

**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 were received from Councillors Daniel Hampsey and Dougie Philand.

2.

There were no declarations of interest.

3.

- 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 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	

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:

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.

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-3(le)8F404F4009o1q0o(l)4(b)-00 G[(int)-3(o-3(le)8F404F4009o1q-3(d008871 0 c005B0

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

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:

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.

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

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.

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 Gor

- 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 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

- 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 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.

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.

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

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/F8obliiets ,0/F85e, 1/F84e,) randNPa liy 1/F84e).n

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

11.

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.

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

14.

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)