

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COVE BURGH HALL (MAIN HALL), COVE
on MONDAY, 11 OCTOBER 2010

Present: Councillor Daniel Kelly (Chair)

Councillor Vivien Dance	Councillor Alex McNaughton
Councillor Bruce Marshall	Councillor James McQueen
Councillor Alister MacAlister	Councillor Al Reay
Councillor Donald MacMillan	

Attending: Iain Jackson, Governance and Law
Howard Young, Planning and Regulatory Services
Campbell Divertie, Roads and Amenity Services
Mr Thomson, Applicant
Mr Calderwood
Mr Hodgson, Objector
Ms Martin, Objector
Mr Mieszkowski, Objector
Mr Williams, Objector

Apologies: Councillor Rory Colville
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh
Councillor Neil Mackay
Councillor Roderick McCuish

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rory Colville, Robin Currie, Mary-Jean Devon, David Kinniburgh, Neil McKay and Roderick McCuish.

2. DECLARATIONS OF INTEREST (IF ANY)

There were no declarations of interest.

3. JAMES K B THOMSON: ERECTION OF DWELLING AND INSTALLATION OF PRIVATE SEWERAGE TREATMENT PLANT: LAND NORTH WEST OF PORTKIL LODGE, PORTKIL (REF: 10/00510/PP)

The Chair welcomed everyone to the meeting and Members of the Committee introduced themselves. Mr Jackson outlined the hearing procedure and the Chair invited anyone who wished to speak at the meeting to come forward and make themselves known.

Howard Young, Planning and Regulatory Services gave a short presentation to the Committee on the application. He advised that the application was for the erection of a dwellinghouse, installation of private sewerage treatment works and road and junction improvements to the B833. He advised that outline planning permission for the erection of 5 dwellings and installation of a private sewerage

treatment plant had been granted on 22 April 2008. He advised that the design statement had indicated that permission was for a single storey house and that the current application was for a one and a half storey house but the design was acceptable to the Planning Authority.

Mr Young advised that with regard to surface water drainage, a late representation had been received from Mr Mieszkowski with details of surface overflow and damage to the existing drainage system. The Planning Authority had contacted Mr Gilfillan, Flood Alleviation Manager for advice and Mr Young read Mr Gilfillan's response to the Committee. He suggested that should the Committee be minded to approve the application he would advise the addition of a further condition covering the issues raised within the representation from Mr Mieszkowski.

Mr Young concluded by advising that the Planning Authority were recommending approval of this application subject to the conditions as detailed in the report by the Head of Planning and Regulatory Services with the addition of a further condition covering the issues raised by Mr Mieszkowski.

Mr Thompson, Applicant, introduced himself and advised that he would be speaking in response to the concerns raised in the representations that had been made and the conditions set down by the Planning Authority. He advised that the proposed development would be his family home despite suggestions that he was building it to sell. He advised that the development would almost be carbon neutral.

In response to condition 1, Mr Thomson advised that, if approved, the development would begin the following summer. In response to condition number 2, Mr Thomson advised that he had worked closely with the Planning Authority throughout the previous year to ensure that his application reached acceptable standards. He advised the dwelling would be one and a half storeys and of vernacular style, he advised that he was aware that the outline permission had been for a single storey dwelling but none of the styles had suited, they had been too wide. He informed the Committee that the carbon footprint of a one and a half storey house was 49% less than that of a single storey. In response to concerns over the ridge height and that the development would be skyline; Mr Thomson advised that there were only 2 vantage points at which you could currently see Ardmish. He referred the Committee to paragraphs P and R within the report by the Head of Planning and Regulatory Services stating that the development was appropriate and acceptable.

In response to conditions 3 and 4, Mr Thomson advised the Committee that improvements to the access road had already been started by Mr Calderwood and it was to be further improved by the construction of speed bumps and passing places. In response to condition 5, Mr Thomson advised that samples of the materials to be used would be supplied to the Planning Authority in due course. In respect of condition 6, Mr Thomson highlighted that there had been a substantial number of objections in relation to surface drainage and advised that any problems were pre-existing as he had not begun any development work and assured the Committee that he would be developing suitable drainage measures to protect his property. Mr Thomson advised that pictures and a DVD previously circulated and had been misleading. He advised that flooding near Raith Cottage was due to exploratory holes dug by Mr Calderwood filling up with

rainwater and that the cascades of water that had been filmed was when severe flooding had occurred in the whole area. When Mr Gilfillan had looked at the one in 200 year event he had found that there was more than enough capacity for the proposed drainage system and advised that his system would actually improve surface drainage for the whole area.

Mr Thomson advised that there would be no problem complying with condition 7. In respect of condition 8, he advised that he had written to Dr Paul Robins, West of Scotland Archaeological Service and hoped that this work would be carried out towards the end of October.

In respect of conditions 9 and 10 Mr Thomson advised that the septic tank to be installed was self factoring and that an annual survey would be done. Mr Thomson asked that condition 10 be removed due to the fact that the proposed treatment plant a soakaway would lie below the well which would make contamination very unlikely. He added that tests done had shown that the water in the well was already contaminated. In addition Mr Thomson told the Committee that untreated raw sewerage had been seen on the beach below the Portkil hamlet and when he had contacted SEPA he had discovered that only 2 septic tanks had been registered.

In response to condition 11 Mr Thomson advised that he could not yet give a definite answer on the type of trees that would be planted until he had determined the type of soil on the site. Mr Thomson concluded by asking the Committee for approval of his application.

Mr Calderwood spoke in support of Mr Thomson's application. He advised that he was involved in the infrastructure of the surface drainage system and sewerage treatment plant and advised that he had obtained permission to improve the drainage on the south side of Portkil where the raw sewerage had been seen and which was included in the condition set down by Mr Gilfillan. Mr Calderwood advised that in respect of the flooding in the fields he had investigated the ditches that had been dug by his father in previous years and had discovered that they were full of tree roots; he advised that he planned to dig new ditches 1m away from the fence. He told the Committee again that his aim was to improve the amenity of the area and that surface drainage would be 100% better once works had been completed.

Campbell Divertie, Roads and Amenity Services advised that a lot of time had been spent designing the road improvements as detailed in recommended conditions 3 and 4 within the report by the Head of Planning and Regulatory Services. He advised that the key point for the Committee to note was that this work would be completed before development of the first house and not the fifth house.

Mr Hodgson spoke on behalf of the objectors. He advised that there were 2 key elements to their objection which were the height and location of the proposed dwelling and the surface drainage. He advised that many of the objections put forward for previous applications still also applied. Mr Hodgson referred the Committee to a quote made by the Planning Authority during consideration of a previous application with regard to mitigating against skyline development and told the Committee that in his view this application was a skyline development. He advised that the other two new builds near to the plot could be seen from a

distance and had an impact on the landscape. Mr Hodgson moved on to tell the Committee that he had no confidence in conditions set down by the Planning Authority as in the past these had not been adhered to once the application had been approved. Mr Hodgson insisted that if the application were to be approved that the new build be no more than one storey as detailed in the outline planning permission and insisted that the materials used blend into the landscape. He emphasised again that height was important and that this application had an element of skyline development. He told the Committee that he required assurance that the conditions set down by the Planning Authority would be adhered to.

Ms Martin also spoke on behalf of the objectors. She advised that drainage was a serious problem and was surprised that Mr Gilfillan had had no objection to the application. She advised that the SUDS proposal was unacceptable and that the garden of Raith Cottage was too close to the proposed soakaway. She showed the Committee flooding figures from the previous 5 years and pictures during high rainfall. She referred to the tree roots that were currently blocking the ditches and advised that the current situation was causing erosion of the roots which could cause the trees to fall. Ms Martin advised that in the plans, the soakaway sat approximately 10m from the corner of Raith Cottage and expressed concerns over its close proximity. She then questioned the need for a separate application for the drainage system as it would be used by all 5 houses and not just this one. Ms Martin told the Committee that Scottish Executive regulations state that any bio disc plant should be fitted with an alarm and again expressed concern over how close the soakaway was to other properties. Ms Martin then showed the Committee photographs showing the topography of the land and explained that the run off would be towards Raith Cottage. In respect of the well Ms Martin agreed that it could presently contain contamination but had been informed that a UV system would adequately support the well if it was required. Ms Martin then told the Committee that the exploratory holes dug by Mr Calderwood along the boundary of Raith Cottage had caused flooding during heavy rainfall and showed the Committee photographs of the flow of water and advised that the use of sandbags had been required to alleviate this.

Mr Williams advised that he had lived in the area for 35 years and that he objected to the proposals made to improve the access road. He told the Committee that the junction required complete realignment, that the proposals would not make the road any safer and that the sight lines were insufficient. Mr Williams told the Committee that there were 11 families currently residing in the area, some of which have children and not all of which drive and advised the Committee that it would not be safe for a bus to stop at the junction with the B833. He emphasised the danger of the road and advised that in his opinion the junction needed realignment, a bus stop constructed and a reduction in speed limit.

The Committee were then given the opportunity to ask questions.

Councillor Marshall asked Campbell Divertie if the road improvements would continue past Portkil House to the shore, if there was another access from the shore and if the road would be brought up to adoptable standard. Mr Divertie detailed the works to be done and advised that there was only one access from the B833. He advised that there was no obligation to bring the road up to adoptable standard. Councillor Kelly asked if there was further work to be

carried out at the junction to which Mr Divertie replied yes.

Councillor McMillan asked Ms Martin if flooding occurred on a regular basis and if she would still be subject to this if the house was not built to which she replied yes, but if the house was built it would be worse

Councillor Reay asked Mr Young if he was confident that the drainage system would not contaminate other properties to which he replied yes and that he was confident due to the conditions that had been set down.

Councillor Dance asked for confirmation over the flooding issues, she advised that the objectors had claimed that flooding was due to work done by Mr Thomson but Mr Thomson had intimated that he had done no work. She also asked for clarification on the issue with skyline development and if the bio disc plant would be fitted with an alarm.

Mr Thomson confirmed that bio disc plants do have an alarm. He advised that in terms of height the dwelling was undoubtedly one and a half storeys but would not be as high as Ardmish, he advised that none of the single storey properties he had looked at would have fitted in with the site. He advised that he did not believe the development was skyline.

Mr Calderwood advised that he had carried out some exploratory work due to the concerns over flooding. He advised that one of the ditches was currently out of working order and this could be the reason for the flooding, he added that water did not always fall as shown in the pictures produced by the objectors. He added that this could also be due to the change from an arable field to a grass field. In respect of the soakaway he advised that this was to the side of Raith Cottage and not above as stated by the objectors.

Mr Young advised Councillor Dance that pre-application discussions had taken place between the applicant and the Planning Authority and that they were satisfied with the application. He advised that they did not consider the development skyline as the land rose beyond the site, that it was a good design and fitted well into the landscape. With regard to surface water run off Mr Young advised that this would most likely change due to the change from a field to a house, he advised that this would need to be looked at and that a detailed SUDS scheme would be submitted prior to any work taking place on the site. Mr Young informed the Committee that the proposed bio disc plant purifies the water before it reaches the soakaway therefore there would be no contamination.

Councillor Kelly asked Mr Calderwood if he planned to resolve the flooding issues to which he replied that he intended to reinstate the ditch that was currently out of order.

All parties were given the opportunity to sum up.

Mr Young summed up by saying that the site was included within the settlement boundary of Portkil House and the application was supported by development policy. He advised that the proposed design was both appropriate and acceptable and that the Planning Authority were recommending it for approval subject to the conditions as set down in the report and the addition of a further condition to address the issues raised by Mr Mieszkowski.

Mr Thomson summed up by saying that in terms of height the application complied with appropriate policies and that measures were being put in place to resolve the issues with surface drainage. He confirmed that no destabilisation of the hillside would occur due to the types of soil on the site. He asked that the Committee approve his application.

Mr Calderwood summed up by informing the Committee that his plots were sold on the condition that a share of the maintenance would be paid and that this would be included in the titles.

Mr Divertie summed up by emphasising the fact that the improvements to the road would be completed before the first house was started, not after the fifth and that the Roads Authority had no objections to the application.

Mr Hodgson summed up by asking the Committee to consider the option of requesting a single storey house as had been detailed in the outline permission and also asked that they consider the need for two separate applications; one for the house and one for the filtration system. Ms Martin summed up by emphasising the closeness of the soakaway to Raith Cottage and highlighting how the run off from the field goes through the Portkil settlement.

Mr Williams summed up by telling the Committee that the junction improvements were imperative but asked if there was the need for a fatal accident before any action would be taken over the issues he had raised.

The Chair asked all parties if they considered that they had had a fair hearing to which they confirmed that they had.

Decision

That planning permission be approved subject to -

1. the conditions as detailed in the report by the Head of Planning and Regulatory Services;
2. the addition of a further condition to address the concerns raised in the letter by Mr Mieszkowski dated 14 September 2010; to be agreed by the Chair, Vice Chair and Head of Planning and Regulatory Services.