

**SUGGESTED CONDITIONS**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**24/0007/LRB**

**REFUSAL OF PLANNING PERMISSION 23/01067/PP**

**USE OF LAND FOR THE SITING OF AN ACCOMMODATION POD FOR  
SHORT TERM LETTING USE**

**GARDEN GROUND OF FERNLEA, POLVINISTER ROAD, OBAN**

**21 MAY 2024**

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/01067/PP

### Standard Time Limit Condition:

The development to which this permission relates must be begun not later than three years from the date of this permission.

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

### Standard Soils Management Condition:

Where the development involves ground breaking works, soil management should be undertaken in compliance with the established best practice set out in the DEFRA publication "[Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 2009](#)", unless an alternative methodology for sustainable management of soil is submitted to and approved in writing by the Planning Authority.

*Reason: In order to ensure that sustainable management of soils and compliance with the requirements of NPF4 Policy 5A.*

### Additional Conditions

#### 1. PP - Approved Details & Standard Notes – Non EIA Development

The development shall be implemented in accordance with the details specified on the application form dated 30/05/22, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	22823-WHAS-ZZ-XX-PL-A-00-0001-01		21/06/23
Site Plan	22823-WHAS-ZZ-XX-PL-00-0002-02		01/08/23
Plans & Elevations	22823-WHAS-ZZ-XX-PL-A-00-0003-01		21/06/23
External Site Layout	22823-WHAS-ZZ-XX-PL-A-00-0004-01		21/06/23
Design Statement - 7 Pages			01/08/23
Management Plan			13/09/23
Proposed Screening			01/08/23
Utilities Statement			21/06/23

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

#### Note to Applicant

Please note the comments contained in the consultation response from Scottish Water which is published in full on the planning application file available to view on

the [Public Access](#) section of the Council's website.

## 2. **PP - Occupancy Restriction**

Notwithstanding the provisions of Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 the residential accommodation hereby approved shall be used for short term holiday occupancy only and not as a main residence and shall not be occupied by any family, group or individual for a cumulative period of more than three calendar months in any one year. A register showing dates of arrivals and departures shall be maintained at the premises and shall be available at all reasonable times for inspection by the Planning Authority.

*Reason: In order to define the permitted occupancy having regard to the fact that the premises are unsuitable for permanent residential occupation.*

### Note to Applicant:

- For the avoidance of doubt this permission only provides for the occupation of the premises on a short term basis on the grounds that the development is unsuited to full time residential occupation. Specifically the occupation of the premises as a dwelling shall require the benefit of a separate planning permission.
- The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 will require the host of any new short-term let to apply to the Council for a licence. Further information can be found on the Council's website: <https://www.argyll-bute.gov.uk/licences/short-term-lets-licence>.

## 3. **PP – Management Plan**

The development shall be operated in accordance with the measures set out in the Management Plan for the proposed development submitted on 13/09/23 unless otherwise agreed in writing by the Planning Authority.

*Reason: In order to avoid noise nuisance in the interest of amenity.*

## 4. **PP – External Lighting**

Notwithstanding the effect of Condition 1, all external lights for the premises (security lights / access lighting) should:

- Be fitted with light cowl / hood to ensure that the light is controlled and does not shine onto neighbouring properties.
- Each external light should be fitted with a timer so that it only turns on when needed and will not be required to be left on for long periods of time.
- Not be excessively bright and affect neighbouring properties.

*Reason: in order to protect the amenity of the area in terms of light nuisance.*

## 5. **PP – Submission of Details of Materials**

Notwithstanding the effect of Condition 1, no development shall commence until written details of the type and colour of materials to be used in the construction of the accommodation pod hereby approved have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed

using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

*Reason: In order to integrate the development into its surroundings.*

## 6. **PP - Biodiversity Enhancement Measures**

Notwithstanding the effect of Condition 1, no development shall commence until a biodiversity statement has been submitted to and approved in writing by the Planning Authority. The statement shall demonstrate how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be implemented and maintained for the lifetime of the development.

All physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc.) shall be implemented in full before the development hereby approved is first brought into use.

All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

*Reason: To comply with the requirements of NPF4 Policy 3.*

## 7. **PP – Boundary Screening**

Notwithstanding the effect of Condition 1, the accommodation pod shall not be brought into use until such time as the boundary screening shown on the Screening Proposal has been implemented on site, unless otherwise agreed in writing with the Planning Authority.

*Reason: In the interests of privacy and amenity.*

## 8. **PP – Surface Water Drainage – No further detail required**

Notwithstanding the effect of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

### Note to Applicant

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – [www.sepa.org.uk](http://www.sepa.org.uk).