



# Draft Minutes of Meeting Held at 13:30hrs on 27 June 2022 at Carrochan, Balloch

## Planning and Access Committee

19 December 2022

Paper for information

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### Attendees

### Members

Bob Darracott (BD) Chair

Claire Chapman (CC) Depute Chair

David McCowan (DM)

Willie Nisbet (WN)

Ronnie Erskine (RE)

Chris Spray (CS)

Martin Earl (ME)

Diane Docherty (DD)

Alistair Berrill (AB)

**In Attendance – National Park Authority staff**

Stuart Mearns, Director of Place (SM)

Catherine Stewart, Development Support Manager (CSt)

Julie Gray, (JG)

Simon Franks (SF)

Ayeasha Temple (AT)

**Also In Attendance**

Chris Devlin, Legal Clerk, Anderson Strathern LLP (CD)

**Speakers in Attendance**

Andrew Minshull (AM) [West End Adventure]

Fiona MacEachern (FM) [Luss and Arden Community Council]

David Henderson (DH) [individual]

**Apologies**

Murray Lyle (ML)

## Items and Actions

### 1. Welcome and Apologies

The Chair welcomed attendees to this meeting of the Planning & Access Committee.

The Chair welcomed the Members of the public in attendance and any Members of the public viewing the meeting online.

The Chair invited all participants to introduce themselves. The Chair confirmed that Members must be present for an item to be able to participate in the decision.

The Chair advised that ML was not in attendance.

CD confirmed that Bobby Good and Shonny Paterson were also not in attendance. CD confirmed that this meeting was quorate.

### 2. Declarations of Interest

No declarations of interest raised.

### 3. Minutes of Previous Meetings:

- Meeting held on 28th March 2022

Draft minutes of meetings held on 28 March 2022

The Chair advised that for the purposes of the Minutes of the 27 June 2022 Planning & Access Committee it can be noted that all Members who attended the meeting of the Planning & Access Committee on 28 March 2022 have confirmed by email that the minutes are approved.

- Meeting held on 30th May 2022

The Chair introduced the minutes and asked for comments.

ME raised a question on Agenda Item 5 from these minutes regarding ME's question about the flexibility of the guidance referred to in Agenda Item 5. ME wished to clarify that his question was about whether the rules set out in the guidance could be departed from.

The minute was proposed for approval by CS and seconded by DM. The minute was approved by the Committee.

#### 4. 2022 0089 DET Luss Manse Gardens

JG presented the paper to Members. A detailed discussion of the paper took place. This was followed by each of the Speakers making a short presentation. AM presented to Members in support of the planning application and AM answered questions from Members. FM presented to Members in objection to the planning application and FM answered questions from Members. DH presented to Members in objection to the planning application and DH answered questions from Members.

Following the detailed discussion of the planning application, the Chair put the proposed motion to a vote of Members.

DD proposed that she wished to put an amended motion to Members that planning permission be granted on a temporary basis so that the Planning Authority could review the efficacy of mitigation that is being put in place by the Applicant.

RE also proposed an amended motion should be put to Members that planning permission be granted.

An adjournment was granted by the Chair so that DD's proposed amendment could be drafted in order that it could be put to the Committee.

Upon returning from the adjournment, RE withdrew his proposed amended motion. DD indicated that she wished to put an amended motion to Members.

**AMENDED MOTION:** DD asked CD to recite her proposed amended motion to the Planning & Access Committee. CD noted for Members DD's proposed amended motion as follows:

*To approve the planning application subject to:*

- 1. A planning condition making the use of the site temporary for a period not exceeding 12 months*
- 2. To delegate to the Director of Place the authority to impose appropriate planning conditions for the operation of the development including, but not limited to, noise impact.*

**REASONS:**

*To enable the applicant to implement fully an operational plan seeking to address those concerns raised by Members of the local community, with particular reference to noise impact.*

CD noted for the benefit of Members that section 41 of the Town and Country (Scotland) Act 1997 enables a decision maker to grant planning permission on a temporary basis.

The amended motion was proposed by DD and seconded by RE.

The Chair then took a roll call of the decision on the amended motion proposed by DD. The amended motion was supported by CS, RE, AB, and DD. The amended motion was not supported by ME, CC, DM, WN, and the Chair.

**DECISION ON AMENDED MOTION:** By a majority, Members voted against the amended motion as proposed by DD.

The Chair then took a vote of Members on the motion as recommended in the report to the Committee.

**MOTION:** DM, seconded by ME, proposed to approve the recommendation of the report to the Committee:

To **REFUSE** the application for the reasons set out in Appendix 1 to the report to the committee.

The Chair then took a roll call of the decision and confirmed his position. CS, ME, CC, DM, WN and the Chair supported the motion. RE, AB, and DD did not support the motion.

**DECISION:** Members refused the planning application for the reasons set out in Appendix 1 to the report to the committee. Refusal of the planning application became the decision of the Committee.

#### **5. Arden TPO Recommendation**

SF presented the paper to Members. The Chair offered the floor to Members to ask questions of SF. No questions were asked.

**MOTION:** CS, seconded by WN, proposed to approve the recommendation as follows:

- a) **Note the making of the TPO on the 17 March 2022– issued with approval of the Chair of the Planning & Access Committee (Reference: 2022/0001/TPO)**
- b) **Approve the recommendation to confirm the TPO without modification**

For clarity, the Chair then took a roll call of the decision and confirmed his position. All Members agreed with the motion.

**DECISION:** The motion to approve the recommendation became the decision of the Committee.

#### **6. Any Other Business**

None.

#### **7. Date of Next Meeting**

The date of next meeting of the Planning & Access Committee is scheduled for 29 August 2022.

Signed

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