

Local Review Board (LRB)

13/0002/LRB

Proposed Dwellinghouse, Arduaine Farm, Arduaine, PA34 4XQ

Development Management submission

Development Management were recently asked for a list of proposed planning conditions and reasons should the LRB decide to approve request for review 13/0002/LRB. Below is a list of recommended conditions. In addition to these conditions, any approval on the basis of operational/locational need on land beyond allocated 'settlement' would normally be underpinned by a Section 75 legal agreement tying the house to the land to prevent a break-up of the holding which would undermine the entire justification for such an approval, to the detriment of the adopted development plan. Development Management officers recommend tying the house to the entire farm holding of the applicants, given that a claim of operational need is based on the farming operation that exists there as well as the contracting/engineering business that is currently seeking to establish a planning permission or certificate of lawful use.

Subject to the prior conclusion of a Section 75 Agreement noted above, the recommended conditions are:

1. That this permission is granted in terms of Section 59 of the undernoted Act for planning permission in principle and further approval of the Planning Authority shall be required for matters specified in conditions, such application must be made before whichever is the later of the following:-
 - a) the expiration of a period of 3 years from the date of this permission.
 - b) the expiration of a period of 6 months from the date on which an earlier application for the requisite approval was refused.
 - c) the expiration of a period of 6 months from the date on which an appeal against such refusal is dismissed.

And in the case of b and c above only one such application can be made after the expiration of the period of 3 years from the original planning permission in principle.

Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence on site, or is hereby authorised, until the following information has been submitted by way of an application(s) for approval of matters subject to condition and approval has been given in writing by the Planning Authority.
 - A detailed site layout plan at a scale of 1:500 showing the proposed house in detail
 - Water supply and drainage arrangements
 - Landscaping and planting arrangements
 - Access, parking and turning provision

Plans and elevations of the proposed dwellinghouse which shall incorporate the following elements:

- Finished in white wet dash roughcast or smooth render, natural stone, timber or a mixture of these finishes;
- Have a roof covering of natural slate or good quality slate substitute;
- Be single or one and a half storey
- Incorporate windows with a strong vertical emphasis;
- Have a roof pitch of not less than 37 and not greater than 42 degrees;
- Be predominantly rectangular in shape with traditional gable ends not exceeding 6 metres.

Reason: In the interests of visual amenity and in order to maintain the character of the area and integrate the proposed dwelling house with its surroundings.

3. Pursuant to Condition 2 - no development shall commence until an appraisal of the wholesomeness and sufficiency of the intended private water supply and the system required to serve the development has been submitted to and approved by the Planning Authority.

The appraisal shall be carried out by a qualified hydrologist and shall include a risk assessment having regard to the requirements of Schedule 4 of the Private Water Supplies (Scotland) Regulations 2006 which shall inform the design of the system by which a wholesome and sufficient water supply shall be provided and maintained. The 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.

The development shall not be brought into use or occupied until the required water supply system has been installed in accordance with the agreed specification and is operational.

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. Pursuant to Condition 2 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall include details of:

- Location, design and materials of proposed walls, fences and gates;
- Surface treatment of proposed means of access and hardstanding areas;
- Any proposed re-contouring of the site by means of existing and proposed ground levels.
- Proposed hard and soft landscape works.

The development shall not be occupied until such time as the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

5. Occupation of the dwelling shall be limited to a person solely or mainly employed at Arduaine Farm Services Ltd and Arduaine Farm and the direct family of such a person.

Reason: In order to underpin the claim of operational need submitted without which the proposal would be contrary to the provisions of the Development Plan.

6. This planning permission in principle is granted in accordance with the details specified on the application form dated 19/02/12 and the approved drawing reference numbers:

Plan 1 of 2 (Location Plan)

Plan 2 of 2 (Site Plan)

Reason: For the purpose of clarifying the approved details that form part of this permission.

NOTE TO APPLICANT

- This permission constitutes a **Planning Permission in Principle** under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
- Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Town and Country Planning etc. (Scotland) Act 2006), 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 upon which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Town and Country Planning etc. (Scotland) Act 2006), 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.