

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

13/0002/LRB

**REFUSAL OF PLANNING PERMISSION FOR THE
ERECTION OF A DWELLING HOUSE AND
INSTALLATION OF SEPTIC TANK**

**LAND NORTH WEST OF ARDUAINE FARM,
ARDUAINE, OBAN**

**PLANNING PERMISSION IN PRINCIPLE
REFERENCE NUMBER 12/00361/PPP**

15TH February 2013

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council (“the Council”). The appellant is Michael Campbell (“the appellant”).

Planning application 12/00361/PPP which proposed the erection of a dwelling house and installation of septic tank (“the appeal site”) was refused under delegated powers on the 19th November 2012.

The planning decision has been challenged and is subject of review by the Local Review Body.

DESCRIPTION OF SITE

The site is located north west from the existing Arduaine Farm within a low lying area of land on the north facing side of a promontory west of the A816 at Arduaine. There is a small caravan on site which is used as a general agricultural store. The supporting statement advises that the farm holding comprises approximately 360 acres situated either side of the A816 main road. The landholding includes the majority of the Arduaine peninsula, the offshore islands of Gamhna and Creagach in Loch Melfort and the hill land to the east, rising to the summit of Beinn Chaorach and the lochan beyond. The farm is predominantly hill land with some forestry and is currently grazed by sheep, cattle and a small herd of pigs. The existing farmyard and associated buildings are grouped together adjacent to the A816 road on its westward side. Within the farm boundary is the family burial ground which is still used and is managed by the applicant.

SITE HISTORY

No history directly relevant to this appeal. Neighbouring developments are referenced in the enclosed Report of Handling.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town & Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan and determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is the test for this planning application.

STATEMENT OF CASE

The determining issues in relation to the case are as follows:-

- Whether the material considerations asserted by the appellant are sufficient to outweigh the fact that the planning application is contrary to the current adopted development plan; or whether in fact the development plan remains the primary determining factor.

The Report of Handling (Appendix 1) sets out Planning Service assessment of the planning application in terms of policy within the current adopted development plan and other material considerations taken into account in determining the planning application.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were covered in the Report of Handling which is contained within Appendix 1. As such it is considered that the Council has all the information required to determine this particular request for review. Given the above and that the proposal is small scale in nature, constitutes a Local Development, has no complex or challenging issues and has not been the subject of any public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

Existing Situation

The existing situation is that the appellant has successfully run his farm and rural business from within Arduaine at approx.650m from the farm yard. Therefore, this is not a case of a remote rural business requiring additional permanent on-site residence, or a case of a farm requiring a farmhouse to care for livestock. There are two existing properties at the existing farm yard. The appellant has stated that one of the existing properties could be changed to non-residential use should this review be granted. This does not form part of this application, and the building remains available for redevelopment with a replacement house.

Alternative Sites

The appellant has stated that there are no opportunities for redevelopment within the existing farming area. This is not accepted by the Planning Service. There is an obvious opportunity for redevelopment of an existing house within the land holding, as well as a site within the 'settlement zone' that could allow for a new farmhouse. The land marked as "Livestock gathering and penning area" could readily be developed for a farmhouse and the existing gathering and penning repositioned within the farm without any detriment to the countryside or farming operation.

Farmhouses commonly lie immediately alongside the working farm yards, and the appellant's reference to this as a farcical arrangement appears to be without any foundation. Indeed, it conflicts with the predominant arrangement of farmhouses in the area and conflicts with the existing arrangement of having 2 houses located at the farm yard already.

Whilst the appellant raises concern about the farm yard being included within the settlement boundary, ample opportunity existed to make representation to the Local Plan process at the time. It is not accepted that the settlement boundary was allocated arbitrarily as stated.

A policy assessment against Structure Plan policy STRAT AC1 has been covered in the Report of Handling. The appellant has misinterpreted this policy which clearly states that opportunities for residential development can be supported through

appropriate infill, rounding off, redevelopment and change of use proposals. Other proposals may be considered on more peripheral locations supported by environmental reports. This is not a proposal for infill, rounding off, redevelopment or change of use nor is this a case of a farm requiring a full time residence to grow the business. This is a case of a farm with two residential properties and a land owner wanting to develop a new property on land not supported through the development plan. Local Plan support for farming operations is dependent on ensuring that new housing is located in the right place, and that it accords with the settlement strategy policies. The proposal does not meet the settlement strategy, is contrary to policy, and is not sufficiently justified to merit a departure from policy.

Comparison with nearby permission

With regard to the nearby permission at Celtic Sea for a single dwelling house and residential block (reference 11/00704/PP) the applicant, in this case, successfully demonstrated a locational and operational requirement for an on site presence. The site could not be successfully managed remotely, had no pre-existing residential presence, and the confidential supporting information supplied in that case proved the need for the development. There were no practical alternatives in that case and no land available within the settlement boundary to the developer. The circumstances of that example are entirely different from the case under review.

CONCLUSION

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The applicant has failed to identify a suitable operational requirement to site a third dwelling house on the farm. The business has been supported successfully over a number of years from the appellants existing home just 650m away. There is an opportunity to redevelop at least one of the existing houses at the farm yard which would be an option consistent with the provisions of the development plan. In addition to this, there is a vacant site within the ownership of the appellant and within the 'Settlement Zone', which could readily be developed. Despite the opportunities on the farm holding that would result in a development which is consistent with policy, the applicant has decided to pursue this site only. If the applicant required a new energy efficient property, as is stated in the appeal proposal, any new site provides that option and it is not dependent on the house going on the review site only.

Policy support for farming under STRAT AC 1 is dependent on operational needs being proven, and developments being located in the right places. There is an explicit focus on existing buildings, infill, rounding off and redevelopment opportunities. The appellant is ignoring obvious opportunities within the holding and within the 'Settlement Zone'. The proposal is contrary to STRAT DC 2 and there is no policy support for the proposed house in this case. The proposal is contrary to the adopted development plan and there are no material considerations of such weight that have been identified to justify granting a departure to policy. It is respectfully requested that the review be dismissed and the original refusal be upheld.

APPENDIX 1

Argyll and Bute Council
Development Services

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: 12/00361/PPP

Planning Hierarchy: Local Development

Applicant: Mr Michael Campbell

Proposal: Site for the erection of dwelling house and installation of septic tank

Site Address: Land North West of Arduaine Farm, Arduaine, Oban

DECISION ROUTE

(i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)**

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwelling house
 - Installation of septic tank
 - Installation of new access off existing private access track
 - Installation of sustainable drainage system
-

(B) RECOMMENDATION:

It is recommended that the application is refused for the reasons specified below.

(C) HISTORY:

None relevant to this site, but adjacent developments are referenced later in this report.

(D) CONSULTATIONS:

Area Roads Manager
Report dated 29/02/12
No objection.

Public Protection Unit
Memo dated 13/03/12

No objection but a condition should be attached to any permission requiring the submission of a water report demonstrating the wholesomeness and sufficiency of the supply without impact on other users.

(E) PUBLICITY:

None

(F) REPRESENTATIONS:

None

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|---|-----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes |

General supporting statement provided background to the proposal and argument for operational/locational need.

(H) PLANNING OBLIGATIONS

- | | | |
|-----|-------------------------------------|----|
| (i) | Is a Section 75 agreement required: | No |
|-----|-------------------------------------|----|
- (because application is being recommended for refusal)
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- | | | |
|-----|--|----|
| (I) | Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
|-----|--|----|
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(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. |
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Argyll and Bute Structure Plan 2002

STRAT DC 2 – Development within the Countryside Around Settlements

STRAT AC 1 – Development in Support of Farms, Crofts and Estates
STRAT SI 1 – Sustainable Development

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment
LP ENV 19 – Development Setting, Layout and Design
LP HOU 1 – General Housing Development
LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems
LP SERV 4 – Water Supply
LP TRAN 2 – Development and Public Transport Accessibility
LP TRAN 6 – Vehicle Parking Provision
Appendix A – Sustainable Siting and Design Principles
Appendix C – Access and Parking Standards

- (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 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)
SPP, Scottish Planning Policy, 2010
Secured by Design

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N)	Does the Council have an interest in the site:	No
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(O)	Requirement for a hearing:	No
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(P) Assessment and summary of determining issues and material considerations

The application is for planning permission in principle for the erection of a dwelling house on land north west of Arduaine Farm, Arduaine. In association with the proposed house, it is intended to install a private foul water system, a sustainable surface water drainage system, and utilise an existing access off the public road.

The site is located north west from the existing Arduaine Farm within a low lying area of land on the north facing side of a promontory west of the A816 at Arduaine. An indicative house position is in the centre of the proposed plot with the septic tank and soakaway in the south east corner. An access point is in the north west corner. There is an existing caravan on the site which is used as a general agricultural store. The supporting statement advises that the farm holding comprises approximately 360 acres situated either side of the A816 main road. The landholding includes the

majority of the Arduaine peninsula, the offshore islands of Gamhna and Creagach in Loch Melfort and the hill land to the east, rising to the summit of Beinn Chaorach and the lochan beyond. The farm is predominantly hill land with some forestry and is currently grazed by sheep, cattle and a small herd of pigs. The existing farmyard and associated buildings are grouped together adjacent to the A816 road on its westward side. Within the farm boundary is the family burial ground which is still used and is managed by the applicant. However, the planning application only identified land on the seaward side of the A816 within the same landholding (as identified by the blue line).

The existing farmyard and the associated buildings are identified within the 'Settlement' development control zone where new or replacement housing would generally be supported.

However, the site is entirely within the 'Countryside Around Settlement' (CAS) development control zone as per the adopted Local Plan 2009. The Argyll and Bute Structure policy STRAT DC 2 applies a general restriction, by only supporting small scale infill, rounding off, redevelopment and change of use proposals to existing built development within the zone, or very limited exceptions as special cases. There is no established built development to apply the infill, rounding off, redevelopment or change of use criteria to in this instance. The application does not satisfy any of the criteria and therefore the principle of the proposal is not supported by STRAT DC 2. This is further enforced through policy LP HOU 1 of the adopted Local Plan. This policy re-iterates the requirements and restrictions of STRAT DC 2. Therefore, the only matter left to assess is whether it warrants support as a 'special case'.

The main policy position is further informed through Structure Plan policy STRAT AC 1 which provides general support to development on farms, crofts and estates to assist in their operational integrity in a sustainable manner consistent with all other policies in the development plan. Subsection (a) comments that small scale residential development shall be supported subject to a focus on existing building, infill, rounding off and redevelopment opportunities. This proposal, as demonstrated above, does not constitute any of these criteria given it is isolated from existing development and there is no opportunity for redevelopment at the site. The policy may also support development in more peripheral locations subject to supporting environmental information. This farm is not in a peripheral location.

It is understood that the livestock management on the farm is limited and that the main source of income is an existing engineering business. This has recently been boosted by an agreement to develop domestic wind turbines. The applicant considers that he needs a new property on the farm estate to serve the needs of the business and to provide a central location for the farm and contracting business. There are no details as to the size of the house, design detail etc at this stage because the application is in principle only.

In support of the application, it is argued there is a need for a new farm house as a focal point for the farming operation and the associated contracting business, Arduaine Farm Services Ltd. Both activities are currently run from the applicant's existing residence in Arduaine which lies around 650m south east of the existing farm yard. Alongside the applicants existing residence, two houses have been granted under 11/02566/PPP on 09/03/12 and 12/01179/PP on 02/08/12. At the farm yard itself, there is a 1960's dorrans style house currently used for temporary workers, and an adjacent house approved under 98/01165/DET which is understood to be occupied by the applicant's mother.

The existing proximity of the applicant's house to the farm yard will obviously create a degree of travel between the two, but it is not considered to be so significant to merit a special case for a new house in the location proposed. The dorrnan house at the farm yar presents an ideal opportunity for redevelopment with a new build farmhouse, immediately at the existing farm yard, but the applicant does not wish to utilise this option. The adjacent 1998 house also offers an opportunity for use by the applicant with some adjustment to existing living arrangements between the family parties involved. In addition, there remains undeveloped land within the farm holding alongside the farm yard, within the allocated 'Settlement' zone, which should be the next preference in terms of additional development at the site. With all of these factors in mind the proposal is not considered consistent with the provisions of STRAT AC 1 not does it meet the requirements to be considered as a 'special case' under Policy STRAT DC 2.

This is not a case of a working farm with no farmhouse; rather, it is a case of farm served by two existing houses, adjacent to a small settlement where the applicant currently resides (650m away), and where two additional plots have been approved already. It is understood that apart from the small inconvenience of having to travel between the applicants residence and the farm yard, there is little else wrong with the existing arrangements, which have been sufficient to operate the farm and engineering business since its inception in 1997. The case in support of the operational and locational need is weakened by:

1. The proximity of the applicants existing house
2. The existence of two houses at the farmyard
3. The existing of land owned by the applicant within the 'Settlement' zone
4. The existence of two approved house plots in the ownership of the applicant.

The applicant has also stated that he requires the additional house for security purposes given his current business operation. There is no evidence to suggest that crime is a particular problem at the site and the presence of two existing houses at the farm yard will undoubtedly deter opportunistic crime. This argument is further weakened because the selected site lies 160m away in a concealed and low lying location relative to the main farmyard, where little benefit of natural surveillance would be provided. It is not accepted that the proposed house would improve security beyond what is already present. It is not accepted that the applicants aspirations to overview their slipway are sufficient to outweigh the fact that the application is contrary to the development plan policy.

It is not accepted that the applicant has demonstrated a 'special case' to justify the proposal or to merit a departure from the general provisions of the development plan. The applicant has specified that he requires the house for security for the existing business but has provided no details as to problems with crime nor is the proposed house located in accordance with the principles of "Secured by Design" or Planning Advice Note (PAN) 77 which advise on this matter. The house will be some distance away from the farmyard providing only a marginal difference in distance and travel time to the existing arrangement where the farm has been managed successfully from the settlement of Arduaine. This is a weak case, which is undermined by the circumstances and options available to the applicant. There is no reason to support the development where so many alternatives exist that would accord with the Local Plan policies which would also meet the applicants stated aspirations.

The proposal is located within the Countryside Around Settlement development control zone as per the adopted Local Plan. Structure Plan policy STRAT DC 2 will only support proposals that are considered infill, rounding off, redevelopment and

change of use. This proposal is none of these. This is further reinforced through policy LP HOU 1 of the adopted Local Plan. The applicant has two existing properties at the farmyard itself. He has declined officer suggestions to redevelop the dorrnan house, which is recognised as being unfit for permanent habitation. In addition, the applicant declines the suggestion to identify an alternative site on land within the allocated 'Settlement' boundary which is also within his ownership. The proposal runs contrary to the development plan and insufficient justification exists to merit supporting the application.

In conclusion the proposal is not consistent with the provisions of the development plan specifically Structure Plan policy STRAT DC 2 and Local Plan policy LP HOU 1. The proposal does not warrant consideration as a special case and is therefore recommended for refusal.

A parallel is drawn by the applicant to an adjacent approval under 11/00704/PP for a house and accommodation unit at Celtic Sea Ltd. However, the circumstances in that case were different. The entire landholding lay within Sensitive Countryside, and a house and accommodation unit were accepted as necessary to support the existing approved business at the site. There was no on site or adjacent site presence which could meet the needs of the business and there was no part of the landholding within an allocated Settlement where development should be directed. The comparison drawn by the applicant is not convincing and does not establish a precedent which is relevant to the assessment of this application.

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

(R) Reasons why planning permission or a Planning Permission in Principle should be refused

1. The proposal is located within the Countryside Around Settlement development control zone as per the adopted Local Plan. Structure Plan policy STRAT DC 2 will only support proposals that are considered infill, rounding off, redevelopment and change of use or limited specified exceptions. The application does not represent an opportunity for development in accordance with STRAT DC 2, nor does the supporting statement provide sufficient justification for the house to be supported as a 'special case', or to merit a departure from the adopted development plan. This is further reinforced through adopted Local Plan policy LP HOU 1, which the application is also contrary to. Structure Plan policy STRAT AC 1 confirms similar advice, with a preference for farm development in locations that consolidates existing built development. The proposal runs contrary to STRAT DC 2, STRAT AC 1, and LP HOU 1.
2. The applicant has two existing houses at the farmyard itself, either of which could serve as an opportunity for a farmhouse at the existing farmyard, and resolve any issues of inconvenience that arise from the distance of 650m that lies between the existing farmyard and the applicants existing residence, from where the farm and engineering business has been successfully operated for a number of years. In addition, the applicant also owns land within the allocated 'Settlement' boundary, where additional housing would be supported, alongside the existing farmyard. The existing housing and land owned by the applicant all present more favourable options for a new farmhouse in accordance with the adopted development plan than the application as submitted. The applicant has indicated the house is necessary for security but has provided no details as to

problems with crime, nor is the proposed house located with consideration for the principles contained in 'Secured by Design' or Planning Advice Note (PAN) 77. The house will be 160m away from the farmyard in a low lying and concealed position relative to the farmyard providing only a marginal difference in distance and travel time from the existing arrangements, where the farm has been managed successfully over a number of years. The applicant has not demonstrated a sufficiently strong case for the propose house to be deemed a 'special case' with a proven locational/operational need or to merit a departure to the development plan.

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

N/A

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

Author of Report: David Love Date: 25/10/12

Reviewing Officer: Stephen Fair Date: 16/11/12

**Angus Gilmour
Head of Planning**

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 12/00361/PPP

1. The proposal is located within the Countryside Around Settlement development control zone as per the adopted Local Plan. Structure Plan policy STRAT DC 2 will only support proposals that are considered infill, rounding off, redevelopment and change of use or limited specified exceptions. The application does not represent an opportunity for development in accordance with STRAT DC 2, nor does the supporting statement provide sufficient justification for the house to be supported as a 'special case', or to merit a departure from the adopted development plan. This is further reinforced through adopted Local Plan policy LP HOU 1, which the application is also contrary to. Structure Plan policy STRAT AC 1 confirms similar advice, with a preference for farm development in locations that consolidates existing built development. The proposal runs contrary to STRAT DC 2, STRAT AC 1, and LP HOU 1.
2. The applicant has two existing houses at the farmyard itself, either of which could serve as an opportunity for a farmhouse at the existing farmyard, and resolve any issues of inconvenience that arise from the distance of 650m that lies between the existing farmyard and the applicants existing residence, from where the farm and engineering business has been successfully operated for a number of years. In addition, the applicant also owns land within the allocated 'Settlement' boundary, where additional housing would be supported, alongside the existing farmyard. The existing housing and land owned by the applicant all present more favourable options for a new farmhouse in accordance with the adopted development plan than the application as submitted. The applicant has indicated the house is necessary for security but has provided no details as to problems with crime, nor is the proposed house located with consideration for the principles contained in 'Secured by Design' or Planning Advice Note (PAN) 77. The house will be 160m away from the farmyard in a low lying and concealed position relative to the farmyard providing only a marginal difference in distance and travel time from the existing arrangements, where the farm has been managed successfully over a number of years. The applicant has not demonstrated a sufficiently strong case for the propose house to be deemed a 'special case' with a proven locational/operational need or to merit a departure to the development plan.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **12/00361/PPP**

- (A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No

- (B) The reason why planning permission has been refused.

As stated in decision notice.

Appendix 2

Area Roads Engineer consultation response

Operational Services
Oban, Lorn and the Isles Area

OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 12/00361/PPP
Contact: John F Heron
Tel: 01631 569170

Planning Application No: 12/00361/PPP Dated: 24/02/12 Received: 24/02/12

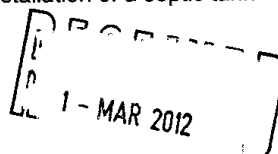
Applicant: Mr Michael Campbell

Proposed Development: Site for erection of dwellinghouse and installation of a septic tank

Location: Land North West of Arduaine Farm Arduaine

Type of Consent: Planning Permission in Principle

Ref. No(s) of Drg(s) submitted: Series of Plans



RECOMMENDATION: No Objections

Proposals Acceptable	Y/N
1. General	
(a) General Impact of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N
(d) Drainage Impact/Flooding Assessment Required	N
(e) Sustainable Drainage System (SUDS) Provision	N
2. Existing Roads n/a	
(a) Type of connection (Road Junction/Footway Crossing)	
(b) Location(s) of Connection(s)	
(c) Sight-lines	
(d) Pedestrian Provision	

Proposals Acceptable	Y/N
3. New Roads n/a	
(a) Widths	
(b) Pedestrian Provision	
(c) Layout (Horizontal/Vertical alignment)	
(d) Turning Facilities (Circles/Hammerheads)	
(e) Junction Details (Locations/radii/sightlines)	
(f) Provision for P.U. Services	

Proposals Acceptable	Y/N
4. Servicing and Car Park n/a	
(a) Drainage	
(b) Car parking Provision	
(c) Layout of Parking bays/Garages	
(d) Servicing Arrangements/Driveways	

5. Signing n/a

(a) Location	
(b) Illumination	

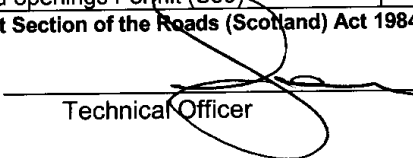
Item Ref.	COMMENTS
1	The proposal is served by an existing access situated off the A816 Oban-Lochgilthead Road within a rural 60mph speed restriction Existing access is adequate Sightlines are acceptable

Item Ref.	CONDITIONS
	None

Notes for intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road openings Permit (S56)*	Not Required

*Relevant Section of the Roads (Scotland) Act 1984

Signed:  Technical Officer

Date: 29 February 2012

Environmental Health consultation response

Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid



Memo

Development and Infrastructure Services
Director: Sandy Mactaggart

Municipal Buildings, Albany Street,
Oban, Argyll, PA34 4AW

Planning and Regulatory Services

Date: 13th March 2012

To: Planning Services
Municipal Buildings, Oban

Your Ref: 12/00361/PP

From: Sue Stefek
Oban, Lorn & The Isles

Our Ref: SS/KC
Extension: 7919

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
PROPOSAL: SITE FOR THE ERECTION OF DWELLINGHOUSE AND INSTALLATION OF A SEPTIC TANK
SITE ADDRESS: LAND NORTH WEST OF ARDUAIN FARM ARDUAIN OBAN
GRID REFERENCE: 179827 710688

DESCRIPTION OF PROPOSAL: - as above

COMMENT: - The applicant has indicated that a private water supply is to be used for the new development. No further information has been given regarding the quality and quantity of this water supply.

I would therefore recommend that a condition be applied to the application to require a report on the private water supply arrangements.

The condition should require that, prior to the development commencing a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development shall be 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.

I would therefore recommend that the applicant submit a report on the private water supply arrangements with any application for detailed consent. The report, which must be prepared by a suitably qualified person, should indicate the suitability of the existing supply with regards to the quality and quantity of water available and include, if necessary, any methods needed to improve the supply.

CONCLUSIONS: - Notwithstanding the above, I have no objections to the application.

A handwritten signature in black ink, appearing to read 'Sue Stefek', written in a cursive style.

**SUE STEFEK
ENVIRONMENTAL HEALTH OFFICER
OBAN, LORN AND THE ISLES**