

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01415/PP

Planning Hierarchy: Local Development

Applicant: Mr A Read & Ms A Young

Proposal: Erection of Agricultural Shed incorporating Farm Shop, Cafe Building and Installation of Private Sewage Treatment Plant and Soakaway

Site Address: Land northwest of Kames Farmhouse, Kilmelford

SUPPLEMENTARY REPORT NO. 1

(A) Background

This application was presented to the Planning, Protective Services and Licensing Committee meeting on 16 February 2011.

Since presenting the proposal to Committee, further representations have been received from the following individuals:

Robert McT Hill, Kames Lodge, Kilmelford, PA34 4XA (12/02/11)
Councillor Elaine Robertson, Dungrianach, Crannaig a Mhinisteir, Oban, PA34 4LU (15/02/11)

The above representations raises no new issues but reiterates the issues raised in the previous submissions, including water supply, which are detailed and commented on in the main report.

In light of the concerns regarding the water supply, the applicant's agent has been asked to provide further details prior to the hearing.

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to:

- 1) the holding of a discretionary local hearing in view of the number of representations received in the context of a small community, and
 - 2) the conditions and reasons appended to this report.
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Author of Report: Fiona Scott **Date:** 25/02/11

Reviewing Officer: Stephen Fair **Date:** 28/02/11

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 10/01415/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. No development shall commence on site until the vehicular access at the junction with the public road has been upgraded in accordance with the Council's Road Engineers Drawing Number SD 08/006a with passing places at 60 metre intervals along the access track and visibility splays of 160.0m x 2.4m having been formed in each direction formed from the centre line of the access where it meets the existing public road. Prior to work starting on site these visibility splays shall have been cleared of all obstructions above the level of the adjoining carriageway and shall be maintained free of obstruction thereafter to the satisfaction of the Planning Authority.

Reason: In the interests of road safety to ensure that the proposed development is served by a safe means of vehicular access.

3. No development shall commence on site until a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development has been submitted to and approved in writing by the Planning Authority. This assessment shall be carried out by a qualified and competent person(s). Such appraisal shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 and shall on the basis of such risk assessment specify the means by which a wholesome and sufficient water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development. Furthermore, the development itself shall not be brought into use or occupied until the required supply has been installed in accordance with the agreed specification.

Reason: In the interests of public health and in order to ensure that an adequate private water supply in terms of both wholesomeness and sufficiency can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

4. No development shall commence on site until full details of the foul drainage system, including the location, specification, capacity and means of discharge of any proposed treatment facility, has been submitted to and approved in writing by the Planning Authority. Thereafter, the approved details will be fully implemented prior to the proposed development first coming into use and maintained thereafter in perpetuity.

Reason: In the interests of residential amenity and public health

5. Development shall not begin until details of the scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i) existing and finished ground levels in relation to an identified fixed datum
- ii) existing landscaping features and vegetation to be retained
- iii) location and design, including materials, of walls, fences and gates
- iv) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
- v) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping

6. The development shall be implemented in accordance with the details specified on the application form dated 06/09/10 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plan - Drawing Number 2010 023-015)

Plan 2 of 2 (Shed 2 - Drawing Number 2010 023-015)

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.

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), 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 (as amended) 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 Area Roads Manager has advised that a Roads Opening Permit (S56) is required for the proposed development. An application form is enclosed for your use.