

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the KILMELFORD VILLAGE HALL, KILMELFORD  
on THURSDAY, 17 MARCH 2011**

**PRESENT**

Councillor Daniel Kelly (Chair)  
Councillor Rory Colville                      Councillor Neil Mackay  
Councillor Donald MacMillan              Councillor Alister MacAlister  
Councillor Roderick McCuish              Councillor Alex McNaughton  
Councillor James McQueen                Councillor Al Reay

**Attending:**

Iain Jackson, Governance & Law  
David Love, Planning Manager  
Fiona Scott, Planning Officer  
Billy Reynolds, Architect for Applicant  
Ms A Young, Applicant  
Mrs Antionette Mitchell, Kilninver & Kilmelford Community Council  
Mr John Heron, Roads Technician  
Mr Liversedge, Objector  
Mr Allan Loughray, Objector  
Mrs Jane Rentoul, Objector

**1. APOLOGIES FOR ABSENCE**

Councillor Gordon Chalmers  
Councillor Robin Currie  
Councillor Vivien Dance  
Councillor Mary-Jean Devon  
Councillor David Kinniburgh  
Councillor Bruce Marshall

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest

**3. MR A READ AND MS A YOUNG: APPLICATION FOR ERECTION OF AGRICULTURAL SHED INCORPORATING FARM SHOP AND CAFE BUILDING AND INSTALLATION OF PRIVATE SEWERAGE TREATMENT PLANT AND SOAKAWAY: LAND NORTH WEST OF KAMES FARMHOUSE, KILMELFORD (REF: 10/01415/PP)**

The Chairman welcomed everyone to the meeting and invited the Committee to introduce themselves. Mr Iain Jackson, Governance & Law, outlined the procedures that would be followed during the hearing. He then established who would be addressing the meeting. In respect of the Planning Authority, Applicant, Consultees, Supporters and Objectors.

The Chairman agreed that Mr Liversedge, having submitted a late letter of objection, be allowed to address the meeting at the appropriate time. He also agreed that Fiona Wylie, having submitted a late letter in support, be allowed to address the meeting at the appropriate time.

## **Planning Authority**

Mrs Fiona Scott presented the application on behalf of the Head of Planning and Regulatory Services, advising the Committee that the application had been presented to the PPSL Committee on 15<sup>th</sup> February 2011 and was continued to a hearing due to the number of representations received in the context of a small community. She advised that the application is for erection of an agricultural shed incorporating a farm shop and café building and installation of a private sewerage treatment plant and soakaway. The site is adjacent to a fish farm and will be integrated into the landscape by trees. There have been no objections raised by Consultees other than the Community Council in regard to the water supply and the close proximity of the fish farm. She added that there is a suspensive planning condition covering water concerns. The site benefits from a locational need and will have no unacceptable impact on the landscape. She recommended that the Committee approve the planning application as a minor departure to Development Plan Policy RET4, subject to conditions appended to the report.

## **Applicant**

Mr Reynolds, Agent for the applicants, said the previous application was to be served by a borehole therefore the proposals with the new water supply will reduce usage from the supply that serves the peninsula.

Mrs Young, Applicant, said the main objections were around the water supply. A successful borehole has been dug producing 40 litres per minute, and water sampling is being undertaken. The borehole is approximately 35m above sea level and the current supply is approximately 63m away, separated by a deep gully with a stream – the supplies are on two separate hills separated by a burn and the borehole will not take water from the current supply. The existing supply pipe is situated 30m east of the proposed building. The site was chosen to separate male and female animals, and to give access to shelter and grazing. The site utilises an area of very little use as there is better ground available for grazing and forage. The trees surrounding the site will deaden the noise from the fish farm. There are currently 3 people employed full time, and the café and shop will provide work for another 2 with extra workers being taken on to cover holiday changeovers. Mrs Young urged the Committee to take this into account when making their decision.

## **Consultees**

Kilninver & Kilmelford community Council: Mrs Mitchell said she was speaking for Kames residents who had raised very real concerns over their water supply. She had earlier heard contradicting and confusing reports on the water supply. She said it was unfortunate that the applicants hadn't attended Community Council meetings to discuss their application. The community basically supported the farm shop, café, etc., but their concerns over the water supply are serious as a strain will be put on the water supply. She added that a proper hydrology report should have been made available or SEPA should have been in attendance at the meeting.

Roads: Mr Heron said the proposal is acceptable and complies with road safety policies ensuring that a service bay at the end of the access and passing places be installed, adding that the access would be much safer than at present.

Paul Reynolds, Environmental Health, reiterated concerns raised in regard to the water supply. A report has been submitted, but not a full report as required. He wanted confirmation that other users would not be disadvantaged.

### **Supporters**

Mrs Fiona Wylie spoke in support of the application on the basis that it would bring much needed employment to the area and boost the local economy, some local contractors had already been used on the site and it would attract tourists which in turn will benefit the local retail outlets and restaurants. She suggested that an attractive feature of the proposed site is the open pasture between the A816 and the house and steadings and the location of the proposed new buildings would preserve this vista. She urged the Committee to approve the application.

### **Objectors**

Mr Christopher Liversedge, Objector, introduced himself as a retired architect. He raised concerns in regard to the borehole, asking how long it would take for the water level to recover in periods of drought. He asked whether an analysis of the soil had been taken as there may be soil migration from clay. He added that when the water level is lowered it has an effect on the land above therefore affecting other people's water supply. A reservation tank should be included to assist extraction during drought.

Mr Loughray, Objector, said he shared concerns with other residents that water had not been taken into account on the application. He objected because according to the application form no water was required for this building. He recognises that farms have to diversify and has no objection to this as it helps rural areas and tourism. He objected to the water supply issue as it will have a devastating effect on others, stating that to ensure sustainable development, the planning office have a duty to assess the cumulative impact on others. He added that Kames Farm has previously had a lack of water. This is drawn from the same catchment area and is a limited resource. The farm and development will have first call on available water therefore others will be adversely affected. Poly tunnels, farm shop, café and holiday cottages are an increased burden on resources. He raised concerns that residents have no further legal right to amend their current rights, and that the landowners could refuse to provide others with water. Mr Loughray said there has been no Hydrology survey carried out and no proper assessment by Planning in advance of the application and he therefore requested that the Committee overturn the report and refuse the application, or, if Members are not minded to refuse, could defer their decision to allow findings of such a report to be made available.

Mrs Rentoul stated that the poly tunnels had been sited as temporary and asked whether a shed would hide the poly tunnels from the road. She queried how the stated hours of operation would fit with the animals, and added that there should be water provision included for animals.

## Questions from Members

Councillor Reay asked whether there have been other successful boreholes in the area. Mr Reynolds said he would investigate this, and the Planning Officer said she was not aware of any other boreholes being used. Kames fish farm had tried to use one but trials showed they were either dry or there was a risk if salt water seeping in.

Councillor McCuish referred to the condition regarding water supply and asked the objectors if they were happy with this condition. The Objectors said that conditions are often not met easily by applicants and they asked the Committee to defer consideration of the application until meaningful assessment of this was provided.

Councillor Colville referred to condition 3 in the report saying it was complex and asked about the cost of bringing in a hydrologist. Mr Reynolds said it would be very costly. Councillor Colville then asked if it was fair to ask the applicant to pay for this and perhaps not get planning? Mr Reynolds thought the applicant had the backing of the planners therefore there was no problem with the application. Councillor Colville then asked the applicant if they could guarantee that the report was not flawed or that they could guarantee the supply to others, to which the applicant stated that they could not guarantee this.

Councillor Mackay asked the applicant why they had not accepted the invitation from the Community Council to discuss the proposals. The applicants refuted that they had been invited, that they heard about it from a neighbour. They had tried to visit the Chair of the Community Council and had met with residents at Mrs Rentoul's house, adding that they had nothing to hide. Councillor Mackay then asked whether Mr Reynolds had any concerns about having a café within the shed. Mr Reynolds said he had no concerns, this would have to be registered and comply with regulations. Councillor Mackay also asked about condition 3 and was advised that this links with policies which state that this has to be done, adding that it is not unusual for a condition to be included and complied with prior to beginning work on site. Councillor Mackay asked Mr Loughray whether he was aware of the wording of policy, to which Mr Loughray said he was aware of it.

Councillor MacNaughton asked whether the questions raised could have been dealt with by planning prior to the application appearing before the committee, and was advised that these issues were only highlighted when the objectors wrote in therefore they couldn't have been dealt with earlier. The Planning Officer stated that they give advice only, there is no guarantee to the applicant of approval.

Councillor Colville asked if new activity would decrease the supply to others and was advised that the report indicated that the supply was sufficient, but there would be no guarantee for the future.

Councillor McCuish asked about the meeting with the applicants and was advised by the applicant that they had been paid a neighbourly visit when they arrived in the area. They were invited to the Objectors house, and others were invited along to meet them.

There was no meeting, and no discussion of the application. Councillor McCuish then asked the applicant about the meeting and was advised that they had been invited and asked what plans they had for the farm. The café had been added to the plans later after speaking to other people. Councillor McCuish then asked about mains water and was advised that there is a mains supply to Kilmelford approximately 2 miles from Kames.

Councillor MacAlister asked about the borehole and was advised that the farm is supplied by the catchment area. The borehole will supply thousands of gallons of water per day giving a huge excess in the possible supply of water.

## **Summing Up**

### **Planning Authority**

Mrs Scott reinforced that the applicant could not commence work until the hydrologists report had been received. The site is suitable for the application and will be shielded from the road. There are no other material considerations which would prevent the application from being approved.

### **Applicant**

Ms Young said that all water would be supplied by the borehole, and that she would be happy to comply and supply reports.

### **Consultees**

Mrs Mitchell defended the community council by saying that dates are advertised prior to meetings. She repeated that the community council have no issues and that they welcome the café and shop. She said that nothing had been said to convince her of the water supply. It would be fair to have a proper report to allay everyone's fears, and hoped there would be no bad feeling. The present fish farm owner had tried to use a borehole but was unsuccessful.

Mr Heron said he had nothing further to add at this time.

Mr Reynolds said the report provided was basic and did not satisfy requirements – it did not show the effect on current usage, etc.

### **Supporters**

Mrs Wylie said she had nothing further to add.

### **Objectors**

Mr Liversedge said he hadn't heard whether there had been authorisation from SEPA.

Mr Loughray thanked the Committee for the chance to air his objections today.

Mrs Rentoul said she felt that a hydrology report would have been done on an application and it was important that there would be no risk to the fish farm.

The Chairman asked all parties whether they had received a fair hearing, and all present agreed that they had.

## **Debate**

The Chairman said he understood the concerns and agreed it was best to come to the area to look at it properly.

Councillor Mackay said the main concern of the day is water and it would probably have been better for the applicant to have met with the community council previously. He shared the concern of all the objectors but was content with policy and that conditions have been added and would support the application.

Councillor Colville wondered whether, with the private supply being so close to the mains supply, whether anyone knew of the possibility of further expansion. He felt there was a strong case for Scottish Water to extend the mains supply. He is minded to grant approval, having faith in Officers. This would create an opportunity for a public supply.

Councillor Reay echoed the views of Mrs Wylie, that this application would benefit the area and tourism. The area would always be vulnerable to drought. He would support the application with condition 3 attached.

Councillor McCuish said the application would affect the land and would be happy to get reports, particularly the hydro report. Given that conditions have to be met, he would support the application.

Councillor McNaughton said the scheme is very good and that he feels for everyone of the same mind. Water has been addressed and he would agree with the recommendation.

Councillor MacAlister said this would encourage tourists to the area and would support the application.

Councillor MacMillan was undecided but put faith in condition 3 and hoped consideration of the application would result in a suitable outcome.

Councillor Mackay said this application should be approved today and he hoped the application could work with the local shop and the local café.

## **Decision**

It was unanimously agreed that the application be approved subject to conditions contained within the report by Head of Planning & Regulatory Services dated 28<sup>th</sup> February 2011.

(Ref: Reports by Head of Planning & Regulatory Services dated 24<sup>th</sup> January and 28<sup>th</sup> February 2011, submitted)

