely for recreational purposes by the residents of Rockhill Farm Estate and for no commercial purposes.

Reason: To define the permission on the basis of the Planning Authority's assessment of the use applied for.

9. That the Farm Guesthouse (1) and Barn Conversion (4), as annotated on Drawing No 20/001, Rev E – Site Plan As proposed, shall not be subdivided and used solely for the provision of 2 separate self catering holiday letting units.

Reason: To define the permission on the basis of the Planning Authority's assessment of the use applied for.

10. PP– Short Term Residential Accommodation (e.g. Holiday Letting)

Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 the residential accommodation hereby approved shall be used for short term holiday occupancy only and not as a main residence and shall not be occupied by any family, group or individual for a cumulative period of more than three calendar months in any one year. A register showing dates of arrivals and departures shall be maintained at the premises and shall be available at all reasonable times for inspection by the Planning Authority.

Reason: To define the permission on the basis of the Planning Authority's assessment of the use applied for.

Note to Applicant:

- For the avoidance of doubt this permission only provides for the occupation of the premises on a short term basis on the grounds that the development is unsuited to full time residential occupation. Specifically the occupation of the premises as a dwelling shall require the benefit of a separate planning permission.

11. PP – Site Waste Management Plan

No development shall commence until a detailed Site Waste Management Plan (SWMP) during construction has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details for the management of pollution prevention monitoring and mitigation measures for all construction activities

The approved SWMP shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

Reason: In order to ensure that effective provision for waste/recycling is provided.

12. No development shall commence until full details of any external lighting to be used within the site has been submitted to and approved in writing by the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary.

No external lighting shall be installed except in accordance with the duly approved scheme.

Reason: In order to avoid light pollution in the interest of amenity.

Note to Applicant:

All external lighting should be designed in accordance with the Scottish Government's Guidance Note "Controlling Light Pollution and Reducing Light Energy Consumption" 2007, Annexes A and B. Site specific advice may be obtained by contacting the Council's Environmental Health Officers.

13. Notwithstanding the provisions of Condition 1, no construction plant and/or machinery shall be operated on the site outwith the following times:

- Monday to Friday: 08:00-18:00
- Saturday: 08:00-13:00
- Sunday: No noisy work to be carried out at any time

Reason: In order to protect the amenity of the area in terms of nuisance.

(Reference: Report by Head of Development and Economic Growth dated 7 August 2024, submitted)

Councillor Mark Irvine left the meeting during consideration of the foregoing item.

5. CALA MANAGEMENT LIMITED: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 2, 3, 6, 7, 8, 9, 11, 12, 13, 15, 16 AND 17 OF CONSENT 18/01444/PP (PPA-130-2071): ERECTION OF RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS, INFRASTRUCTURE, OPEN SPACE, LANDSCAPING AND MISCELLANEOUS WORKS: LAND NORTH OF CARDROSS PRIMARY SCHOOL, BARRS ROAD, CARDROSS: (REF: 23/00144/AMSC)

This application was considered at a discretionary hearing on 17 June 2024 where the Committee agreed to continue consideration to allow Members to seek advice of Officers on the preparation of a competent Motion.

It was noted that only those Members present today that attended the discretionary hearing could take part in the determination of the application.

Councillors John Armour and Audrey Forrest left the meeting at this point.

Motion

To agree that the AMSC permission be approved as per Officer recommendation within the main report, with the minor correction that the referenced drainage strategy within the approved supporting documents is amended to the Issue 5 drainage strategy submission dated 10.6.24.

Moved by Councillor Gordon Blair, seconded by Councillor Liz McCabe.

Amendment

The Planning, Protective Services and Licensing Committee;

- Notes that satisfactory operation of the proposed drainage scheme relies on attenuation provided by an existing pond located on third party land to the south-west of the application site.
- Considers the pond is an integral component of the overall drainage solution for the site as water discharged from the development will pass through this existing water feature prior to entering the Geilston Burn.

- Recognises that the developer has put forward a competent Surface Water Drainage (SuDS) Scheme, as required by condition 12, but further notes that the proposal also includes for the redirection and the discharge of unattenuated surface water flow from the existing housing development at Kilmahew Avenue, Grove and Court into this pond that will increase flows into the pond.
- Finds that insufficient technical details have been submitted to confirm the attenuation properties of the pond and its capacity to accommodate the additional surface water discharge.
- Finds that insufficient technical details have been submitted to demonstrate that the proposed drainage scheme will not give rise to unacceptable harm through flooding to the residential property known as 'The Glen' should the combined discharges lead to the pond overtopping its sidewalls.
- Therefore finds that condition 11 has not been satisfied, and consequently refuses the Approval of Matters the subject of Conditions (AMSC) permission.

Moved by Councillor Kieron Green, seconded by Councillor Paul Kennedy.

A vote was taken by calling the roll.

Motion

Amendment

Councillor Blair

Councillor Brown

Councillor Kain

Councillor Green

Councillor McCabe

Councillor Hardie

Councillor Wallace

Councillor Howard

Councillor Kennedy

The Amendment was carried by 5 votes to 4 and the Committee resolved accordingly.

Decision

The Planning, Protective Services and Licensing Committee;

- Noted that satisfactory operation of the proposed drainage scheme relied on attenuation provided by an existing pond located on third party land to the south-west of the application site.
- Considered the pond was an integral component of the overall drainage solution for the site as water discharged from the development would pass through this existing water feature prior to entering the Geilston Burn.
- Recognised that the developer had put forward a competent Surface Water Drainage (SuDS) Scheme, as required by condition 12, but further noted that the proposal also included for the redirection and the discharge of unattenuated surface water flow from the existing housing development at Kilmahew Avenue, Grove and Court into this pond that would increase flows into the pond.
- Found that insufficient technical details had been submitted to confirm the attenuation properties of the pond and its capacity to accommodate the additional surface water discharge.

- Found that insufficient technical details had been submitted to demonstrate that the proposed drainage scheme would not give rise to unacceptable harm through flooding to the residential property known as 'The Glen' should the combined discharges lead to the pond overtopping its sidewalls.
- Therefore found that condition 11 had not been satisfied, and consequently refused the Approval of Matters the subject of Conditions (AMSC) permission.

(Reference: Report by Head of Development and Economic Growth dated 7 March 2024 and supplementary report number 1 dated 13 June 2024, submitted)

Councillors John Armour and Audrey Forrest returned to the meeting.

6. TORLOISK ESTATE: CONVERSION AND EXTENSION OF STONE BARN TO FORM DWELLINGHOUSE, INSTALLATION OF SEPTIC TANK AND FORMATION OF VEHICULAR ACCESS: LAND WEST OF LAGGANULVA FARM, ULVA FERRY, ISLE OF MULL (REF: 23/00185/PP)

The Planning Officer spoke to the terms of the report. This application was presented to the PPSL Committee on 22 May 2024 and the Committee agreed to request from Planning Officers information on what impact this proposed development would have on access to, and operation of, the remaining agricultural land in terms of Police 83 of LDP2 – Safeguarding Agricultural and Croft Land.

Planning Officers have sought further information from both the Applicant and the tenant farmer and a request was made to continue consideration of the application to the PPSL Committee meeting on 18 September 2024 to allow for the requested information to be prepared.

Decision

The Committee agreed to note the content of the report and continue consideration of the application to the meeting of the PPSL Committee on 18 September 2024 to allow for the requested information to be prepared.

(Reference: Report by Head of Development and Economic Growth dated 8 May 2024, supplementary report number 21 May 2024, supplementary report number 2 dated 10 June 2024 and supplementary report number 3 dated 12 August 2024, submitted)

7. MRS HELEN TOMOLILLO: CHANGE OF USE OF FORMER CHURCH TO FORM DWELLINGHOUSE, FORMATION OF VEHICULAR ACCESS AND DRIVEWAY, ERECTION OF GARAGE/CARPORT, FORMATION OF OPENING IN BOUNDARY WALL TO PROVIDE PEDESTRIAN ACCESS AND ASSOCIATED WORKS: KILMICHAEL GLASSARY PARISH CHURCH (REF: 23/01367/PP)

The Area Team Leader spoke to the terms of the report. Before proceeding with the presentation he pointed out a couple of minor errors in the report which did not have a material bearing on the recommendation before Members. The first being at section A(1) – he confirmed that it was a change of use from Church Class 10 to Dwellinghouse Class 9, and not Class 4. The second being at Section 7 of Appendix A – reference is made to a private treatment plant. It was confirmed it was a private sewage pump. The intention of the Applicant was to connect to Scottish Water's waste water treatment works.

A Listed Building Consent Application reference no 23/01369/LIB) has been submitted in association with this planning application and a separate report is also before Members. The listed building application considers in greater detail the physical alterations proposed to the listed Parish Church and Churchyard wall.

In terms of the Local Development Plan 2 (LDP2) the site's location straddles Kilmichael/Bridgend village within a Settlement Area and Countryside Area.

Officers are of the view that the physical alterations to the listed building and listed wall would preserve the special interest of both listed structures. However, Officers consider that the adjoining graveyard forms a key part of the setting of the Listed Parish Church, making a significant and positive contribution to its sense of place, understanding, experience and appreciation. It is considered that the proposed change of use of the church to a residential dwelling would significantly alter the relationship the Parish Church would have with its graveyard, to the extent that the proposed development would have an adverse impact on the setting of the listed building.

Officers are also of the view that the proximity of the proposed dwelling to an existing publicly accessible graveyard are land uses that would be incompatible with one another, with resultant harm to the privacy of future occupants of the proposed dwelling, and the privacy and quiet use of the graveyard by the public.

It is acknowledged that a number of representations, both in support and in objection, have been received in response to this proposal. However, this is a local application that conflicts with the Development Plan and it is considered that the proposal does not raise complex or novel issues that require discussion by way of a hearing. As such, it is considered unlikely that a pre-determination hearing would add value to the decision making process.

It was recommended that planning permission be refused for the reasons detailed in the report

Decision

The Committee agreed to refuse planning permission for the following reasons:

1. Kilmichael Glassary Parish Church is a Category B Listed Building and its associated adjoining graveyard forms part a key part of its setting, making a significant and positive contribution to its sense of place, understanding, experience and appreciation. The proposed change of use of the former parish church to a residential dwelling would significantly alter the relationship the Category B Listed Building Parish Church would have with its associated graveyard, to the extent that the proposed development would have an unacceptable adverse impact on the setting of the listed building.
2. The operational graveyard adjoining the proposed dwelling is accessible to the public and attracts visitors who would have a reasonable expectation to move freely around the public space at any time during night and day. Noting the proximity of the graveyard to the proposed dwelling, it is considered that the privacy of future occupants of the dwelling would be unacceptably harmed

In addition, by nature of the change of use proposed, future occupants of the proposed dwelling would overlook the adjoining graveyard, and likely generate noise and

disturbance within close proximity of the graveyard. The loss of privacy, and high likelihood of noise and disturbance would have a materially harmful impact on the general public using this space, who would have a reasonable expectation of the operational graveyard being a quiet and private place for reflection and contemplation

As such, it is considered that the proposed residential conversion of the vacant church would be incompatible with the existing adjoining use of an open and operational graveyard, with reference to the resultant identified harm to the amenity of future residents and users of the publically accessible graveyard. As such, the proposal would be contrary to LDP2 policies 01, 05, 08,14, 66c) and NPF4 Policy 14c).

3. With reference to comments received from the West of Scotland Archaeology Service, the site has a long history and, if confirmed, the presence of highly significant buried remains could result for a recommendation of refusal. It is noted that excavation works to install infrastructure required to facilitate the proposed change of use would be within the graveyard. In the absence of any archaeological evaluation works undertaken prior to the determination of the planning application, there is significant uncertainty regarding the effect of the proposal in archaeological terms. Therefore the proposed development is considered to be contrary with NPF4 Policy, 7(o) and ABC LDP2 Policy 21, Sites of Archaeological Importance.

(Reference: Report by Head of Development and Economic Growth dated 7 August 2024, submitted)

8. MRS HELEN TOMOLILLO: EXTERNAL AND INTERNAL ALTERATIONS TO FORMER CHURCH TO FORM DWELLINGHOUSE INCLUDING FORMATION OF OPENING IN BOUNDARY WALL TO PROVIDE PEDESTRIAN ACCESS AND ASSOCIATED WORKS: KILMICHAEL GLASSARY PARISH CHURCH (REF: 23/01369/LIB)

The Area Team Leader spoke to the terms of the report. Listed building consent is sought for a number of external and internal alterations to Kilmichael Glassary Parish Church (Category B Listed) and Churchyard Wall (also Category B Listed) as part of the conversion of the church to a dwellinghouse.

While the proposed change of land use to a dwellinghouse requires planning permission, it does not require listed building consent. As such, the assessment of the proposed change of land use is contained with the report of handling for planning application reference 23/01367/PP which was also before Members today.

It is noted that a significant proportion of the representations received in response to this listed building application raise points more relevant to the accompanying planning application rather than this proposal.

This application for listed building consent relates solely to the physical changes proposed to the Church and Churchyard wall. For the reasons set out in Appendix A of the report, it is considered the physical alterations proposed to both the listed Churchyard Wall and Parish Church building would preserve the special interest of both listed building/structures and its setting.

On this basis, subject to conditions, Officers consider that the proposal would meet the requirements of Section 14 of the Act and relevant policies and it was recommended that listed building consent be granted for the proposed alterations.

Decision

The Committee agreed to grant listed building consent subject to the following conditions and reasons and agreed to delegate authority to Officers to include an additional condition (no 3) to ensure access to the churchyard was maintained for the public during the construction process:

Standard Time Limit Condition (as defined by Regulation)

Additional Conditions

1. LIB - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 13.07.2024, supporting information, and the approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	2906/103		14.07.2024
Existing Floor Plan	2906/103		14.07.2024
Existing North Elevation	2906/106		14.07.2024
Existing South Elevation	2906/104		14.07.2024
Existing West Elevation	2906/105		14.07.2024
Existing East Elevation	2906/107		14.07.2024
External Stair Sections A-A Existing and Proposed	2906/117		27.07.2024
Proposed North Elevation	2906/112		20.07.2024
Proposed South Elevation	2906/110		20.07.2024
Proposed West Elevation	2906/111		20.07.2024
Proposed East Elevation	2906/113		20.07.2024
Proposed Ground Floor Plan	2906/108		14.07.2024
Proposed First Floor Plan	2906/109		14.07.2024
Proposed Site Plan	2906/102		20.07.2024
Rooflight Detail	CR_CRSF_LS_B		20.07.2024
Rooflight Technical Data	Form QD349		20.07.2024

Sheet			
Window Details, Heritage System Data Sheet	BR_IS25 Rev G		20.07.2024
Window Schedule 1-2	2906/118		20.07.2024
Window Schedule 2-2	2906/119		20.07.2024

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

Note to Applicant:

This consent will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended).]

2. The proposed works shall not commence until a detailed scheme to demonstrate how the existing pulpit and pews are to be incorporated into the proposal has been submitted to and approved in writing by the Planning Authority.

Thereafter the proposal shall be completed in accordance with the approved details.

Reason: In order to safeguard the special interest of the Category B Listed Parish Church.

(Reference: Report by Head of Development and Economic Growth dated 7 August 2024, submitted)

The Chair ruled, and the Committee agreed, to take a 15 minute break at this point.

The Committee reconvened at 1.35 pm with all Members present as per the sederunt with the exception of Councillor Mark Irvine.

9. LINK GROUP LTD: PROPOSAL OF APPLICATION NOTICE FOR MIXED USE DEVELOPMENT COMPRISING RETAIL UNITS (CLASS 1); FINANCIAL, PROFESSIONAL & OTHER SERVICES UNITS (CLASS 2); FOOD & DRINK UNITS (CLASS 3) INCLUDING DRIVE THROUGHS, HOT FOOD TAKEAWAYS & PUBLIC HOUSE; BUSINESS UNITS (CLASS 4) INCLUDING OFFICES AND LIGHT INDUSTRY; STORAGE & DISTRIBUTION UNITS (CLASS 6); HOTEL (CLASS 7); RESIDENTIAL DEVELOPMENT (DUNBEG PHASE 4) (CLASS 9 HOUSES & SUI GENERIS FLATS) INCL. SOCIAL HOUSING, PRIVATE HOUSING, STUDENT ACCOMMODATION & RETIREMENT ACCOMMODATION WITH SHARED COMMUNITY SPACE, ASSEMBLY & LEISURE (CLASS 11); SITE FOR PARK & RIDE FACILITY; EV CHARGING POINTS; NEW ROUNDABOUT ON A85, DISTRIBUTOR ROAD & OTHER ROADS, PARKING & SERVICING AREAS; GROUND REMODELLING; ABOVE & BELOW GROUND INFRASTRUCTURE INCLUDING SUDS; OPEN SPACE & LANDSCAPING INCLUDING BIODIVERSITY ENHANCEMENT; MODIFICATION TO CORE PATH NETWORK; PEAT MANAGEMENT & RESTORATION: LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 24/01214/PAN)

The Senior Planning Officer spoke to the terms of the report. Three separate Proposal of Application Notices (PANs) have been submitted for future development at Dunbeg. All of the PANs relate to the next phases of development for residential, commercial, community facilities and roads infrastructure associated with the approved Masterplan (reference 16/03368/MPLAN) and LDP2 Allocations and Objectives.

This PAN seeks to include all proposed development associated with the future development of Dunbeg (Phase 4). The wider site is a mixture of primarily south facing hillside and outcrops, undulating land and lower flat land nearer the A85 which has some deep peat deposits within it, particularly in respect of the area of land identified for the commercial use and access road next to the proposed “halfway” roundabout. The area is also subject to flooding.

The site is bisected by National cycle route C198 between Ganavan and Dunbeg and there are many informal paths on the northern parts of the site on the hillsides which are used for recreational purposes by residents and visitors. Core Path C163 also traverses the northern edge of the larger site.

The report sets out the information submitted to date as part of the Proposal of Application Notice (PAN) and summarises the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date.

It was recommended that Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow these matters to be considered by the Applicant in finalising any future planning application submission.

Decision

The Committee noted the content of the report and requested that the following matter be given consideration in finalising any future planning application submission –

- Opportunities for allowing access to commercial areas via sustainable public transport and minimising use of cars would be welcome.

(Reference: Report by Head of Development and Economic Growth dated 21 August 2024, submitted)

10. LINK GROUP LTD: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED MIXED USE DEVELOPMENT COMPRISING RETAIL UNITS (CLASS 1); RESIDENTIAL DEVELOPMENT (DUNBEG PHASE 4) (CLASS 9 HOUSES AND SUI GENERIS FLATS) INCLUDING SOCIAL HOUSING, PRIVATE HOUSING, STUDENT ACCOMMODATION AND RETIREMENT ACCOMMODATION WITH SHARED COMMUNITY SPACE, ASSEMBLY AND LEISURE (CLASS 11); EV CHARGING POINTS; NEW ROUNDABOUT ON A85, DISTRIBUTOR ROAD AND OTHER ROADS, PARKING AND SERVICING AREAS; GROUND REMODELLING; ABOVE GROUND AND BELOW GROUND INFRASTRUCTURE INCLUDING SUDS; OPEN SPACE AND LANDSCAPING INCLUDING BIODIVERSITY ENHANCEMENT; MODIFICATION TO CORE PATH NETWORK; AND PEAT MANAGEMENT AND RESTORATION: LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 24/01212/PAN)

The Senior Planning Officer spoke to the terms of the report. This Proposal of Application Notice (PAN) relates primarily to intended future residential development, associated community facilities, and other necessary infrastructure and restoration/landscaping works.

The report sets out the information submitted to date as part of the Proposal of Application Notice (PAN) and summarises the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date.

It was recommended that Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow these matters to be considered by the Applicant in finalising any future planning application submission.

Decision

The Committee noted the content of the report and requested that the following matter be given consideration in finalising any future planning application submission –

- Opportunities for allowing access to commercial areas via sustainable public transport and minimising use of cars would be welcome.

(Reference: Report by Head of Development and Economic Growth dated 21 August 2024, submitted)

11. LINK GROUP LTD: PROPOSAL OF APPLICATION NOTICE FOR MIXED USE DEVELOPMENT COMPRISING RETAIL UNITS (CLASS 1); FINANCIAL, PROFESSIONAL AND OTHER SERVICES UNITS (CLASS 2); FOOD AND DRINK UNITS (CLASS 3) INCLUDING DRIVE THROUGHS, HOT FOOD TAKEAWAYS AND PUBLIC HOUSE; BUSINESS UNITS (CLASS 4) INCLUDING OFFICES AND LIGHT INDUSTRY; STORAGE AND DISTRIBUTION UNITS (CLASS 6); HOTEL (CLASS 7); SITE FOR PARK AND RIDE FACILITY; EV CHARGING POINTS; NEW ROUNDABOUT ON A85, DISTRIBUTOR ROAD AND OTHER ROADS, PARKING AND SERVICING AREAS; GROUND REMODELLING; ABOVE GROUND AND BELOW GROUND INFRASTRUCTURE INCLUDING SUDS; OPEN SPACE AND LANDSCAPING INCLUDING BIODIVERSITY ENHANCEMENT; MODIFICATION TO CORE PATH NETWORK; AND PEAT MANAGEMENT AND RESTORATION: LAND WEST OF DUNSTAFFNAGE MAINS FARM, DUNBEG (REF: 24/01213/PAN)

The Senior Planning Officer spoke to the terms of the report. This Proposal of Application Notice (PAN) relates primarily to intended future mixed commercial development and other necessary infrastructure and restoration/landscaping works.

The report sets out the information submitted to date as part of the Proposal of Application Notice (PAN) and summarises the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date.

It was recommended that Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow these matters to be considered by the Applicant in finalising any future planning application submission.

Decision

The Committee noted the content of the report and requested that the following matter be given consideration in finalising any future planning application submission –

- Opportunities for allowing access to commercial areas via sustainable public transport and minimising use of cars would be welcome.

(Reference: Report by Head of Development and Economic Growth dated 21 August 2024, submitted)

12. TAYLOR WIMPEY: PROPOSAL OF APPLICATION NOTICE FOR RESIDENTIAL DEVELOPMENT TO INCLUDE ACCESS, ROADS, OPEN SPACE, LANDSCAPING, DRAINAGE AND OTHER ASSOCIATED WORKS: LAND AT GEILSTON FARM, CARDROSS ROAD/A814, CARDROSS (REF: 24/01391/PAN)

The Senior Planning Officer spoke to the terms of the report. The proposed site is located on open farmland set on the western edge of the village of Cardross, to the south of the main A814 road. In terms of the adopted Local Development Plan 2 (2024), the site is located within the designated Helensburgh and Lomond green belt and in terms of spatial strategy, is within the Helensburgh and Lomond Growth area. The proposed site bounds the Cardross settlement area to the east. The site itself is not subject to any additional

constraints, although the woodland area to the immediate east of the site, Geilston Burn, is a designated SSSI (Site of Special Scientific Interest) and an area of ancient woodland.

The report sets out the information submitted to date as part of the Proposal of Application Notice (PAN) and summarises the policy considerations, against which any future planning application will be considered as well as potential material considerations and key issues based upon the information received to date.

It was recommended that Members note the content of the report and submissions and provide such feedback as they consider appropriate in respect of the PAN to allow these matters to be considered by the Applicant in finalising any future planning application submission.

Decision

The Committee noted the content of the report and requested that the following matters be given consideration in finalising any future planning application submission –

- Land prone to flooding. Demonstrate through not just the production of surface water drainage and attenuation for land being built on but also for land elsewhere to prevent flooding to neighbouring properties and land eg railway line.
- Capacity of Scottish Water infrastructure to cope with additional connections to sewage treatment works.
- Capacity of local primary school.
- Consider housing needs of area itself in terms of size of houses.
- Consider more than 25% affordable housing.
- Capacity of road through the village of Cardross to accommodate additional traffic and construction traffic.

(Reference: Report by Head of Development and Economic Growth dated 1 August 2024, submitted)

Councillor Peter Wallace left during consideration of the foregoing item.

13. DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE - FQ1 2024/25

A report providing an update on the performance of the Development Management Service for the reporting period FA1 2024/25 was considered.

Decision

The Committee considered and noted the content of the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 1 August 2024, submitted)

14. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISIONS

A report summarising a recent decision by Scottish Ministers in relation to a Local Review Board appeal decision (reference 23/0003/LRB) which was called in for Ministers determination was before the Committee for information.

Decision

The Committee noted the content of the report.

(Reference: Report by Head of Development and Economic Growth dated 21 August 2024, submitted)