



## Planning and Access Committee

Meeting: 29 June 2026

### Agenda item: 4

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**SUBMITTED BY:** STUART MEARNS – DIRECTOR OF PLACE

<b>APPLICATION NUMBER:</b>	2025/0336/DET
<b>APPLICANT:</b>	Kirk Session Of Luss Parish Church
<b>LOCATION:</b>	The Manse, Church Road, Luss, Alexandria, G83 8NZ
<b>PROPOSAL:</b>	Formation of a car park, and associated alterations to boundary wall
<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: Caroline Strugnell Tel: 01389 722148 E-mail: caroline.strugnell@lochlomond-trossachs.org

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## **1. Summary and Reason for Presentation**

1.1. This application is for the formation of a car park and associated alterations to a Category C listed boundary wall.

1.2. This application requires to be determined by the National Park Planning and Access Committee because, in accordance with Para 2.1.5 of the National Park Authority’s Scheme of Delegation, a local authority department (Argyll & Bute Roads Authority) have formally objected on valid planning grounds, and the recommendation is to approve.

## 2. Recommendation

2.1. It is recommended that Members **approve** the application subject to the conditions in Appendix 1.

## 3. Background

3.1. Luss Parish Church (Figure 1) is a Category B listed building which is located at the southeast edge of Luss village within the Luss Outstanding Conservation Area. It is accessed by a circular one-way lane (Church Road) which enters and exits to Pier Road in the heart of the village.



*Figure 1 Luss Parish Church*

3.2. On the opposite side of the road, directly opposite the Church and within the Outstanding Conservation Area, is the Category C listed Manse (Figure 2). The grounds directly in front of the Manse have been used historically, and up to the present day, for car parking in association with the Church. The space is an informal gravelled surface with gated entry which accommodates approximately 10 cars.



Figure 2 The Manse – present car parking area

- 3.3. Both the Manse and Luss Parish Church are owned by the Church of Scotland. The [Church of Scotland's Clyde Presbytery Plan \(2023\)](#)<sup>1</sup>, which was mandated by the Church of Scotland and developed by Clyde Presbytery, aims among other things, to address financial pressures and a surplus of ageing buildings. The plan requires the sale of the Manse (along with the adjacent Pilgrimage Centre) by the end of 2026. The sale will result in the loss of the current car parking area used by the Church congregation.
- 3.4. The applicant (the Kirk Session of Luss Parish Church) has made this application for replacement parking provision as they deem parking to be essential to support the continued use of the Church, especially for elderly and less mobile members of the congregation, due to parking restrictions on surrounding streets and a lack of public parking close by.
- 3.5. The Manse has an extensive walled garden to the rear (north side) which is surrounded by a boundary wall which is also Category C listed. The proposed

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<sup>1</sup> [https://clydepresbytery.org/images/230301\\_Clyde\\_Presbytery\\_Complete\\_Final\\_Draft\\_Plan.pdf](https://clydepresbytery.org/images/230301_Clyde_Presbytery_Complete_Final_Draft_Plan.pdf)

Clyde Presbytery is a regional tier of the Church of Scotland responsible for a number of parishes, served by congregations.

car park would be sited at the west end of the walled garden with a new opening through the wall providing vehicular access from Church Road.

- 3.6. This application is submitted alongside a parallel application for listed building consent for the proposed alterations to the boundary wall (ref. 2025/0338/LBC). The listed building consent application will be determined separately following the determination of this application by the Planning Committee.

#### **Site Description**

- 3.7. The application site, shaded red in Figure 3 below, comprises part of the west side of the walled garden of the Manse, the whole of which is outlined in green.





Figure 4 Aerial view of application site and surroundings

3.9. To the immediate north of the application site is Luss General Store and Gift Shop. To the immediate west is Luss Distillery, the telephone exchange and Luss Village Hall.

3.10. The application site is bounded by the listed wall on its north and west sides. The southern boundary abuts a residential property known as Manse Cottage (which is also owned by the Church of Scotland). The eastern boundary bisects the lawn and is not marked on the ground. The ground slopes gently up from west to east with the ground level approximately 1m higher behind the wall in comparison to the level on Church Road.

3.11. The application site presently contains a row of ageing white portacabins with concrete slab pedestrian access and a small timber shed. There are also three individual mature/semi mature trees with self-seeded immature trees and vegetation adjacent to the northern boundary wall.



*Figure 5 View from Pier Road looking southwards along Church Street*

- 3.12. The photograph in Figures 5 shows the boundary wall as viewed from the junction of Church Road and Pier Road. An existing vehicular entrance to the rear of the general store and gift shop is visible on the left of the photograph. The building on the right is the village hall.



*Figure 6 View of Church Street (looking north) and Manse Cottage*

- 3.13. The photograph in Figure 6 is looking north up Church Road and shows Manse Cottage, which adjoins the boundary wall on its south side. The black and white portacabins are visible behind the boundary wall.



*Figure 7 Portacabins sited within the walled garden*



*Figure 8 Portacabins – view from within walled garden looking south*



*Figure 9 Rear of Manse Cottage – portacabin, shed and trees*

- 3.14. The photographs in Figures 7 to 9 are taken from inside the walled garden and show the portacabins and the timber shed to the rear of Manse Cottage. The three individual trees are also visible.
- 3.15. There is presently no formal public or vehicular access to the walled garden. Access is possible via an opening (seen on the left of Figure 8) from the driveway of Manse Cottage. The driveway acts as an informal thoroughfare from Church Road to the entrance to the Pilgrimage Centre (Luss Glass Studio and onward to parking area at the front of the Manse).



*Figure 10 Walled Garden as viewed from the portacabins (looking east)*

- 3.16. Figure 10 shows the walled garden as seen from the hardstanding adjacent to the portacabins looking east. The Manse and the Pilgrimage Centre (the white building) are visible on the right. The boundary wall extends for some distance around the garden perimeter with the boundary wall adjoining several buildings (including the Manse and Manse Cottage).



Figure 11 Listed boundary wall (application site western boundary)

3.17. The wall is comprised of local stone and is described in the listing as “a high rubble wall with slab coping”. Whilst the northern part of the wall adjoins private rear gardens and is not in public view, its eastern and western extents are both clearly visible from Church Road. The length of the wall on Church Road that comprises the western boundary of the application site is c. 31.5m in length.

### **Proposed Development**

3.18. The application is for the formation a car park for 15 vehicles within the walled garden and associated alterations to the boundary wall to create a 5m wide vehicular opening. The portacabins would be demolished and removed from the site.

3.19. The proposed car park would be slightly larger than the existing parking area at the Manse and could accommodate up to 15 vehicles if the space is used efficiently. The applicant states that the existing car park capacity is 13 vehicles. However, this volume is likely to present significant manoeuvring challenges and is therefore considered it would more comfortably accommodate around 10 vehicles.

3.20. The proposed car park would operate in much the same way as the existing parking. It would be controlled by a swing arm gate which would be opened for



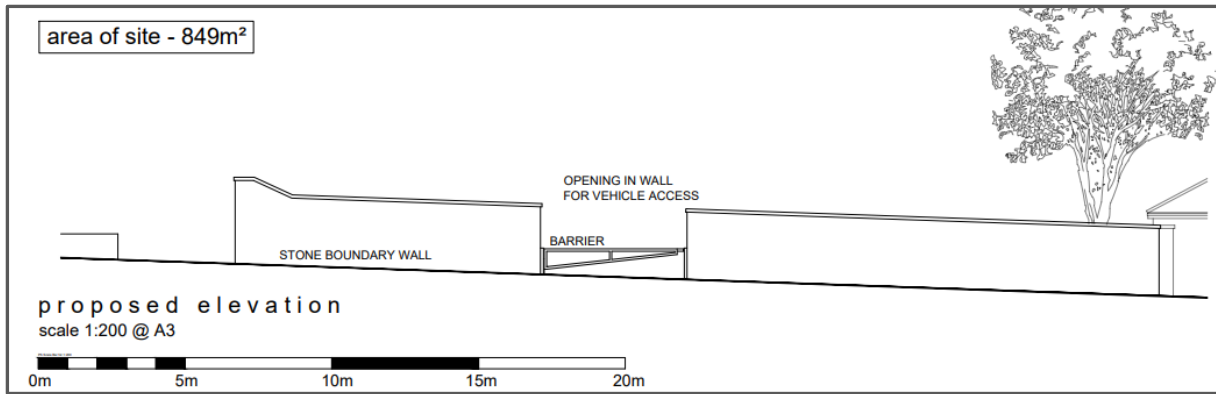


Figure 13 Extract from Proposed Site Plan 2024\_0074-02 Rev B

3.24. The wall would be carefully dismantled by hand to create the opening with the removed stone salvaged and reused to make good the wall ends using appropriate laying method and lime mortar. The details of this are to be considered as part of the parallel Listed Building Consent application.

3.25. The application was amended during determination with the following changes made in response to consultations, representations and officer requests:

- Widening of the opening from 3.5m to 5m to accommodate a 2.4m x 2.4m pedestrian visibility splay (shaded in blue in Figure 12).
- Relocation of the opening further north to avoid wall buttress features.
- Reduction in size of car park (from 20 spaces to 15) to retain existing trees and provide greater separation from the rear of Manse Cottage (the red line boundary of the application site has been reduced in extent accordingly).
- Addition of a boundary native hedge.
- Inclusion of gradient to access slope.
- Addition of cycle parking and electric vehicle ducting connecting to Manse Cottage to support future EV charging infrastructure.

3.26. Re-consultation was carried out on the amended plans in April 2026. An extract from the originally submitted (now superseded) site plan is shown in Figure 14 for comparison and reference.



Figure 14 Superseded site plan

### Planning History

3.27. There are no historical planning applications of relevance relating to this site. The portacabins were brought to the site historically without the requisite planning permission. These have remained at the site for more than 16 years and are immune from planning enforcement.

## 4. Environmental Impact Assessment & Habitat Regulations Appraisal

4.1. Environmental Impact Assessment (EIA) is required where a proposed development is of a type listed in Schedule 1, or in Column 1 of Schedule 2 of The Environmental Impact Assessment (Scotland) Regulations 2017 and it is likely to have significant effects on the environment when screened in accordance with the selection criteria in Schedule 3. In this instance it has been determined that an EIA is not required as the proposal is not within Schedule 1 or 2.

4.2. The Habitats Directive, implemented in Scotland through The Conservation (Natural Habitats, &c.) Regulations 1994, provides protection to European sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)). The planning authority must consider whether development will have a 'likely significant effect' on a European site, and if so, an 'appropriate assessment'

(AA) must be carried out. This process is known as Habitats Regulations Appraisal (HRA). An AA is not required in this case as the proposed development would not be near to/impact upon any European sites.

## 5. Consultations and representations

### Responses to consultations

#### *Argyll & Bute Roads Authority*

5.1. Objection on the grounds of insufficient visibility, road layout not being acceptable and impact on road safety. The following comments are provided:

- Access layout does not meet the requirements for car parks as set out in Argyll and Bute Councils Roads Development Technical Guidance.
- Visibility splay cannot be achieved due to the wall and entrance dimensions. Visibility splay of 2.4m x 25m x 1.05m must be achieved at the junction and maintained in perpetuity.
- Car park gate must be 6m from edge of carriageway to allow cars to park safely off the road when opening and closing to ensure no obstruction of the carriageway
- Access on to Church Road must have a pedestrian visibility splay of 2.4 m x 2.4 x 0.9 metres and be maintained in perpetuity.
- The access shall be surfaced with a bituminous material for the first 10 metres.
- The private access should be widened out to 5.5m for the first 10m.
- Gradients must be no more than 5% over the first 10 metres from the edge of the public road. Away from the public road interface, maximum gradients must not exceed 8%.
- Access to be formed or drained to prevent surface water discharge to public road.
- Disabled car parking provision should also be considered.
- The proposal will require a Section 56 Road Opening Permit.

#### *Luss Community Council*

5.2. Neither support nor object. The Community Council was unable to put forward a motion to vote either for or against the application due to the number of members who were eligible to vote not meeting quorate.

5.3. There was discussion around the need for another car park when there are two large car parks already and it was suggested that additional permits/disabled badges could be arranged for those with mobility issues and for others to use existing car parks. The main concerns from some of the residents attending the meeting and among Community Council members present were:

- Pedestrian safety due to increased traffic.
  - Line of sight at the proposed entrance/exit.
  - Environmental concerns over the removal of the boundary wall.
  - Noise disturbance for nearby residents.
  - Control of the car park to ensure it is only available for Church users.
- 5.4. Church representatives confirmed this application is for alternative, not additional parking and stressed how important they feel this is for Church users, especially the elderly/disabled during summer months when the main car parks can be busy. They confirmed a barrier would be in use to control users and that the plan for the land detailed in the application is to be retained by the Church. However, there is some concern this could be subject to change if permission were to be granted.

*West of Scotland Archaeological Society (WOSAS)*

- 5.5. No objection. The application site lies within an area of high archaeological potential associated with medieval origins of Luss Parish Church. Previous work within the Manse garden has already identified features and medieval pottery suggesting early activity may survive below ground. Given the sensitivity of the location and evidence from comparable sites on the western shore of Loch Lomond, should permission be granted, a programme of archaeological work is required including a Level 1 building record of the Manse garden wall before any demolition and an archaeological watching brief during all ground-disturbing works for the car park. A Method Statement must be submitted and approved before works start, and a professionally accredited archaeological contractor must be appointed. If significant remains are uncovered, further excavation or post-excavation analysis may be required.

**Representations received**

- 5.6. This application, in its original form, received 38 representations in support and representations in objection from 3 individuals.
- 5.7. Approximately half of the representations received in support were in the form of a signed and addressed proforma which included standardised text, although some of these had been modified to include additional comments.
- 5.8. The representations reported above were received prior to the public re-consultation on the amended plans in May 2026. The re-consultation attracted 2 representations in support (including one new individual) and 4 objections (3 from those who had objected previously and one new). An objection was also received from Luss Estates Company. None of these objections raised any additional matters.
- 5.9. The following is a summary of the representations **in support:**

- A new car park close to the church is essential for continued operation, especially for services, weddings, funerals, baptisms, and community activities. Luss Church would struggle to operate properly within the union [with Rhu and Shandon] without nearby car parking.
- Alternative public car parks are too far away, especially for elderly or mobility-impaired members.
- Public car parks are often full during busy periods and charge fees. Having to use paid parking in Luss may discourage people from attending.
- Regular wheelchair users and partially mobile attendees would be prevented from attending without proximate parking. There is currently nowhere specifically for disabled attendees to park near the church.
- The site is already partly used (e.g., portacabins which are no longer needed) and is a practical and logical place to relocate the current parking.
- The proposed entrance (breaking through part of wall) can be created safely and in keeping with the conservation village, with a barrier system, similar to the current one to ensure church-only use.
- The proposal does not create significant additional parking capacity; it simply moves existing church parking from one part of church property to another.
- It will not increase traffic or car presence in the village. There is very little through-traffic in this part of the village, and it is one-directional, reducing potential traffic concerns.
- Parked cars will be largely hidden behind the boundary wall, reducing visual impact.
- Church services occur only for about one hour on Sundays and never during antisocial hours.
- This stretch of Church Road already handles the cemetery entrance, and several private driveways which have operated safely for decades.
- Cumulative loss of parking over time has affected parking availability for community uses (including an area of parking opposite Luss Village Hall that was lost to a commercial shop).
- The proposal would result in the removal of existing portacabins which are disused and unsightly, improving the appearance of the area.

5.10. The following is a summary of the proforma **in support**:

- Public car parks in Luss are too far from the Church for many members of the congregation to be able to comfortably walk.
- The car parks charge for parking and in the summer are often full.

- Luss Church is vital to the local community. It is essential that a new car park is created close by for the exclusive use of the Church for its continued operation as a place of worship.

5.11. The following is a summary of the representations **in objection**:

- This proposal undermines 10+ years of community work to obtain Traffic Regulation Orders to stop non-residents parking in the village core.
- Luss already has ample parking outside the village, making a new car park unnecessary.
- Parish residents attending the Church can apply and pay for a standard parking permit.
- The car park's immediate proximity to dwellings would lead to continuous disturbance, loss of residential amenity, noise from cars, engines, exhaust fumes, car doors and alarms, deterioration of quality of life.
- The proposed access has insufficient visibility, posing risks to motorists, pedestrians, and cyclists. High pedestrian footfall on this road (residents, older people, children, tourists) makes the proposal particularly unsafe.
- The community previously commissioned an independent Road Safety Audit, which found an unacceptably high pedestrian-vehicle accident risk even before this proposal.
- It would be better to enter in front of Manse Cottage and access the proposed site through two existing openings, therefore not touching the existing wall.
- The proposed car park would increase traffic.
- The proposal would offer no benefit to Luss residents or the wider community.

5.12. The full content of the representations is available to view on the National Park Authority's Public Access website (<http://www.lochlomond-trossachs.org/planning/>) by entering the reference number 2025/0336/DET.

## 6. Policy context

### The Development Plan

6.1. 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 National Planning Framework 4 (NPF4), the Loch Lomond & The Trossachs National Park Local Development Plan (LDP) (adopted 2017) and Supplementary Guidance (SG).

*National Planning Framework 4 (NPF4)*

6.2. NPF4 is the fourth National Planning Framework for Scotland. It sets out the Scottish Governments priorities and policies for the planning system up to 2045 and how the approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045. NPF4 contains 33 policies to guide development management decisions. The following NPF4 policies are relevant to this proposal:

- Policy 1 - Tackling the climate and nature crises
- Policy 2 - Climate mitigation and adaptation
- Policy 3 - Biodiversity
- Policy 4 - Natural places
- Policy 6 - Forestry, woodland and trees
- Policy 7 - Historic assets and places
- Policy 13 - Sustainable transport
- Policy 14 – Design, quality and place

6.3. Full details of the policies can be viewed on the Scottish Government’s website: <https://www.gov.scot/publications/national-planning-framework-4>

*Local Development Plan (2017 to 2022)*

6.4. The [Local Development Plan \(LDP\)](#) outlines the vision for how the National Park should change over the next 20 years, including the strategy for development and the policy approach for key topics. There remains broad alignment between the LDP and NPF4 policies however, where any incompatibility does arise, then NPF4 prevails as the more recent policy. The following LDP policies are relevant to this proposal:

- Overarching Policy 1: Strategic Principles
- Overarching Policy 2: Development Requirements
- Natural Environment Policy 1: National Park Landscapes, Seascape and Visual Impact
- Natural Environment Policy 4: Legally Protected Species
- Natural Environment Policy 6: Enhancing Biodiversity
- Natural Environment Policy 8: Development Impacts on Trees and Woodlands
- Historic Environment Policy 1: Listed Buildings
- Historic Environment Policy 2: Conservation Areas
- Historic Environment Policy 7: Other Archaeological Resources

6.5. Full policy wording can be viewed on the National Park’s planning webpages: <http://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/>

#### *Supplementary Guidance (SG)*

6.6. 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:

- [Design and Placemaking](#)

#### **Other material considerations**

#### *Planning Guidance (PG)*

6.7. Planning Guidance is not statutory but is a material consideration in decision making.

- [Conservation Areas and Listed Buildings](#)
- [Sustainable and Active Travel](#)
- [Safeguarding Local Facilities and Businesses](#)

#### *Local Place Plans (LPP)*

6.8. Registered Local Place Plans inform the preparation of Local Development Plans. Although they do not have statutory weight in decision making, they may be a material consideration with the weight to be applied to the relevant considerations determined on a case-by-case basis.

- [Luss & Arden Local Place Plan](#)

#### *National Park Partnership Plan (2024 to 2029)*

6.9. All planning decisions within the National Park require to be guided by the [National Park Partnership Plan](#) (NPPP), where its aims, objectives and outcomes are considered material, to ensure that development is consistent with the National Park’s statutory aims. The NPPP aims to achieve nine outcomes by focussing on thirty-one objectives which are listed under three themes: ‘restoring nature’, ‘creating a low carbon place’ and ‘designing a greener way of living’.

#### *National Park Aims*

6.10. Section 1 of the National Parks (Scotland) Act 2000 sets out the four statutory aims of the National Park which are a material planning consideration:

- to conserve and enhance the natural and cultural heritage of the area;
- to promote sustainable use of the natural resources of the area;

- to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- to promote sustainable economic and social development of the area's communities.

6.11. 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, greater weight must be given to the first aim.

## 7. Summary of supporting information

7.1. The applicant has submitted the following documentation in support of the planning application:

- Planning and Design Statement – by MH Planning
- Preliminary Bat Roost, Bird and Protected Species Assessment Report – 09 April 2026 by Tay Ecology Ltd.

## 8. Planning assessment

### Principle of development

8.1. The Local Development Plan spatial strategy directs new developments to sites within towns and villages. Community Facilities Policy 1) states “*New community facilities which contribute to the qualities of a successful place will be supported where they are located within Towns, Villages or within Small Rural Communities.*” The Safeguarding Important Local Facilities and Businesses Planning Guidance confirms that community facilities include places of worship. It is considered that this broad policy support, by extension, includes their ancillary or supporting facilities.

8.2. Overarching Policy 2 of the Local Development Plan requires all new developments to have appropriate parking provision. The principle is equally relevant to existing facilities. The Visitor Experience Planning Guidance has a general policy of restraint on development of new car parks. However, this guidance is principally aimed at new public car parking for visitor management purposes and is not wholly relevant to this proposal which is for the relocation of an existing private car park directly associated with a community facility.

8.3. The principle of providing replacement car parking for the Church within the village is therefore in accordance with the Local Development Plan spatial strategy. However, the proposal involves alterations to an historic boundary wall, which is a Category C listed building, and remains the subject of an objection from the Roads Authority on road safety grounds. There are therefore some matters that require careful assessment and weighing to determine whether the proposal for this site is acceptable. The key planning

considerations are now addressed in turn with the determinative issues discussed thereafter.

### **Heritage Considerations**

- 8.4. The application proposes alteration to the C Listed boundary wall to create a 5m wide opening for vehicular access. This is the minimum width of opening required to achieve adequate pedestrian visibility (see assessment of road safety below). The opening would be made by down taking the wall by hand and making good the wall ends using salvaged stone and appropriate mortar and laying methods.
- 8.5. NPF4 Policy 7 states “*c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.*” Similarly, Historic Environment Policy 1(a) of the Local Development Plan states “*alterations and Extensions Development which alters or extends a listed building will only be supported where it can be demonstrated that: (i) Proposals will protect, conserve and/or enhance the character, integrity and setting of listed buildings, and (ii) The layout, design, materials, scale, siting and use shall be appropriate to the character and appearance of the listed building and its setting whilst not inhibiting high quality contemporary and/or innovative design.*”
- 8.6. Additionally, as the site is within the Luss Outstanding Conservation Area, NPF4 Policy 7 d) is relevant. This states “*Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced*”. Similarly Historic Environment Policy 2 of the Local Development Plan states “*Development within or adjacent to a conservation area, that preserves or enhances its character and appearance, and is consistent with any relevant conservation area appraisal or management plan, will be supported providing it can be demonstrated that:- (a) (i) New development, as well as alterations, other redevelopment of buildings or energy efficiency measures, preserves or enhances the character and appearance or setting of the conservation area through the appropriate scale, proportion, siting, massing, design, and use of materials whilst not inhibiting high quality contemporary and/or innovative design; and (ii) Important views within, from and into the conservation area will be maintained and enhanced*”.
- 8.7. The opening would remove approximately 16% of the wall that fronts onto this part of Church Road. This would result in the loss of historic fabric on one of two stretches of the wall within public view in the Outstanding Conservation Area (there is a similarly long stretch of wall visible adjacent to the Manse). The rest of the wall is hidden from public view. The opening would result in some harm to the character and integrity of this part of the wall contrary to NPF4 Policy 7 and Historic Environment Policy 1.

- 8.8. The development, however, would result in the complete removal of the portacabins which are unsympathetic and detract from the setting of the wall and the character of the street scene within the Outstanding Conservation Area as viewed along Church Road. Their removal would enhance both the wall's setting and the character of Outstanding Conservation Area in this location. It is considered that this enhancement compensates for the harm to the character and integrity of the wall created by the opening.
- 8.9. The car park itself would be a new addition within the walled garden setting. The opening would introduce public views of the walled garden from Church Street which would enable greater appreciation of the wall and garden setting, albeit with car parking in the foreground. Other enhancements include removal of a single small sycamore tree close to the wall at the north end as well as self-seeded boundary vegetation, revealing the wall further and helping preserve its future physical integrity which could otherwise be undermined by unmanaged growth. It is considered that the setting, following development, would compare favourably to the existing unsightly portacabins poor-quality concrete paving and unmanaged vegetation.
- 8.10. A swing arm gate is proposed within the new opening for security (this element is discussed further under road safety below). Although this is not a traditional design, it is a practical solution for an access on a gradient and would be a minor feature in the street scene. There is no historic precedent for an alternative gate design in this circumstance and so the proposed gate, with its simple unobtrusive form, is acceptable. A black or alternative recessive colour finish can be conditioned to ensure that the barrier does not detract from the setting and historic character of the Outstanding Conservation Area.
- 8.11. A gravelled surface is proposed for the car park, and this is appropriate. The Roads Authority stipulates that the surface for the first 10m must be of a bituminous surface material to prevent loose material being carried onto the public road. Whilst a bitumen surface would not be unacceptable in this context, they are not traditional and would represent a poorer-quality choice within a Conservation Area. An alternative material, such as granite setts, would be a higher quality choice and would also help mark a clear transition between the public road and the car park. It is recommended that surface materials are the subject of a planning condition for later approval.
- 8.12. WOSAS have requested a condition a programme of archaeological work including a for a Level 1 building record of the wall before any demolition. They have also requested an archaeological watching brief during all ground disturbing works for the car park to be undertaken in accordance with an approved Method Statement. Planning conditions are recommended accordingly and are sufficient to address the requirements of NPF4 Policy 7(o) and Historic Environment Policy 7 of the Local Development Plan which require appropriate archaeological investigation and recording prior to development.

### **Road standards and road safety**

- 8.13. The proposed access does not conform to the standards required of Argyll & Bute Roads Authority who have objected to the application on road safety grounds. Some representations in objection highlight potential for conflict with pedestrians and cyclists who share Church Road, which is often busy with footfall on weekends, particularly during the peak tourist season. The applicant argues that compliance with the Road Authority's usual standards is unnecessary due to low traffic and slow speeds on Church Road, and that heritage preservation should take precedence over standards in the balance of planning considerations in this case.
- 8.14. A splay of clear visibility at an eye height of 1.05m at a position 2.4m back from the public road edge for 25m north is required to meet the standard for drivers exiting the car park to see and be seen by oncoming vehicles on the carriageway (there is no requirement for a similar splay to the south on account of Church Road being one-way). To achieve the 25m visibility standard would require the taking down of almost the entire length of the wall north of the proposed access to a height of no greater than 60cm. This option has been discounted on account of the significant harmful impact on the listed wall and the character of the Outstanding Conservation Area contrary to NPF4 Policy 7 c) and Historic Environment Policy 1(b) and 2(a). Vehicular visibility standards for a 20mph road are therefore not achieved.
- 8.15. The proposal is also not compliant in respect of the swing arm gate being sited within the wall opening. The Road Authority standard is to site access gates 6m back from edge of the public road to allow cars to wait safely off the road when opening and closing the gate to ensure no obstruction of the carriageway. The applicant points to a practical difficulty a 6m set-back would present to securing the site as this would leave a 6m gap either side between the wall and the gate. Potential solutions such as low wall returns and fencing or bunding to prevent vehicle entry around the barrier are possible but such interventions would not be without potentially adverse heritage impacts that would require to be further considered.
- 8.16. Overarching Policy 2 of the Local Development Plan requires all new developments to have safe road access and Transport Policy 3 (2) 'Design Specification and Standards' (b) states that all developments will require to: *"Be of a design and specification that are sensitive to the special qualities of the Park and to be in conformity with the design standards required by the Roads Authority and/or Transport Scotland"*. The proposal is therefore in conflict with Overarching Policy 2 and Transport Policy 3 (2) in respect of vehicular visibility and the position of the gate.
- 8.17. Regarding the remaining Road Authority standards, the proposal is compliant. Pedestrian visibility splays have been achieved by the widening of the opening from the 3.5m originally proposed to 5m. This accommodates a standard splay extending 2.4m either side of the centre of the access from a position 2.4m back from the edge of the footpath (or the road in this case as there is no footpath on the east side). This means that vehicles exiting the site

will have adequate visibility of pedestrians in the road and vice versa. Other standards, such as gradient, surfacing and drainage are all achievable and details can be conditioned for later approval.

- 8.18. It is not considered that the car park would result in unacceptable additional traffic in the village core. The car park would only be used during the limited services held – principally on a Sunday and otherwise for occasional events. The number of vehicles would be comparable to those that already use the existing facility and the slight increase from 10 to 15 spaces is not so significant that there would be a material increase in traffic on Church Road. Were the proposed car park not available, those vehicles are likely to use Church Road in any event to drop patrons in the road at the Church gate – which is likely to present a greater risk of obstruction and pedestrian/vehicle conflicts. The proposed car park would provide a more suitable location for arrival and departure in this respect.
- 8.19. Regarding sustainable transport, NPF Policy 13 b) supports development proposals that demonstrate direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling. Transport Policy 2 (a) of the Local Development Plan similarly requires developments to enable opportunities for sustainable transport modes, based on a hierarchy of walking, cycling.
- 8.20. The proposal is suitably located within a short off-road walking distance of the Church (c 100-120m) via an existing narrow-slabbed footpath which leads in front of Manse Cottage to the cemetery gates. A proposed gate from the car park would connect to this path which will be suitably widened. The proposal includes cycle parking. Conditions are recommended to the secure path improvements and details of the cycle parking.
- 8.21. NPF4 Policy 13 b) iv. supports developments that provide EV charging ‘where appropriate’. The Sustainable and Active Travel Planning Guidance aims to secure EV provision for 1 charge point in 10 parking spaces (1 no. charge point in this case). However, the applicant has highlighted a lack of present need among the congregation and the potentially significant cost implication. No cost or feasibility assessment has been provided to support this position. The applicant proposes instead, to install ducting to enable installation of EV charging infrastructure in the future as demand and available finance dictates. The planning guidance is a material consideration but is guidance rather than development plan policy. Given the proliferation of electric vehicle charging in the public car parks, locations which are comparatively less sensitive in terms of their immediate historic environment, EV provision at the outset is not considered essential to make the development acceptable. The ducting will support future provision and a condition to secure the EV ducting is recommended.

## **Impact on residential amenity**

- 8.22. NPF4 Policy 14 c) states “Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported”. Overarching Policy 2 of the Local Development Plan similarly requires that developments do not conflict with nearby land uses and where relevant, must avoid any significant adverse impacts including from noise/vibration, air emissions/ odour/fumes/dust, light pollution, loss of privacy/sunlight/daylight.
- 8.23. Representations in objection from near neighbours raise concern regarding potential noise and disturbance emanating from the proposed car park, including noise from car alarms, doors slamming and fumes.
- 8.24. The rear boundaries of the neighbouring properties on Pier Road adjoin a part of the boundary wall that is beyond the application site boundary to the east. The wall is over 2m in height along this boundary and is sufficient to provide acoustic protection to the rear gardens and the properties themselves. There is a good degree of visual separation with intervening vegetation and there would be no views between the car park and the private gardens, so there would be no impact on privacy.
- 8.25. The nearest dwelling is Manse Cottage which is within the ownership of the Church of Scotland and is understood to be utilised and/or occupied by the Church ‘Beagle’. The car park would be c. 9m from the rear windows of this dwelling. The windows are small and set low down with a retaining wall to the rear. They appear to be obscured, and it was not possible to see in to ascertain whether they are to habitable rooms. The area to the rear is somewhat functional and there is no presently no private curtilage separating the dwelling from the portacabins. The proposed hedge would provide screening to this property which would afford an increased degree of privacy in time. This arrangement is deemed acceptable.
- 8.26. The car park would be in use for Church services only. The Church typically holds one regular weekly Sunday Worship service, which takes place at 11:30am, and the occasional wedding, baptism and funeral service. These services take place no more than once or twice a month on average<sup>2</sup>. It would not therefore attract a level or duration of activity that would give rise to unacceptable impacts. Construction noise can be mitigated through a standard working hours condition which is recommended accordingly.

## **Ecology**

### *Trees*

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<sup>2</sup> Luss Parish Church’s website <https://lusschurch.com/calendar>

- 8.27. The application site contains one relatively mature ornamental tree located on the east side of the portacabins and an immature self-seeded Sycamore between the portacabins and the wall at the north end. The ornamental tree has a low crown height and would obstruct the parking; the sycamore is too close to the wall. The ornamental tree has some amenity value but neither are of high biodiversity value, or the type protected under NPF4 Policy 6 b) ii. or Natural Environment Policy 8 and both would be removed. There are two further notable trees just beyond the (revised) application site boundary to the rear of Manse Cottage; both mature Sycamores. These are to be retained.
- 8.28. The loss of the ornamental and smaller sycamore trees is considered acceptable subject to replacement trees which can be accommodated on the boundary of the car park or elsewhere in the grounds. A Landscaping Plan is recommended by condition to agree an appropriate number and species. A Tree Protection Method Statement is also recommended by condition to ensure that the ground works to prepare the site for surfacing and cable runs for the EV charging do not damage the roots of retained trees adjacent.

#### *Protected Species*

- 8.29. NPF4 Policy 4 f) states “*Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence*”. There are similar provisions in Natural Environment Policy 4 of the Local Development Plan.
- 8.30. The application is accompanied by a Preliminary Bat Roost, Bird and Protected Species Assessment Report. This found no evidence of any bat roosting or having roosted in any part of the portacabins with negligible suitability for roosting indicated. The hibernation assessment demonstrated a negligible potential for hibernating bats. The survey took place in favourable conditions with all areas accessible, and no further surveys are required. The report notes potential to enhance roosting opportunities at the site by installing bat boxes.
- 8.31. There was no evidence of nesting birds at the portacabins at the time of the survey although there was an old starling nest site which was not active. The report recommends that contractors are made aware of the potential for nesting birds to be found if works are proposed during the nesting season (March to August inclusive). To replace the lost nest site, the report recommends that two starling nest boxes and two nest boxes for other species such as blue tits, great tits, house martins, house sparrows, robins, or wrens are installed on nearby trees. It is recommended these are secured by planning condition.

#### *Enhancement*

- 8.32. NPF4 Policy 3 c) states *“Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.”* There are similar provisions in Natural Environment Policy 6 of the Local Development Plan.
- 8.33. The proposal incorporates a new native hedge around the east and southern car park boundaries. A mixed native species will provide foraging and food for bird species. The details of the hedge would form part of the Landscaping Plan. Together with the bird boxes, it is considered that the requirements for biodiversity enhancement are met.

### **Planning assessment summary and material considerations**

- 8.34. In terms of the principle of development and on matters of residential amenity and ecology, the proposed car park is fully compliant with the Development Plan. The determinative issues in this case are the impact on the historic environment and road safety.
- 8.35. Relevant planning policy requires development affecting listed buildings and Conservation Areas to preserve or enhance their character and setting. The new opening would result in the loss of historic fabric and harm to the character and integrity of the wall, contrary to NPF4 Policy 7 and Historic Environment Policy 1 of the Local Development Plan. The opening itself is also not compliant with Road Authority standards for vehicular visibility and gate positioning, contrary to Transport Policy 3 of the Local Development Plan.
- 8.36. In considering heritage impacts in the planning balance, it is considered that the harm to the wall would be substantially offset by the removal of the unsightly portacabins and the enhancement to the setting. The portacabins also detract from the character of the Outstanding Conservation Area and their removal would result in enhancement to the views along Church Road. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a general duty on planning authorities as respects conservation areas in exercise of planning functions which requires that, “In the exercise, with respect to any buildings or other land in a conservation area [...] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. Overall, therefore whilst there would be harm to the listed wall, the material improvements to the setting and to the wider character of the Outstanding Conservation Area, in conjunction with the benefits for the Church, and by extension, to the longer-term viable use of this important heritage asset, mean the proposal is, on balance, acceptable in heritage terms.
- 8.37. In terms of road safety, it is not considered the gate positioning within the opening represents a significant safety risk given there would be clear visibility of any stationary vehicle in the carriageway. Given very low traffic volumes and one-way road configuration, a temporary obstruction whilst the gate is opened or closed would not lead to substantial queuing or manoeuvring into oncoming

traffic that would present a likely road safety hazard, as it perhaps would in other circumstances. Indeed, waiting on the road could be preferable to a vehicle pulling into the entrance only to find the gate closed and having to reverse back out with sub-standard visibility (since the opening does not have a sufficiently wide throat for turning in forward gear).

8.38. It is acknowledged that the car park entrance, as proposed with the sub-standard visibility, would increase the theoretical risk of a collision with other vehicles or cyclists. Luss has a high incidence of pedestrians using the street due to the lack of footpaths and high populations of tourists. Whilst this increases risk on the one hand, drivers within the village are likely to be well accustomed to the presence of pedestrians sharing the road and are perhaps more vigilant in the circumstances. Indeed, at busier times, it may not be possible to achieve 20mph on Church Road due to the presence of pedestrians. Stopping distances would reduce accordingly. It is a common occurrence in historic villages for infrastructure to not meet modern-day safety standards. Luss is no exception with several sub-standard accesses within the village (including the entrance immediately north of the application site). There are no records of accidents having occurred within the village. Whilst these factors do not necessarily make the risk of introducing a new sub-standard entrance acceptable in every circumstance, the heightened risk in this particular case is considered to be relatively low and requires to be balanced with other material considerations.

8.39. The first of these is that there are no practical alternatives. Firstly, full compliance with modern-day road standards for 20mph would require down takings that would cause significant harm to the listed wall and the character of the Outstanding Conservation Area, the extent of which would be unacceptable in terms of NPF4 Policy 7 c) and Historic Environment Policy 1(b) and 2(a).

8.40. Secondly, taking access via the existing opening adjacent to Manse Cottage, as has been suggested in representations, would provide comparatively better visibility onto Church Road (and avoid creating a new opening in the wall) but would draw traffic through the very narrow parking area immediately in front of Manse Cottage. The driveway also acts as a public pedestrian thoroughfare from Church Road to the Pilgrimage Centre (Luss Glass Studio). There is therefore higher potential for conflict on the narrow access and visibility in multiple directions is obscured by the corners of the buildings. Even were the public thoroughfare to be stopped up following sale, visibility around the corner of the building is poor and the effects of vehicular movements in such proximity, and the loss of the private parking, would be detrimental to the use and amenity of the property. This option was therefore discounted.

8.41. Thirdly, it is not possible to retain the existing parking since it would not be reasonable nor practical for the Manse to be disposed without the unfettered use of its access and frontage. The applicant cannot prevent the sale of the Manse by the Church of Scotland, and the car parking, as it currently exists, will be lost irrespective of the outcome of this application. There is no other

suitable land within the Church of Scotland's ownership (or indeed elsewhere nearby) that could accommodate replacement car parking.

- 8.42. The applicant contends replacement car parking is pivotal to the continued use of the Church, particularly noting the age demographics of the congregation many of whom are elderly or disabled and who rely on parking in proximity. The applicant's supporting statement refers to the provisions of the Equality Act 2010 and the Public Sector Equality Duty (PSED) which it is suggested should be given full consideration. Representations in objection, however, point to ample parking outside the village core, believing a new car park to be unnecessary and suggesting parish residents attending the Church instead, purchase a parking permit.
- 8.43. Parking in the centre of Luss village is controlled by a Traffic Regulation Order (TRO) and parking on street is restricted by permit which are available to residents of Luss Parish only (the cost is currently c. £113 per year). Members of the congregation who reside outside of the parish (for example in the united Rhu or Shandon congregations) would not be eligible. It is noted that several of the representations in support were from members of the congregation residing outside of the parish in these wider areas.
- 8.44. The nearest public parking is the Argyll & Bute Council managed car park on the north side of Luss which is at least 350m walking distance from the Church (extending to 540m depending on the location of available spaces). A further car park owned and managed privately by Luss Estates on the west side of the village is a 480m walk (extending to 670m depending on available spaces). The applicant is of the view that these distances are too far for some members. Representations also point out that spaces in the public car parks are often limited or unavailable in the peak tourist season. By comparison, the application site is c. 100-120m walking distance via Church Road and the cemetery; a significantly shorter distance.
- 8.45. It is noted that the parking restriction does not apply to disabled Blue Badge holders who are permitted to park nearby on the street. However, off road parking within a dedicated space would arguably be preferable to on-street parking, particularly given the potential limitations of space availability on the narrow lanes and given the primary purpose of the TRO is to minimise on-street parking within the village core. Many elderly and less mobile people may not be eligible for a Blue Badge and those members of the congregation could be excluded were there to be no dedicated parking in closer proximity given the walking distances to the public car parking. This exclusion could also extend to pregnant people or those with injuries. Several of the representations in support attest to the difficulties that would be incurred for them personally if dedicated parking nearby was unavailable.
- 8.46. Considering the wider context, the Safeguarding Important Local Facilities and Businesses Planning Guidance recognises that "many community facilities and services are under threat due to a combination of changing population

dynamics, travel patterns, maintenance, funding and economic issues and that the wider impact of losing a community facility is likely to reach beyond the boundary of the immediate settlement”. The Clyde Presbytery Plan notes that attendance at church services throughout Clyde Presbytery is struggling to recover to pre-pandemic numbers. Luss Church is an important community facility, as recognised in the Luss and Arden Local Place Plan (2023) which, under the heading “what actions we need to take”, lists the retention of vital community facilities including the Church. Parking difficulties are likely to be a disincentive to participation and regular attendance which could contribute to further decline in membership. Ultimately, this may risk the future viability of the Church as a community facility for both Luss Parish and the wider communities and / or present a barrier to access for some that may rely on this facility for their mental health and social wellbeing.

8.47. Finally, NPF4 promotes efficient use of land and Policy 9 supports development proposals that will result in the sustainable reuse of brownfield land. This proposal would relocate parking within the grounds to make more effective use of available land within the grounds of the Manse.

8.48. Section 25 of the Planning (Scotland) Act 1997 states planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the proposal does not accord with key transport policies of the Development Plan concerning road safety. Heritage matters are finely balanced with harm to the listed wall being set against the benefit of the enhancement to the character and appearance of the Outstanding Conservation Area. Overall, the decision in this case rests on whether the policy conflict principally in matters of road safety are outweighed by the benefits. In view of the nature of the road safety risk in this case being low and given the desirability of the enhancement to the Outstanding Conservation Area, the effective re-use of land, the desirability of supporting community facilities, equal access opportunities and the health and wellbeing of the community at large, as well as noting the strength of public support, it is considered on balance that there is adequate justification to recommend approval in this case, notwithstanding the Road Authority objection.

### **Other matters**

8.49. Concerns have been raised about future control of the car parking and this facility becoming a public car park. The car park would be a private, restricted access facility that would be open only for services at the Church, as is the case with the existing car park. Attendees will continue to be directed to one of the two public car parks, as they are at present, with those members who are less mobile being able to use the proposed car park (presumably on a first come first served basis). There is no intention by the applicant to open the car park to the wider public for general visitor parking or to charge for its use. Notwithstanding, a planning condition is recommended to control its use for the intended purpose.

8.50. The Equality Act 2010 and The Public Sector Equality Duty (PSED) require public authorities to consciously consider equality in all their functions and decision-makers must have "due regard" to eliminating discrimination, advancing equality of opportunity for people with protected characteristics, which include age, disability and pregnancy. Failing to do so makes a decision unlawful and open to legal challenge. This legislation does not bind the planning authority to a decision in favour of approval although the impact of there being no designated car parking on those with protected characteristics that would be affected, would require appropriate consideration were the application to be refused.

## **Conclusions**

8.51. Overall, the proposal would secure replacement parking for an important community facility in a location close to the Luss Parish Church, helping to maintain accessibility for elderly, disabled and less mobile users and supporting the continued viable use of the Church.

8.52. In principle, and in respect of residential amenity, ecology and sustainable travel measures, the development is acceptable. In heritage terms, the proposed opening would cause some harm through the loss of historic fabric from the listed boundary wall. However, that harm is moderated by the removal of the unsightly portacabins, the improved setting of the wall, and enhancement to the character and appearance of this part of the Outstanding Conservation Area. On balance, the heritage impacts are considered acceptable.

8.53. In road safety terms, the proposed access would not fully comply with Roads Authority standards in relation to vehicular visibility and the siting of the gate and is therefore contrary to Transport Policy 3(2). Nevertheless, having regard to the one-way nature of Church Road, low traffic volumes and speeds, achieved pedestrian visibility splays, and the absence of any known accident record, the practical level of risk is considered to be relatively low. When weighed against the identified need for replacement parking, the efficient use of previously developed land, lack of suitable alternatives, and the wider community and accessibility benefits and support, these material considerations are sufficient to justify approval notwithstanding the Roads Authority objection.

8.54. Accordingly, the proposal is considered, on balance, to accord with the Development Plan when read as a whole, with the identified conflict on road standards outweighed by other material considerations.

8.55. It is therefore concluded that planning permission should be granted subject to the conditions set out in Appendix 1 of this report.

## Appendix 1 Conditions

- 1. Duration of Permission:** This permission lapses on the expiration of 3 years beginning from the date of this permission unless the development to which this permission relates is begun before that expiration.

REASON: In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

- 1.1. Restriction on use:** The car park hereby approved shall be used only in conjunction with Luss Parish Church during services and events held at the church and shall not be available for general public or commercial parking at any time.

REASON: Permission has been granted as an exception to policy on account of the need for parking to support a community facility.

- 2. Building Record:** A Level 1 Building Record shall be undertaken of the listed Manse boundary wall which shall be submitted to and approved by the planning authority in consultation with WOSAS prior to any works to the wall commencing.

REASON: To ensure an appropriate historic record of the wall is kept prior to its alteration in accordance with NPF4 Policy 7 and Historic Environment Policy 7 of the Local Development Plan.

- 3. Archaeological Investigation:** Prior to groundworks commencing the developer shall secure the implementation of an archaeological watching brief during all ground disturbance and demolition, to be carried out by an archaeological organisation acceptable to the Planning Authority. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be supplied to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences

REASON: To ensure appropriate investigation and recording of historical artefacts in accordance with NPF4 Policy 7 and Historic Environment Policy 7 of the Local Development Plan.

- 4. Wall Works Method Statement:** The listed Manse boundary wall shall only be altered in accordance with a Method Statement which shall be submitted to and approved in writing by the planning authority prior to works to the wall commencing and which detail the following:

- a. Proposed method of down taking.
- b. Proposals for the storage of salvaged materials for reuse.

- c. Proposed method of reinstatement of wall ends including laying method and mortar specification.

Only salvaged materials shall be used in the reconstruction of the wall. Thereafter the works to the wall shall be undertaken in accordance with the approved Method Statement.

REASON: To preserve the character and integrity of the listed wall in accordance with NPF4 Policy 7 and Historic Environment Policy 1.

- 5. Detailed Landscaping Plan:** Prior to groundworks commencing a Landscaping Plan shall be submitted to and approved in writing by the planning authority. The plan shall identify the following:

- a. Replacement tree planting (minimum of three replacement trees).
- b. Species of all trees and plants (which shall include a mix of native species for the proposed hedge).
- c. Number of plants and planting density.
- d. A timetable for implementation.

Thereafter the Landscaping Plan shall be implemented at the site in accordance with the approved timetable. Any trees or plants that are lost, become diseased or die within the first 5 years of planting shall be replaced in the first available planting season.

REASON: The development requires appropriate landscaping to compensate for the loss of two trees, to provide screening to the neighbouring property (Manse Cottage) and the remainder of the walled garden, and to deliver appropriate biodiversity enhancement in accordance with NPF4 Policy 3.

- 6. Approval of surface materials:** Prior to the commencement of development details of the specification for the surface materials for the car park shall be submitted to and approved in writing by the planning authority. The development shall thereafter be carried out in accordance with the approved materials.

REASON: To ensure an appropriate standard of appearance having regard to the character of the Luss Outstanding Conservation Area.

- 7. Footpath Improvement:** The development hereby approved shall incorporate a footpath no less than 2m wide and of appropriate gradient to allow safe and accessible passage between the car park to the cemetery gate.

REASON: To ensure the pedestrian route from the car park to the church is appropriately safe and accessible in accordance with NPF4 Policy 13 and Transport Policy 2.

- 8. Tree Protection Method Statement:** Prior to works commencing, a Method Statement shall be submitted to and approved in writing by the planning authority. This shall detail the following:

- a. Methods for any ground works taking place under the canopy or in root protection zones of the retained trees identified on the approved plans including for installing any cable runs.
- b. Tree protection areas to be marked by protective fencing for the duration of construction.

Thereafter works shall take place in accordance with the approved Method Statement. No storage of materials or machinery, parking of vehicles or deposit or excavation of soil or rubble shall take place within any area designated as being fenced off or otherwise protected.

REASON: To ensure the continued wellbeing of the retained trees in the interests of biodiversity, visual amenity and the character of the Outstanding Conservation Area.

- 9. Gate appearance / finish:** The gate shall be finished in a recessive colour to be agreed in writing by the planning authority prior to the car park being brought into use.

REASON: To ensure the appearance of the gate preserves the setting and the character and appearance of the Luss Outstanding Conservation Area.

- 10. Provision of bird nesting boxes:** Details of the design and proposed location of bird nesting boxes shall be submitted to and approved in writing by the planning authority. Thereafter the nesting boxes shall be installed as approved prior to the car park being brought into use.

REASON: To mitigate for the loss of a bird nesting site and to deliver enhancement for nesting birds.

- 11. EV charging:** Suitable ducting in accordance with Building Standards Division Non-domestic Technical Handbook January 2025 Section 7.2.6 'Enabling infrastructure' shall be installed during the development of the car park to facilitate the future installation of Electric Vehicle charging infrastructure to at least 1 no. parking space.

REASON: To support green forms of vehicular transport as promoted within the Sustainable and Active Travel Planning Guidance.

- 12. Secure Cycle Parking Provision:** Details of a secure form of cycle parking shall be submitted to and approved in writing by the planning authority. Thereafter the approved parking shall be installed on site prior to the car park being brought into use.

REASON: To encourage sustainable modes of travel in accordance with NPF4 Policy 13 and Transport Policy 2 of the Local Development Plan

- 13. Working Hours:** All construction activity at the site shall be restricted to:

08.00 to 18:30 Monday to Friday.

08.00 to 13.00 on Saturdays.

There shall be no works on Sundays or Bank Holidays.

Any fuel driven generators to be used on the site must be enclosed within suitable acoustic barriers.

REASON: To avoid nuisance in the interest of residential amenity and the character of the Luss Outstanding Conservation Area.

## **Informatives**

1. Notification of Initiation of Development - Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

2. Notification of Completion of Development - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.

3. Roads Consent - The applicant is advised that in terms of Sections 21 and 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the appropriate Council as Roads Authority consent to construct a new or to alter, open or extend an existing road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

4. Listed Building Consent - The applicant is advised that the developer is required to obtain Listed Building Consent for works to the Category C listed boundary wall. Such consent will need to be obtained prior to any works being undertaken to the wall.

## Appendix 2 List of Plans

<b>Title</b>	<b>Reference</b>	<b>Date Received</b>
Location Plan	2024_0074-00 Rev A	13/04/2026
Existing Site Plan	2024_0074-01 Rev A	13/04/2026
Proposed Site Plan	2024_0074-02 Rev D	10/06/2026