

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

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.*

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