

**Argyll and Bute Council
Development & Economic Growth**

Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle.

Reference No: 24/02193/PP
Planning Hierarchy: Major Application
Applicant: CALA Management Limited
Proposal: Variation of Condition 04 relative to planning permission in principle reference 23/00145/PP - amendment to wording of Condition 04 in relation to road improvements.
Site Address: Land North Of Cardross Primary School, Barrs Road
Cardross (Kirkton Farm)

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
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(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Section 42 application to vary Condition 04 of permission 23/00145/PP to substitute alternative roads access design layout plan to that in approval.

(ii) Other specified operations

- Associated and incidental highway works to construct roads access.
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(B) RECOMMENDATION:

It is recommended that conditional planning permission is granted in accordance with Section 42 of the Town and Country Planning (Scotland) Act 1997 subject to the conditions and reasons detailed in this report.

(C) CONSULTATIONS:

Area Roads Manager (Dated 11.02.25) – No Objection.

Instructional condition requested to ensure road/footway layout and safety measures are provided in advance of works taking place to commence development on the allocated housing site.

A&B Flooding Advisor (Dated 24.12.24) No Objection .

This response is a result of a modification to Condition 4 from the existing application 23/00145/PP. This condition is in relation to traffic control, hence, the response remains as existing, holding a no objections status.

(D) HISTORY:

24/00144/AMSC - Approval of Matters Specified in Conditions 2,3,6,7,8,9,11,12,13,15,16 and 17 of consent 18/01444/PP (PPA-130-2071). Erection of residential development with associated access, infrastructure, open space, landscaping and miscellaneous works.(Proposed removal/alterations to conditions 4, 5 & 7 of REF 15/01794/PPP) – Refused 08.10.24. Currently subject to an Appeal.(DPEA REF PPA-130-2093)) All documents relating to this appeal can be found on the DPEA website at the link below

[Scottish Government - DPEA - Case Details](#)

Members are requested to note that the matters before them for determination in respect of this application are not the same as this appeal, which relates to other AMSC conditions and not condition 4 details. Any approval of this application would therefore not undermine the case the Council has presented at the ongoing planning appeal related to concerns on flooding and drainage design matters.

23/00145/PP – Section 42 Application for variation of Condition 2 relative to planning permission in principle reference 18/01444/PP (PP-130-2071) - amendment to wording of Condition 2 in relation to finished floor levels. Application approved at Planning Committee on 25/05/23. It is this permission that the current application seeks to amend, not the application permission which subject to appeal.

18/01444/PP/ PPA-130-2071– Removal of Conditions 4 and 5 and variation of condition 7 of planning permission in principle 15/01794/PPP (Site for the erection of residential development with associated access, infrastructure, open space, landscaping and miscellaneous works) in relation to roads arrangements.

Members are requested to note that this application was subject to Non-Determination Appeal to The Scottish Ministers (DPEA). Members advised that had they been so empowered the application would have been refused at planning Committee. Permission was subsequently granted by appeal on 15th July 2019 under reference: PPA-130-2071. The conditions from this approval were carried forward to the Section 42 application granted under 23/00145/PP (with condition 02 altered as set out above).

15/01794/PPP – Planning Permission in Principle for ‘Site for the erection of residential development with associated access, infrastructure, open space, landscaping and miscellaneous works. Granted subject to conditions 26/01/17.

There is associated planning history linked to this site in respect of its inclusion within Local Development Plans as a Housing allocation (Kirkton Farm). The site was included as a Housing Allocation within LDP 2015 as Housing Allocation site H2002 and has been retained in LDP 2 as Housing Allocation Site H2002. Therefore, as well as historic planning permission having been granted in principle for the development of the site in 2015 by the Council, and then by appeal by *PPA-130-2071* the site has forms part of the housing land supply supported by the current Local Development Plan 2.

(E) PUBLICITY: Yes

Reg 20 Press Notice Expired 09.01.25

(F) REPRESENTATIONS:

At time of writing some 99 representations have been received. Ninety eight of these are objections to the scheme and one letter of representation has been received. A full list of all of those who have made submissions is contained at Appendix B of this report and representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

A summary of the issues which have been raised is set out below:

Matters Raised in Objections which are considered by officers to be material to the determination of this application:

- The roads design , geometry and footpaths proposed are substandard and do not meet required national road safety design standards and will not cope with traffic increase from new housing development and existing users. The design is not safe for all users. Do not understand why local authority are not objecting to substandard plans.
- The design as proposed will unacceptably impact upon the existing private access and sight lines for The Glen, Canda and Greyfriars making their accesses unsafe.
- Mill Road Junction designed to be safe
- Traffic Survey data referenced is not robust as its from 2015 and 2017. Road traffic has potentially increased.
- No pedestrian surveys have been undertaken on Darleith Road
- Road already has to accommodate large timber lorries and tractors
- Darleith Road is a Core Path and used by pedestrians and horses. The new design is not safe given this designation and use.
- Alterations proposed would not improve road safety
- The proposed design amendments do not meet equalities legislation requirements for wheelchair users.

Comment: The Area Roads Manager has evaluated the proposals and has raised no objection. These matters are evaluated further at the appropriate section of this report.

Matters raised by Objectors which Officers consider have no substantive materiality to the determination of the application.

- Design does not take into account third party land ownership

Comment: The ownership of land required to deliver a planning permission which is subject to a suspensive condition is not a material planning consideration of any substantive weight. As the proposed condition 4 wording is suspensive, the access road geometry improvements proposed by this application have to be provided by the developer to the satisfaction of the Area Roads Manager before any works to build the housing can take place. The onus is therefore upon the developer to ensure that the proposals can be legally and lawfully implemented. This is not a matter for the Planning Authority to take a view on.

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- There is a lack of drainage details in the proposals and the road floods regularly.
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Comment: Drainage details and designs are subject to AMSC submissions and not condition 4 submissions which relate to a proposed new road geometry layout. This application seeks approval in relation to proposed changes to the approved roads design layout plan. It does not seek to discharge other conditions related to drainage and flooding matters which are subject to consideration in other condition submissions. Members will note that the Council's Flooding and Drainage advisor has provided no further comment on this basis.

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- The plan is not accurate or detailed enough to support the application
 - Inadequate lighting is proposed
 - The proposed steps to allow access to playground and school footpath are a safety hazard for children
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Comment: The Area Roads Manager is content with the details provided to support the planning application. He has undertaken on site measurements at critical points on the road to ensure that the roads geometry of plans are acceptable and accurate. Details of fences and boundaries are covered in other condition submission requirements (Condition 13). It must also be borne in mind that more detailed engineering construction drawings will be required to be approved by the Area Roads Manager as part of the RCC process where such safety matters will also be addressed. Lighting for the road, will also be required to be specified as part of this RCC process to ensure road safety is acceptable.

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- If allowed the housing development and new access will increase wear and damage to local the road network.
 - No information on shoring up the road on west side provided as it is crumbling.
 - If design doesn't work, it will be for the Council to pick up the bill for any further works

Comment: Ensuring the construction of any new road and footways meets necessary engineering construction standards for adoption and maintenance by the Roads Authority will be matters properly addressed under the RCC process, not through the consideration of a planning application.

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- Site is clearly unsuitable for housing development.
 - Community do not want this housing Development to go ahead
 - There are other fields that would be more suitable for housing
 - Concerned about green belt land continually being built upon.

Comment: The proposals relate to an allocated Housing site both within the previous LDP 2015 and also the current Statutory Plan LDP 2 as allocation H2002. The allocation has been supported by Members and also by the Local Plan Inquiry Reporter. Green belt concerns are therefore not material to housing development on an allocated housing site, which in this instance also has an extant planning permission for housing.

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- Junction of Darleith Road and Main Road is inadequate and will be unsafe due to increased traffic movements.

Comment: The traffic management measures associated with this junction are not part of the matters before members for determination and form part of the AMSC submissions currently subject to Appeal.

The matters set out below are not considered material to the current determination and do not require a specific response:

- This timing of the application is unacceptable and prejudicial to community feedback being provided.
- Several near misses with lorries already on Darleith Road.
- Scotrail has reduced trains and car use will increase
- Refuse Collection has been reduced how are all these new houses going to be serviced by refuse lorries
- Delays to a patient travelling to hospital undertaking patient dialysis would occur through increased traffic on Darleith Road
- Proposals would increase pollution in area
- The road has never been subject to a planning permission and therefore no planning neighbour notifications for this element have been undertaken for the road design.
- The proposals will result in increased noise to the Primary School

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report:** Yes No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No
- (iii) **A Design or Design/Access statement:** Yes No
- (iv) **Sustainability Checklists (with reference to the requirements of LDP2 Policy 04)**
- | | |
|--------------------------------------|---|
| TN06 Sustainability Checklist | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| TN07 Sustainable Buildings Checklist | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
- (v) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No
 Proposed Traffic Calming Darleith Road Kirkton Farm Cardross Stage 1 / 2 Road Safety Audit Report (SPA Ref No: 5423) Dated Feb 24

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** Yes No

- (J) **Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**
- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises
NPF4 Policy 2 – Climate Mitigation and Adaption
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural Places
NPF4 Policy 5 – Soils
NPF4 Policy 6 – Forestry, Woodland and Trees
NPF4 Policy 8 – Greenbelts
NPF4 Policy 12 – Zero Waste
NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods
NPF4 Policy 16 – Quality Homes
NPF4 Policy 17 – Rural Homes
NPF4 Policy 18 – Infrastructure First
NPF4 Policy 19 – Heating and Cooling
NPF4 Policy 20 – Blue and Green Infrastructure
NPF4 Policy 21 – Play, Recreation and Support
NPF4 Policy 22 – Flood Risk and Water Management
NPF4 Policy 23 – Health and Safety

Productive Places

[Argyll and Bute Local Development Plan 2 \(Adopted Feb 2024\)](#)

Spatial and Settlement Strategy

Policy 01 – Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 06 – Green and Blue Infrastructure
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design : All Development
Policy 26 – Informal Public Outdoor Recreation and Leisure Related Development

Connected Places

Policy 32 – Active Travel
Policy 33 – Public Transport

- Policy 34 – Electric Vehicle Charging Points
- Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
- Policy 38 – Construction Standards for Public Roads
- Policy 39 – Construction Standards for Private Accesses
- Policy 40 – Vehicle Parking Provision
- Policy 41 – Off Site Highway Improvements

Sustainable Communities

- Policy 55 – Flooding
- Policy 57 – Risk Appraisals
- Policy 59 – Water Quality and the Environment
- Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
- Policy 61 – Sustainable Urban Drainage Systems (SUDS)
- Policy 62 – Drainage Impact Assessments
- Policy 63 – Waste Related Development and Waste Management

Homes for People

- Policy 64 – Housing Development on Allocated Sites
- Policy 67 – Provision of Housing to Meet Local Needs Including Affordable Housing
- Policy 68 – Housing Greenspace

High Quality Environment

- Policy 73 – Development Impact on Habitats, Species and Biodiversity
- Policy 77 – Forestry, Woodland and Trees
- Policy 79 – Protection of Soil and Peat Resources

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

- Third Party Representations
- Consultation Responses
- Planning History
- Argyll and Bute Council Roads Development Technical Guidance (April 2024)

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes No

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes No
Further PAC is not required for S42 applications.

(M) Does the Council have an interest in the site: Yes No

(N) Requirement for a pre-determination hearing: Yes No

Officers consider that Members have sufficient information before them to make a decision without the need for a pre-determination Hearing. The proposal seeks to reword condition 04 by substituting a revised access layout for the approved access layout. The details of the new proposals are set out in the submitted drawing and associated Road Safety Audit Report. . . If the chair is so minded , the Area Roads Engineer has agreed make himself available to PPSL to answer any technical questions on road safety and design matters. Officers therefore do not feel a Hearing would add value to the determination process.

(O)(i) Key Constraints/Designations Affected by the Development:

- N/A

(O)(ii) Soils

Agricultural Land Classification: Class 3.2

Peatland/Carbon Rich Soils Classification: Class 1
 Class 2
 Class 3
 N/A

Peat Depth Classification: N/A

Does the development relate to croft land? Yes No

Would the development restrict access to croft or better quality agricultural land? Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land? Yes No N/A

(O)(iii) Woodland

Will the proposal result in loss of trees/woodland? Yes
 No
 (If yes, detail in summary assessment) Removal of some boundary trees to allow road construction will most likely be required.

Does the proposal include any replacement or compensatory planting? Yes
 No details to be secured by condition
 N/A

(O)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield
 (tick all relevant boxes) Brownfield Reclaimed by Nature
 Greenfield

ABC LDP2 Settlement Strategy
 (tick all relevant boxes)

ABC LDP2 Allocations/PDAs/AFAs etc:

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

LDP 2 : Allocated Housing Site H2002

(P) Summary assessment and summary of determining issues and material considerations

A Section 42 application is an application for a new planning permission for a development but with different conditions from those attached to a previous permission for that development. In determining such an application, the planning Authority can only consider changes to the conditions on the previous permission. The principle of development is not under consideration and the permission 23/00145/PP for housing development on the site remains live.

Planning permission in principle was first approved for this development following a Hearing on 26th January 2017. The site is identified as a housing allocation for 158 units within the adopted LDP 2, however, the applicant in the previous Planning Permission in Principle application (23/00145/PP), indicated that approximately 140 units were proposed. The AMSC application subject to appeal showed detailed layouts for 120 units. The site is located to the north of the settlement of Cardross and is bounded by Darleith Road to the west and a private access to the east. This private access is a continuation of Barrs Road.

In this application, the applicant has applied to vary Condition 04 to alter the approved roads access design drawing. The applicant has submitted a supporting Road Safety Audit Report to justify the proposed new road design superseding of the currently approved access design.

It is considered that the proposal is acceptable and would accord with the policies of the development plan with the exception of LDP 2 Policy 38 where a minor departure to this policy is considered to be justified by the planning history and circumstances of the case. There are no material considerations which would indicate otherwise. As there is a procedural requirement to re-issue the previous permission in its entirety, Officers have also considered whether this new grant of permission has material planning consequences for any other planning conditions. Officers are content that there are no material planning consequences for any other conditions with the exception of LDP 2 policy reference updates to conditions.

Taking account of the above, it is recommended that planning permission be approved subject to conditions. A full report is included at Appendix A of this report.

(Q) Is the proposal consistent with the Development Plan: Yes No

Officers consider that a minor departure from LDP 2 Policy 38 is acceptable in this instance given the planning history and circumstances of this particular case.

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The primary matter under consideration is whether Condition 04 can be reworded as suggested but still provide a roads access design which is acceptable to the Area Roads Engineer in terms of design and safety matters.

The primary and defining consideration on whether this would be acceptable are the expert views of the Council's Area Roads Manager. The Roads Officer is content that from the information provided, and in particular the supporting Road Safety Audit, that the condition can be approved as the proposed amended scheme is a better and safer design than that previously approved. This is confirmed in the response dated 08.01.25.

All relevant matters have been taken into account when appraising this S42 application. It is considered that the proposal would accord with the policies of the development plan with the exception of LDP 2 Policy 38 where a minor departure to this policy is considered to be justified by the planning history and circumstances of the case. There are no material considerations which would indicate otherwise to suggest that planning permission should not be granted in this instance.

(S) Reasoned justification for a departure to the provisions of the Development Plan

It is considered that the proposal is acceptable and would accord with the policies of the development plan, with the exception of LDP 2 Policy 38 where a minor departure to the development plan is considered to be justified by the planning history and circumstances of the case.

The revised road layout (Drawing 22217-SK-35 Rev D) is considered by the Area Roads Manager to represent a proposal which would provide better road safety for all users than the currently approved layout (DrawingTIAVCAR2_SK002 Rev B) approved by the Reporter.

The footway width varies along its length between 2.0m , 1.2m to 0.8m locally. Whilst the current proposals do not fully comply with the ideal pedestrian provision they have been designed to keep pedestrians on the development side of the road thus removing the requirement to cross the carriageway and the associated risks with this. This is considered to be acceptable as it considered to represent a safer design which is a betterment to that originally approved.

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:
Yes No

Author of Report: David Moore **Date:** 03.03.25

Reviewing Officer: Sandra Davies **Date:** 05.03.25

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 24/02193/PP

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

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

Plans and particulars of the matters specified in conditions 2,3,6,7,8,9,11,12,13,15,16 and 17; below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended. Thereafter the development shall be completed wholly in accordance with the details contained within the approved plans and particulars.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

- 2.** Pursuant to Condition 1 – unless otherwise approved in writing by the Planning Authority, no development shall commence in respect of any individual plot until plans and particulars of the site layout, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate proposed finished floor levels relative to an identifiable fixed datum located outwith the application site. These levels shall be at least 0.15 metres above finished ground levels. Thereafter, the development shall be implemented in accordance with the duly approved details which shall have regard to special needs access requirements to ensure that these are provided.

Reason: To ensure that the development has a layout and design which is compatible with its surroundings and in accordance with Local Development Plan policy.

- 3.** Pursuant to Condition 1 – no development shall commence until a scheme for the provision of affordable housing that is in accordance with the provisions of the Council's Development Plan Policy and Supplementary Guidance on Affordable Housing has been submitted to and approved in writing by the Planning Authority. The scheme shall:

- a) Provide that a minimum of 25% of the approved dwellings are affordable homes;
- b) Define those dwellings that are to be used as affordable homes;
- c) Establish the timing of the provision of the affordable homes relative to the phasing of the development, which shall ensure that works on the last 25% of those approved dwellings that are not affordable homes are not commenced until the affordable homes have been completed for occupation;
- d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers.

The development shall be implemented and occupied thereafter in accordance with the duly approved scheme for affordable housing.

Reason: To accord with the provisions of the development plan in respect of affordable housing provision.

4. Unless otherwise agreed in writing by the Planning Authority in consultation with the Road Network Manager, no development shall commence unless and until the following improvements to Darleith Road have been provided:
 - i) The provision of a suitable traffic calming scheme (give and take priority) and the provision of three new off-street car parking spaces between Barrs Terrace and Mill Road. A drawing showing details of these provisions shall be submitted for prior written approval of the Planning Authority.
 - ii) Road improvement between Mill Road and the proposed development site entrance as identified on Drawing No. 22217-SK-35 Rev D – Darleith Road Upgrades Cala Alternative Option 3. This access road and footways, as defined on this approved drawing, shall be provided to the satisfaction of the Area Roads Manager before any works are undertaken to commence development on the application site.
 - iii) The provision of a passing place immediately to the north of the proposed development site entrance in order to accommodate large vehicles passing in opposite directions.
 - iv) Upgrade of the existing lighting between Mill road and the existing 30 mph speed restriction limit.

Reason: To provide improvements, including suitable traffic calming measures, compensatory parking and a passing place for larger vehicles, in the interests of road safety and to ensure a safe connection from the A814 to the site.

5. Unless otherwise agreed in writing by the Planning Authority, in consultation with the Road Network Manager, no dwelling shall be occupied unless and until the existing 30 miles per hour speed restriction on Darleith Road has been extended and brought into effect to a location north of the Darleith Road access, the exact location to be agreed in consultation with the Road Network Manager.

Reason: In the interests of road safety.

6. Pursuant to Condition 1 – no development shall commence until the following plans and particulars have been submitted to and approved by the Planning Authority in consultation with the Road Network Manager. Thereafter, the schemes shall be carried out in accordance with the approved details. Such details shall incorporate:
 - i) On the A814 Main Road, Cardross, a scheme to enhance the gateway features in both directions at the entrances into Cardross village to be fully implemented in accordance with these details prior to occupation of the first dwelling house.
 - ii) On the A814 Main Road, Cardross, within the village envelope a scheme to enhance traffic calming to be fully implemented in accordance with these details prior to occupation of the first dwelling house.

Reason: In the interests of road safety.

7. Pursuant to Condition 1 – no development shall commence until full details of the internal road layout within the development have been submitted to and approved in writing by the Planning Authority. The development layout shall ensure that no more than 20 dwelling houses will be served from the east access, i.e. via Barrs Road. All other vehicular traffic will be required to access the development site from Darleith Road. The internal roads shall be constructed in accordance with the principles of Designing Streets.

Reason: In the interests of road safety and good place making

8. Pursuant to Condition 1 – Car parking provision shall be provided in accordance with the Argyll and Bute Council LDP 2 Policy 40 (a). Parking provision shall be constructed and made available for use prior to the first occupation to the dwelling(s) to which it relates and shall be maintained thereafter for the parking of vehicles.

Reason: In the interests of road safety.

9. Pursuant to Condition 1 – no development or ground breaking works shall commence until an archaeological field evaluation has been undertaken and submitted to the Planning Authority for approval, the results of which shall inform as necessary the layout of the development to be submitted for the purposes of the Approval of Matters Subject to Conditions.

This archaeological field evaluation shall be prepared by a suitably qualified person and shall consist of a trial trenching programme of a distributed sample of 8% of the full application area. The West of Scotland Archaeology Service shall be notified at least 14 days in advance of the evaluation in order to facilitate monitoring of the work evidence of which to be submitted along with the archaeological field evaluation as part of the Approval of Matters Specified in Conditions submission. If archaeological remains on the site are confirmed, proposals for their preservation shall also be included.

Reason: In order to protect archaeological resources

10. For the avoidance of doubt the proposals hereby approved shall be served by public water and sewerage connections.

Reason: The proposal has been assessed on this basis and the introduction of private connections would represent a further material consideration in the determination of this planning application.

11. Pursuant to Condition 1 – no development shall commence until the following details have been submitted to and approved in writing by the Planning Authority:
 - i) Details of the proposed cut-off ditch (or similar) to be located along the northern border of the site along with calculations demonstrating that this proposed mitigation measure will not exacerbate flooding elsewhere;
 - ii) The existing flow pathway in the vicinity of the sewer line shall be maintained;
 - iii) A detailed drainage assessment and layout;
 - iv) Method Statement detailing surface water containment during construction.

Reason: In order to ensure appropriate mitigation for flood risk.

12. Pursuant to Condition 1 – full details of the proposed SUDs shall be submitted to and approved in writing by the planning authority. Thereafter the development shall commence in accordance with these details. These details shall include:
 - i) Full details of the proposed design and appearance of the SUDs facility to be designed in accordance with CIRIA C753;
 - ii) Detailed design calculations for this facility;

- iii) Details of the proposed drainage of the SUDs facility;
- iv) Details of the proposed maintenance regime and maintenance responsibilities for the SUDs facility.
- v) Soil information to be provided if infiltration SUDs are proposed.

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

13. Pursuant to Condition 1 – no development shall until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved 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;
- iii) Location design and materials of proposed walls, fences and gates. This shall include details of a secure boundary between the application site and the disused quarry on the south west corner of the site;
- 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) The proposed landscape plan shall take account of the Design Recommendations (para.4.8) contained within the applicant's supporting Landscaping Report dated June 2015 undertaken by Ann Nevett.

In addition, in accordance with the requirements of NPF4 Policy 3b, a Biodiversity Statement shall be submitted which demonstrates how the proposal will conserve, restore and enhance biodiversity including nature networks so that they are in a demonstrably better state than without intervention. This should include details of future management and should be informed by best practice methods.

Reason: To assist with the integration of the proposal with its surroundings in the interests of amenity and to comply with Policy 3 of NPF 4.

14. No trees overhanging the site shall be lopped, topped, or felled other than in accordance with the details provided to satisfy the requirements of condition 13 above.

Reason: In order to protect the trees overhanging the site in the interests of amenity.

15. Pursuant to Condition 1 – no development shall commence until details for the provision and maintenance of proposed areas of communal open space and equipped play area(s) within the development have been submitted to and approved in writing by the Planning Authority. The details shall comprise:

- i) A plan showing the location and extent of communal open space and equipped play areas;
- ii) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;
- iii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);

- iv) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of development;
- v) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects. The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

Reason: In order to secure provision of communal open space and equipped play areas within the development in accordance with the minimum standards set out in the Development Plan.

16. Pursuant to Condition 1 – no development shall commence until details for the arrangements for the storage, separation and collection of waste from the site, including provision for the safe pick-up by refuse collection vehicles, have been submitted to and approved in writing by the Planning Authority. Thereafter the duly approved provision shall be implemented prior to the first occupation of the dwellings which it is intended to serve.

Reason: In order to ensure that satisfactory arrangements have been made for dealing with waste on the site in accordance with LDP2 Policy 63.

17. Pursuant to Condition 1 – no development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Planning Authority. The provisions of this plan shall be adhered to during the construction period unless any subsequent variation thereof is agreed in writing by the Planning Authority.

Reason: In order to ensure the minimisation of waste generated during construction in accordance with policy LDP2 Policy 63.

ADDITIONAL NOTES TO APPLICANT

- This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
- Application(s) for Approval of Matters specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 within the time limits specified in Section 59 of the Act.
- Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
- The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site, it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997, it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- The consideration to reduce the 30mph speed restriction should be assessed in conjunction with Police Scotland and the Council's Roads Officer.
- An application for a Roads Construction Consent is required to be submitted and approved. Thereafter a financial security bond will require to be lodged with the Council's legal services section before any works commence on site.
- In order to meet obligations under wildlife legislation and to protect any breeding birds on the site, any vegetation removal should be undertaken outside the bird nesting season (March – August). If vegetation removal is planned during the bird nesting season, a suitably qualified ecologist should inspect the area for the presence of nests up to a maximum of one day prior to removal. If an active nest is discovered vegetation cannot be removed and must be left in situ until the young have fledged.

- Japanese Knotweed has been reported on or near this site. It is a highly invasive weed that is capable of structural damage. Disturbance will cause it to spread and its movement is controlled by legislation. Under the Wildlife and Countryside Act 1981 it is illegal to cause it to spread in the wild. You are strongly advised to survey the site for the presence of Japanese Knotweed at an early stage and before any site clearance work, and, if found, to formulate plans to control or eradicate it. Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plant may extend laterally up to 7 metres beyond this.

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	24/02193/PP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Introduction

1.1. A Section 42 application is an application for a new planning permission for a development but with different conditions from those attached to a previous permission for that development. This appraisal will consider whether, if planning permission is granted subject to the proposed amendments to the condition as imposed on planning permission 23/00145/PP, the proposal would remain in accordance with the statutory development plan, and if not, whether other material considerations indicate the proposal is acceptable and should be approved. In determining such an application, the Planning Authority can only consider changes to the conditions on the previous permission. The principle of the development is not under consideration and the original planning permission(s) remain live.

2. Location of Development

- 2.1. The application site is located on the northern edge of Cardross village and comprises a fairly level field, which is in use for grazing. It is bounded by Darleith Road to the west, and Barrs Road to the east, each of which provides access, directly or indirectly, to the principal road through Cardross, the A814. Cardross Primary School is located immediately to the south of the site.
- 2.2. Condition 04 of the permission to which this application relates, references a drawing showing access arrangements to the site along Darleith Road and it is this specific element of the proposal which is subject to this Section 42 application.

3. Settlement Strategy

- 3.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material planning considerations indicate otherwise. The principle of development has been established under the original permission and, further established by the granting of 23/00145/PP.
- 3.2. The application site has also been carried through from LDP 2015 to LDP 2 as an allocated Housing Site Ref: H2002 . Consequently, it is not necessary to revisit whether it is compliant with the settlement strategy.

4. Compliance with National Policy Framework 4 (NPF 4) and Local Plan Policy (LDP 2)

- 4.1. The Development Plan framework has changed since the determination of the original application, and also the determination of 23/00145/PP. The Development Plan now comprises NPF4, and LDP 2 .
- 4.2. As approval of this application will grant a fresh planning permission, it is necessary to address the relevant policy framework for the application where the statutory plan

framework differs from that of the previous permission, in addition to addressing the specific roads matters raised by the desire to change the wording of Condition 04.

- 4.3. It should be noted that evaluation of the granting of permission for the site against NPF 4 policies was undertaken when approving 23/00145/PP, however since that date LDP 2 has superseded the Local Development Plan 2015. Therefore, a further evaluation to identify any material changes in the planning policy framework within LDP 2 which would suggest that this new planning permission should not be granted is required.
- 4.4. The nature of the permission to be issued, stemming from a PPP, requires substantial amounts of additional information to be submitted to the Planning Authority for approval to discharge the proposed conditions. These submissions will require to address current policy requirements within NPF 4 and LDP 2 and will ensure that the details of any proposals will accord with current NPF 4 and LDP 2 policies. These details are not matters that form part of the current application, and therefore a detailed evaluation of wider planning policy matters is not considered to be required in this instance to competently evaluate the planning policy merits of this application.
- 4.5. Evaluation of the proposals against the relevant roads design policies in LDP 2 are however relevant to this application. This is set out at section 5 below.

5. Compliance with LDP 2 Policy 38 and Roads Policy Evaluation

5.1. The approved Condition 04 states:

- 4. Unless otherwise agreed in writing by the Planning Authority in consultation with the Road Network Manager, no development shall commence unless and until the following improvements to Darleith Road have been provided:*
- i) The provision of a suitable traffic calming scheme (give and take priority) and the provision of three new off-street car parking spaces between Barrs Terrace and Mill Road. A drawing showing details of these provisions shall be submitted for prior written approval of the Planning Authority.*
 - ii) Road improvement between Mill Road and the proposed development site entrance as identified on plan TIAvcar2_SK002B*
 - iii) The provision of a passing place immediately to the north of the proposed development site entrance in order to accommodate large vehicles passing in opposite directions.*
 - v) Upgrade of the existing lighting between Mill road and the existing 30 mph speed restriction limit.*

Reason: To provide improvements, including suitable traffic calming measures, compensatory parking and a passing place for larger vehicles, in the interests of road safety and to ensure a safe connection from the A814 to the site.

5.2. The applicants propose to replace the reference to plan TIAvcar2_SK002B with plan 22217-SK-35 Rev D. The area Roads Manager has raised no objection to the proposals commenting that :

In review of the above, and in light of the supporting Road Safety Audit for the proposed alterations, I confirm that Roads are satisfied that the wording of the condition be amended in line with amended design proposals.

With that, Roads identify condition 4 ii) to contain the wording in relation to road improvement and condition that Roads are satisfied for this to be changed to state the following:

ii) Road improvement between Mill Road and the proposed development site entrance as identified on plan 22217-SK-35 Rev D – Darleith Road Upgrades Cala Alternative Option 3

Furthermore, it must be added that while Roads accept the proposed is potentially more desirable than previously presented plan TIAvcar2_SK002B, we would highlight that there may be challenges to the deliverability. As such, the deliverability of the proposal rests with the developer.

In light of potential difficulties in deliverability, and concerns for the road safety of all road users, we would finally condition that the planning permission requires that the road improvements are delivered prior to works commencing on site

5.3. The applicant is proposing to amend the wording of Condition 04 to replace the referenced approved plan to the new proposed roads layout plan reference. At the request of the Area Roads Manager, Officers have also added a further instructional requirement within the condition to ensure that the road improvement work is provided to the satisfaction of the Area Roads Manager in advance of any works taking place to commence works to build the housing. This will address any concerns relating to control of necessary land to carry out the works. It is therefore proposed that the condition will read as follows (amended words highlights in bold for ease of reference):

4. Unless otherwise agreed in writing by the Planning Authority in consultation with the Road Network Manager, no development shall commence unless and until the following improvements to Darleith Road have been provided:
- i) The provision of a suitable traffic calming scheme (give and take priority) and the provision of three new off-street car parking spaces between Barrs Terrace and Mill Road. A drawing showing details of these provisions shall be submitted for prior written approval of the Planning Authority.
 - ii) Road improvement between Mill Road and the proposed development site entrance as identified **on plan 22217-SK-35 Rev D. The access road improvements as set out on this approved plan shall be provided to the satisfaction of the Area Roads Manager before any works are undertaken to commence development on the application site.**
 - iii) The provision of a passing place immediately to the north of the proposed development site entrance in order to accommodate large vehicles passing in opposite directions.
 - vi) Upgrade of the existing lighting between Mill road and the existing 30 mph speed restriction limit.

Reason: To provide improvements, including suitable traffic calming measures, compensatory parking and a passing place for larger vehicles, in the interests of road safety and to ensure a safe connection from the A814 to the site.

5.4. Since the consideration of permission 23/00145/PP, the Council has published Road Design Technical Guidance (April 2024) against which new applications should be evaluated and LDP 2 Policy 38 has been adopted.

5.5. LDP 2 Policy 38 states that:

Policy 38 – Construction Standards for Public Roads *The construction standards to be applied for Public Roads are as follows:-*

- a) They shall be constructed to a standard as specified in the Council's Roads Development Guide. All roads submitted for adoption as a public road should form a continuous system with the existing public roads.*
- b) In areas with a predominant system of single track roads with passing places, housing development of between 6 and 10 dwelling units may be accepted served by the "Variable Standard of Adoption" as set out in the Council's Roads Development Guide,*
- c) Roads which connect to or impact significantly on a Trunk Road will require consultation with Transport Scotland*

- 5.6. The current access proposals do not fully meet the technical standards set out in the Roads Development Guide (now complimented by the Roads Development Technical Guidance April 2024). Officers also note that this is a supporting technical note and does not form part of the statutory plan.
- 5.7. In this instance a planning permission already exists for a less safe access design. The current proposals are considered by the Area Roads Manager to be safer than the currently approved drawing, and therefore Roads Officers have taken a pragmatic view and consider that the delivery of improved and safer access arrangements to those currently approved are desirable and therefore the design changes proposed are considered acceptable in this particular instance.
- 5.8. More particularly in respect of this design change. On review of the reporter approved drawing TIAVCAR2_SK002 Rev B, the 'safe' pedestrian provision/ pedestrian 'step-off' is achieved through the existence and creation of grass verge alongside the carriageway. The proposed drawing does not detail a minimum width of this verge, nor does it suggest that the verge will be continuous along the road length between the proposed development and the existing pedestrian provision at the junction with Mill Road. Furthermore, the proposed pedestrian 'step-off' is presented on the westward side of the existing access road, consequently this would necessitate pedestrians of all ages and abilities to cross the carriageway twice if travelling between the proposed development and the existing pedestrian provision located from Mill Road. Furthermore it should be noted that a verge does not guarantee a level surface with step free access for all, consequently this may encourage pedestrians, that require a level surface over which to traverse, onto the carriageway.
- 5.9. When contrasted against drawing 22217-SK-35 Rev D it is recognised that the proposal offers a continuous footway along the eastward side of the existing access road, with the footway width varying along its length between 2.0m, 1.2m to 0.8m locally. Whilst it is recognised that the current proposals do not fully comply with the desirable pedestrian provision of a 2.0m continuous width of footway, the proposed incorporates a pedestrian provision on the development side of the road thus removing the requirement to cross the carriageway and the associated risks with doing so. Additionally, the creation of a hard surface footway offers a level surface over which pedestrians can traverse in all weathers. In conclusion, whilst the proposed does not achieve the desirable standards for footway provision, the proposed changes are considered to represent an improvement and a safer design which is a betterment than that which was originally approved.
- 5.10. The proposals are therefore considered to be justified minor departure from LDP 2 Policy 38 and the referenced standards given the specific circumstances of this case and its planning history.

COMMITTEE REPORT	
APPENDIX B – RELATIVE TO APPLICATION NUMBER:	24/02193/PP
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