

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 22 FEBRUARY 2012**

**Present:** Councillor Daniel Kelly (Chair)

|                             |                               |
|-----------------------------|-------------------------------|
| Councillor Rory Colville    | Councillor Bruce Marshall     |
| Councillor Gordon Chalmers  | Councillor Alister MacAlister |
| Councillor Robin Currie     | Councillor Donald MacMillan   |
| Councillor Vivien Dance     | Councillor Roderick McCuish   |
| Councillor Mary-Jean Devon  | Councillor Alex McNaughton    |
| Councillor David Kinniburgh | Councillor Al Reay            |

**Attending:** Charles Reppke, Head of Governance and Law  
Angus Gilmour, Head of Planning and Regulatory Services  
Richard Kerr, Principal Planning Officer

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Neil Mackay and James McQueen.

**2. DECLARATIONS OF INTEREST**

Councillor Roderick McCuish declared a non financial interest in relation to planning application 11/02115/PPP which is dealt with at item 10 of this Minute as he has previously spoken with the Applicant in respect of this application.

**3. MINUTES**

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 18 January 2012 (9.30 am) were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 18 January 2012 (10.15 am) were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 18 January 2012 (11.00 am) were approved as a correct record.
- (d) The Minutes of the Planning, Protective Services and Licensing Committee of 24 January 2012 were approved as a correct record.

**4. EXCEL: ERECTION OF 3 TWO STOREY DWELLINGHOUSES: LAND TO WEST OF ANNIESLEA, HYDRO ROAD, PORT BANNATYNE, ISLE OF BUTE (REF: 11/00626/PP)**

The Principal Planning Officer spoke to the terms of the report advising that the proposal was for the erection of three detached dwellinghouses with individual

accesses onto an existing private road and connection to public services. The site is located within the settlement of Port Bannatyne and within Housing Allocation H/AL 1/5 contained within the Argyll and Bute Local Plan 2009. A Masterplan for the remainder of the housing allocation has been submitted which identifies how a further sixteen dwellings can be successfully incorporated into this part of the Rothesay Conservation area. Having due regard to the Development Plan and all other material considerations, it is recommended that, subject to the holding of a discretionary hearing, planning permission be granted subject to conditions and reasons detailed within the report.

## **Decision**

Agreed to hold a discretionary hearing in Rothesay on a date and time to be determined.

(Reference: Report by Head of Planning and Regulatory Services dated 6 February 2012, submitted)

**5. MR AND MRS E AND H HOWARTH: ERECTION OF DWELLINGHOUSE, INSTALLATION OF SEPTIC TANK AND FORMATION OF NEW ACCESS: CROFT HOUSE, CUL A MHILL, ARDTUN, BUNESSAN, ISLE OF MULL (REF: 11/00847/PP)**

The Principal Planning Officer spoke to the terms of the report advising that the Applicant had submitted two applications with alternative designs for a dwelling house on a site allocated within Rural Opportunity Area in the Argyll and Bute Local Plan 2009 subject to Argyll and Bute Structure Plan 2002 policy STRAT DC 4, refined by the provisions of the adopted Isle of Mull Landscape Capacity Study 2009. The Landscape Capacity Study identifies the site within a 'Red Area' not recommended for development. The current proposal is to be assessed as a 'special case' under STRAT DC 5 part (B), including a requirement for a formal Area Capacity Evaluation (ACE). He recommended that the ACE appended to the report be adopted as a material consideration in the determination of this application and any future application within the defined area of common landscape character. He also recommended that the application be refused for the reasons given in the report and that the Applicant be encouraged to pursue one of the alternative sites identified in the ACE to secure a house for the croft.

## **Motion**

That planning permission be refused for the reasons detailed in the report.

Moved by Councillor Daniel Kelly, seconded by Councillor Al Reay.

Councillor Devon advised that she would like to submit an amendment to approve the application and asked if the meeting could be adjourned so that she could prepare a competent Motion.

The Chair ruled, and the Committee agreed, to adjourn the meeting at 1.10 pm.

The Committee reconvened at 1.15 pm.

Councillor Devon advised that she would be unable to prepare a competent Motion today as it was not possible to do so in the light of the Planning Officer's ACE and that she would have to make arrangements to prepare an alternative ACE in advance of bringing a motion to approve the planning application.

The Chair agreed with the consent of his seconder to withdraw his Motion.

### **Decision**

Agreed to continue consideration of this planning application to a future meeting to allow Councillor Devon to prepare an alternative ACE.

(Reference: Report by Head of Planning and Regulatory Services dated 2 February 2012, submitted)

**6. MR AND MRS E AND H HOWARTH: ERECTION OF DWELLINGHOUSE, INSTALLATION OF SEPTIC TANK AND FORMATION OF NEW ACCESS (ALTERNATIVE DESIGN): CROFT HOUSE, CUL A MHILL, ARDTUN, BUNESSAN, ISLE OF MULL (REF: 11/00851/PP)**

The Principal Planning Officer spoke to the terms of the report advising that this was an alternative design submitted by the same Applicant that submitted planning application reference 11/00847/PP referred to in the previous item. The site is allocated within Rural Opportunity Area in the Argyll and Bute Local Plan 2009 subject to Argyll and Bute Structure Plan 2002 policy STRAT DC 4, refined by the provisions of the adopted Isle of Mull Landscape Capacity Study 2009. The Landscape Capacity Study identifies the site within a 'Red Area' not recommended for development. The current proposal is to be assessed as a 'special case' under STRAT DC 5 part (B), including a requirement for a formal Area Capacity Evaluation (ACE). He recommended that the ACE appended to the report be adopted as a material consideration in the determination of this application and any future application within the defined area of common landscape character. He also recommended that the application be refused for the reasons given in the report and that the Applicant be encouraged to pursue one of the alternative sites identified in the ACE to secure a house for the croft.

### **Decision**

1. Agreed to continue consideration of this planning application to a future meeting to allow Councillor Devon to prepare an alternative ACE; and
2. Noted that on pages 72 and 74 of the agenda pack they should refer to planning application reference 11/00851/PP and not planning application reference 11/00847/PP.

(Reference: Report by Head of Planning and Regulatory Services dated 2 February 2012, submitted)

The Chair ruled, and the Committee agreed, to adjourn the meeting at 1.20 pm for lunch.

The Committee reconvened at 1.50 pm.

Councillors Mary-Jean Devon and Roderick McCuish did not return to the meeting.

**7. TARBERT HARBOUR AUTHORITY: CHANGE OF USE OF FORMER BOAT YARD SITE AND ASSOCIATED LAND TO FORM AMENITY AREA AND OTHER ASSOCIATED WORKS (RETROSPECTIVE): TARBERT HARBOUR, GARVAL ROAD, TARBERT (REF: 11/00857/PP)**

The Head of Planning and Regulatory Services spoke to the terms of the report advising that this was a proposal seeking retrospective planning permission in respect of engineering works relating to the remodelling of the land and foreshore on the site of a recently demolished commercial boatyard and for the use of the main part of this site as a public amenity space with an associated footpath and street lighting. The proposal also seeks retrospective planning permission for the temporary retention of a portacabin which is utilised as a harbour office. The application site lies within the 'settlement area' of Tarbert and lies within the boundary of Area for Action (AFA) 13/1 which is identified by the Argyll and Bute Local Plan as location for strategic harbour improvements and development. Despite the sensitivities of the site and its surrounds and notwithstanding concerns raised by third parties, the proposal is considered to be consistent with the relevant provisions of the Structure and Local Plan.

**Decision**

Agreed to grant planning permission subject to the following conditions and reasons:-

1. This permission, in so far as it relates to the provision of a temporary structure for use as a harbour office, shall be limited to a maximum period of three years from the date of consent, whereupon the modular portacabin unit shall be completely removed from the site, unless a further planning permission is granted to extend such a temporary permission. Within two months of the removal of the temporary structure, the site shall be completely reinstated to a condition to be agreed in writing with the Planning Authority, unless a further period is granted in writing to extend such reinstatement works.

*Reason: This permission being a temporary use only as enabling development within a wider scheme for the redevelopment of this former industrial site and, in order to enable the Planning Authority/Trunk Road Authority the opportunity to assess the effect of the use upon the surrounding area.*

2. The portacabin to which this temporary planning permission relates shall only be used for a harbour office by Tarbert Harbour Authority and for no other use including any other purpose in Classes 2 and 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

*Reason: To accord with the use applied for and, to underpin the justification for the siting of a such a temporary building within the Tarbert Conservation*

Area.

3. If by reason of any circumstances not foreseen by the applicant or operator that the temporary building for use as a harbour office becomes vacant or is disused for a continuous period of 4 months then it will be deemed to have ceased to be required, and unless otherwise agreed in writing with the Planning Authority, the modular portacabin shall be completely removed from the site and the site restored to a standard to be agreed in writing with the Planning Authority.

*Reason: To protect the character and appearance of the Tarbert Conservation Area by ensuring that the temporary building is removed in the event of it no longer being required as a harbour office.*

(Reference: Report by Head of Planning and Regulatory Services dated 6 February 2012, submitted)

**8. MISS MAIRI PORTER: CHANGE OF USE OF EXTERNAL BACK AREA INTO SEATING AREA AND ERECTION OF GATES AND FENCE (RETROSPECTIVE): HOLY COO RESTAURANT, 22 SHORE STREET, BOWMORE, ISLE OF ISLAY (REF: 11/00901/PP)**

The Principal Planning Officer spoke to the terms of the report and to supplementary report number 1 advising that this retrospective application relates to a converted church located within Bowmore Conservation Area immediately adjacent to the retail area of the village. Previously planning permission (ref no 10/00388/PP) was granted on 13 May 2010 for the change of use of existing Council Offices to the current use as a small restaurant with ancillary craft shop (Class 1 and 3) which also incorporated a decking area to the rear to provide an additional restaurant seating area. This application relates to the erection of a fence and double gates beyond the main entrance to the café/craft shop leading down to the external seating area and an amended (actually reduced) decking area to that previously granted consent. All land subject to this application is within the ownership of the Applicant. However the stone wall adjoining the site to which one gate is erected is claimed to be within the ownership of Bowmore Distillery. Issues as to whether there is any public access across the land enclosed by the gates would be appropriate to resolve under the appropriate procedures afforded by access legislation, rather than as part of the determination of the planning application. There are no circumstances, including the matters raised by third parties and the potential for public access right to be successfully claimed, which would warrant refusal of permission for the works which have been carried out.

**Motion**

Agreed to grant retrospective planning permission subject to the following notes to the Applicant appended to the report.

Moved by Councillor Daniel Kelly, seconded by Councillor Al Reay.

**Amendment**

Agreed to refuse retrospective planning permission for the following reason:-

The proposal will have a significant adverse impact upon the visual amenity of neighbouring properties and will give rise to a detrimental impact on the character and appearance of the Bowmore Conservation area.

Moved by Councillor Robin Currie, seconded by Councillor Alex McNaughton.

The Motion was carried by 8 votes to 2 and the Committee resolved accordingly.

### **Decision**

Agreed to grant retrospective planning permission subject to the following notes to the Applicant:-

- For the purpose of clarity it is noted that this grant of permission does not preclude or negate any existing public right of access which may be proven to exist across the private land which is the subject of the application site. It is noted that the Council's Access Manager and the Scottish Rights of Way Society have raised concern during the processing of this application that the route across the application site between Shore Street and the beach/foreshore adjoining the application site might have sufficient grounds to be considered as a public right of access, in which event it would be afforded protection by the provisions of the Land Reform (Scotland) Act 2003/Countryside Scotland Act 1967. This grant of planning permission does not preclude or prejudice the Council's ability as Access Authority to undertake action at a future date in the event that it were to be satisfactorily established that a public right of access exists across this private land.
- It is advised that written representation received by the Planning Authority in the determination of this application have raised concern that the proposal will prevent/restrict private rights of access to adjoining property. It is noted that these are civil matters which would require to be resolved between the affected parties and as such are not material to the determination of this application. It is the responsibility of the applicant/developer to ensure him/herself that a development does not infringe the private rights of other parties who may have an interest either in the application site or adjoining land.
- The applicant must not at any time erect any signage or do anything to prohibit or deter responsible public access over or through the site. The Council as the Access Authority may on receipt of a complaint take action under Section 14 of the Act to require the removal of any inappropriate signage.

(Reference: Report by Head of Planning and Regulatory Services dated 2 February 2012, submitted)

**9. MR ROBERT DICKSON: ERECTION OF THREE 15KW WIND TURBINES (15.4 METRES HIGH TO HUB HEIGHT): LAND SOUTH WEST OF LEOB COTTAGE, PENNYGHAEL, ISLE OF MULL (REF: 11/01586/PP)**

The Principal Planning Officer spoke to the terms of the report advising that in

terms of the adopted Argyll and Bute Local Plan, the northernmost turbine is within Sensitive Countryside under STRAT DC 5 and the other two turbines are within Very Sensitive Countryside under STRAT DC 6. The site is also situated within the Ross of Mull Area of Panoramic Quality. He advised that the proposal was contrary of Policies STRAT DC 5, STRAT DC 6, STRAT DC 8, STRAT DC 9 and STRAT RE 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 10, LP ENV 16, LP ENV 17 and LP REN 1 of the adopted Argyll and Bute Local Plan. He also advised that there were 16 letters of objection received and that 15 of these were local. Having due regard to the Development Plan and all other material considerations, it is recommended that the application be refused.

## **Decision**

Agreed to refuse planning permission for the following reasons:-

1. The erection of three 15.4m high (to hub) wind turbines, by virtue of their verticality, motion, number, height, and siting will introduce a series of incongruous features into the Ross of Mull Area of Panoramic Quality, which is an area identified as being worthy of special protection in view of its recognised landscape and scenic qualities. The area is characterised by a flat, open, wild and rugged landscape, which is vulnerable to change as a consequence of the introduction of inappropriate forms of development. This sensitive landscape does not lend itself to a multiple turbine installation, nor such an elevated site, where visual impacts extend across a wide expanse of surrounding countryside. The turbines proposed would impose significant change upon its immediate surroundings and would impact adversely upon the wider landscape, including the route to the historic island of Iona, by introducing a further focal point, of a type that is alien to the existing environment.

The proposal is contrary to Policies STRAT DC 5, STRAT DC 6, STRAT DC 8 and STRAT RE 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 10, and LP REN 1 of the adopted Argyll and Bute Local Plan, and there are no other material considerations of sufficient weight, including the contribution which the development could make to renewable energy generation and to addressing the consequences of climate change, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

2. Insufficient information has been submitted that accurately depicts the visual impacts of the proposed development upon the surrounding landscape, the scenic qualities of the area, and the historic environment. In the absence of such detailed information underpinned by a reliable landscape methodology, it has not been demonstrated that the proposal will be capable of being successfully absorbed into the landscape without giving rise to adverse effects. In the absence of an reliable evidence to the contrary, it is considered that the proposal would be unsustainable and would likely be detrimental on a landscape afforded special protection in view of its recognised scenic qualities, could adversely impact on tourism being sited within clear sight of the main tourist route to Iona, and could adversely impact on surrounding sites of historic significance.

The proposal is therefore contrary to Policies STRAT DC 5, STRAT DC6, STRAT DC 8, STRAT DC 9 and STRAT RE 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 10, LP ENV 16, LP ENV 17 and LP REN 1 of the adopted Argyll and Bute Local Plan, and there are no other material considerations of sufficient weight, including the contribution which the development could make to renewable energy generation, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

(Reference: Report by Head of Planning and Regulatory Services dated 2 February 2012, submitted)

**10. MR AND MRS S BATE: SITE FOR THE ERECTION OF CROFT HOUSE: LAND EAST OF ACHARA, OBAN (REF: 11/02115/PPP)**

At the request of the Applicant it was agreed to continue consideration of this planning application to a future meeting.

**11. ARGYLL AND BUTE COUNCIL: CONSTRUCTION OF 2.5M WIDE TARMACADAM FOOT/CYCLE PATH INCLUDING INSTALLATION OF ACCESS CONTROL BOLLARD AND DROPPED KERBS AND ERECTION OF STOCK PROOF FENCING, SAFETY HANDRAIL AND CYCLE SHELTER: DALMALLY COMMUNITY CENTRE, DALMALLY (REF: 11/02170/PP)**

The Head of Planning and Regulatory Services spoke to the terms of the report advising that this was a Council interest application for the installation of a footpath from Glenview to the village hall in Dalmally. The proposal does not raise any planning issues that would warrant anything other than a positive recommendation.

**Decision**

Agreed to grant planning permission subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 1/11/11 and the approved drawing reference numbers:

Plan 1 of 4 (Location Plan at scale of 1:1250)

Plan 2 of 4 (Site Plan at scale of 1:250, 1:20)

Plan 3 of 4 (Detail Sheet 1 at scale of 1:50, 1:20)

Plan 4 of 4 (Detail Sheet 2 at scale of 1:50, 1:20)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

2. The development shall not begin until details of a scheme of boundary



treatment and landscaping works to specifically alleviate the potential for overlooking of path users into the property known as Dumfriemull and the associated rear garden area have been submitted to and approved in writing by the Council, as Planning Authority: Details of the scheme to include –

- i) Location of the proposed works (for avoidance of doubt this should be the section of the path passing the property known as Dumfriemill and associated garden area);
- ii) Height of any bunding arrangement;
- iii) Species of any planting to be used.

All the soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Council as planning authority, within six months of the footpath being brought into use. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting season following the commencement of the development unless otherwise agreed in writing with the Council, as Planning Authority.

*Reason: In the interests of visual amenity and to protect the privacy of adjoining households.*

(Reference: Report by Head of Planning and Regulatory Services dated 1 February 2012, submitted)

**12. MR PHILLIP JONES: REMOVAL OF SECTION 75 RELATIVE TO PLANNING APPLICATION 01/00800/DET: SHORE COTTAGE, BENDORAN BOATYARD, BUNESSAN, ISLE OF MULL (REF: 11/02449/PP)**

The Principal Planning Officer spoke to the terms of the report advising that this application seeks permission to remove the Section 75 Agreement which prevents the dwellinghouse known as Shore Cottage being sold off separately from the associated boatyard/lobster farm and shellfish holding plant. It is recommended that the applicant enter into an amended Section 75 Agreement extinguishing the use of the remaining land for its authorised business use, in favour of the residential permission previously granted for the redevelopment of land at Bendoran Boatyard/Lobster Farm and Shellfish holding, Bunessan, Isle of Mull, subject to the applicant meeting the Council's legal costs in so doing.

**Decision**

Agreed to invite the Applicant to enter into an amended Section 75 Agreement extinguishing the use of the remaining land for its authorised business use, in favour of the residential permission previously granted for the redevelopment of land at Bendoran Boatyard/Lobster Farm and Shellfish holding, Bunessan, Isle of Mull, subject to the Applicant meeting the Council's legal costs in so doing.

(Reference: Report by Head of Planning and Regulatory Services dated 1 February 2012, submitted)

**13. ARGYLL AND BUTE COUNCIL: CONSTRUCTION OF FOOTPATH LINKING LORN ROAD TO ETIVE ROAD: VACANT LAND BETWEEN LORN ROAD AND ETIVE ROAD, DUNBEG, OBAN (REF: 11/02577/PP)**

The Principal Planning Officer spoke to the terms of the report advising that this was a Council interest application for the installation of a footpath from Etive Road to Lorn Road, adjacent the primary school in Dunbeg. The proposal does not raise any planning issues nor are there concerns raised by third parties that would warrant anything other than a positive recommendation.

**Decision**

Agreed to grant planning permission subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 23/12/11 and the approved drawing reference numbers:

Plan 1 of 7 (Location Plan at scale of 1:1250)  
Plan 2 of 7 (General Arrangement at scale of 1:200)  
Plan 3 of 7 (Sections at scale of 1:1:20)  
Plan 4 of 7 (Details at scale of 1:20)  
Plan 5 of 7 (Details at scale of 1:20)  
Plan 6 of 7 (Details at scale of 1:20)  
Plan 7 of 7 (Details at scale of 1:20)

unless the prior written approval of the planning authority is obtained for other an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

2. The footpath hereby approved shall not be brought into use until a section of footway between the new footpath access at Etive Road and the adjacent Church has been constructed to an adoptable standard within the existing verge along the carriageway edge, so as to enable connection of the approved development to the existing footway network.

*Reason: In order to ensure that footway facilities will be continuous in the interests of pedestrian safety.*

3. No development shall be commenced until full details of the proposed surface water drainage arrangements for the site have been submitted to and have been approved in writing by the Council as Planning Authority in consultation with the Area Roads Engineer. Such details shall be consistent with the principles of Sustainable Urban Drainage (SuDS) and shall be devised so as to prevent surface water from being discharged from the area of the works onto the public road. The development shall be implemented in accordance with the duly approved details.

*Reason: In order to secure an appropriate form of drainage in order to avoid*

*flooding.*

(Reference: Report by Head of Planning and Regulatory Services dated 7 February 2012, submitted)

**14. HELENSBURGH HERITAGE TRUST: ERECTION OF COMET ARCH AND EXPLANATORY PANEL: HELENSBURGH PIER, WEST CLYDE STREET, HELENSBURGH (REF: 11/02597/PP)**

The Head of Planning and Regulatory Services spoke to the terms of the report advising that this was a Council interest application and that planning permission was sought for the erection of a decorative arch in the design of the Comet steamship and an explanatory panel near the entrance to the car park at Helensburgh pier. He advised that there were no objections from third parties and that the proposal was supported by Helensburgh Community Council. It is considered that the scale and design of the proposed arch is acceptable and that it accords with Policy STRAT DC 9 of the Structure Plan and Policies LP ENV 1, LP ENV 13a and LP ENV 19 of the adopted Local Plan and that planning permission be granted.

**Decision**

1. Agreed to grant planning permission subject to the following conditions and reasons:-

(a) The development shall be implemented in accordance with the details specified on the application form dated 29/12/2011 and the approved drawing reference numbers 1 of 6, 2 of 6, 3 of 6, 4 of 6, 5 of 6, 6 of 6 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

(b) Prior to works commencing on site, details of the proposed explanatory board shall be submitted to and agreed in writing by the Council as Planning Authority. The development shall be implemented in accordance with the duly approved details.

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

2. Noted concerns raised by Members in respect of maintenance of this arch and panel in view of the Council being the landowners and that these will be drawn to the attention of the Head of Roads and Amenity Services who will require to approve the erection as owners of the land.

(Reference: Report by Head of Planning and Regulatory Services dated 6 February 2012, submitted)

## **15. PLANNING AND ECONOMY GROWTH - SEMINAR PAPERS**

Consideration was given to a report addressing issues identified during discussions between the Scottish Government and Council Officers as part of the government's 'Planning and Economic Growth' initiative. The Council has been asked for its views firstly, on how multiple representations to planning applications from third parties should be most appropriately considered in the decision making process and secondly, on the performance of our current scheme of delegation that is in operation.

### **Decision**

1. Agreed that representations in respect of planning applications should continue to be reported to Members in the manner adopted hitherto, and that multiple standardised representations and petitions ought not to be given lesser credence in committee reports than individual representations, on the understanding that the method of representations will be recorded and that it will be up to individual Members in their capacity as decision makers to accord what weight they see fit to all representations received;
2. Agreed to acknowledge the current Scheme of Delegation (approved in 2009) has been performing well, with the exception of dealing with Council interest applications, and that review of arrangements should only take place if primary legislation changes or in 2014 whichever is earliest, noting that the Scottish Government recommended a 5 year lifespan for Schemes of Delegation.

(Reference: Report by Head of Planning and Regulatory Services, submitted)

## **16. SCOTTISH GOVERNMENT PLANNING APPEAL DECISION - KILCHATTAN WINDFARM**

Consideration was given to a report advising of a recent appeal decision by the Scottish Government directorate for Planning and Environmental Appeals relative to the erection of 16 turbine wind farm and ancillary structures at Kilchattan, Todd Hill, Southend, Kintyre.

### **Decision**

Noted the contents of the report and that the appeal had been dismissed.

(Reference: Report by Head of Planning and Regulatory Services dated 2 February 2012, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for the following 2 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 13; and 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

## **17. ENFORCEMENT UPDATE: 10/00319/ENAMEN**

Consideration was given to an update on enforcement case 10/00319/ENAMEN.

## **Decision**

Noted the contents of the report and agreed to continue consideration of this matter to the next meeting of the PPSL Committee.

(Reference: Report by Head of Planning and Regulatory Services, tabled)

Councillor Bruce Marshall left the meeting at 3.30 pm.

### **18. ENFORCEMENT UPDATE: 10/00012/ENOTH1, 10/00077/ENOTH2 AND 10/00210/ENFOTH2**

Consideration was given to enforcement cases 10/00012/ENOTH1, 10/00077/ENOTH2 and 10/00210/ENFOTH2.

## **Decision**

Agreed to the recommendations detailed in the report.

(Reference: Report by Head of Planning and Regulatory Services dated 14 February 2012, submitted)