

**RESPONSE TO REQUEST FOR FURTHER
INFORMATION**

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

23/0006/LRB

**REFUSAL OF PLANNING PERMISSION FOR
ERECTION OF SHORT-TERM HOLIDAY LET
ACCOMMODATION, OUTBUILDING AND PONTOON
AND INSTALLATION OF SEWAGE TREATMENT
PLANT – PLANNING APPLICATION REFERENCE
22/02100/PP**

EILEAN LOCH OSCAIR, ISLE OF LISMORE

INFORMATION REQUIRED

Appropriate conditions and reasons to attach to any consent in the event that Members of the LRB were minded to approve the application.

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/02100/PP																																											
1.	PP - Approved Details & Standard Notes – Non EIA Development																																										
	<p>The development shall be implemented in accordance with the details specified on the application form dated 18.10.2022, 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.</p>																																										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Plan Title.</th> <th style="width: 20%;">Plan Ref. No.</th> <th style="width: 20%;">Version</th> <th style="width: 30%;">Date Received</th> </tr> </thead> <tbody> <tr> <td>Proposed Site Plan (1:500)</td> <td>PL_008</td> <td>A</td> <td>21.12.2022</td> </tr> <tr> <td>Proposed Site Plan</td> <td>PL_002</td> <td>B</td> <td>21.12.2022</td> </tr> <tr> <td>Proposed Location Plan</td> <td>PL_001</td> <td>B</td> <td>21.12.2022</td> </tr> <tr> <td>Proposed Elevations (+ Outbuilding Elevations)</td> <td>PL_005</td> <td>A</td> <td>07.11.2022</td> </tr> <tr> <td>Proposed Sections (+ Outbuilding Sections)</td> <td>PL_004</td> <td>A</td> <td>07.11.2022</td> </tr> <tr> <td>Proposed Plan</td> <td>PL_003</td> <td></td> <td>19.10.2022</td> </tr> <tr> <td>Proposed Pontoon Drawings</td> <td>PL_006</td> <td></td> <td>19.10.2022</td> </tr> <tr> <td>Design Statement Part 1 (Pages 1-8)</td> <td></td> <td></td> <td>19.10.2022</td> </tr> <tr> <td>Design Statement Part 2 (Pages 1-8)</td> <td></td> <td></td> <td>19.10.2022</td> </tr> </tbody> </table>			Plan Title.	Plan Ref. No.	Version	Date Received	Proposed Site Plan (1:500)	PL_008	A	21.12.2022	Proposed Site Plan	PL_002	B	21.12.2022	Proposed Location Plan	PL_001	B	21.12.2022	Proposed Elevations (+ Outbuilding Elevations)	PL_005	A	07.11.2022	Proposed Sections (+ Outbuilding Sections)	PL_004	A	07.11.2022	Proposed Plan	PL_003		19.10.2022	Proposed Pontoon Drawings	PL_006		19.10.2022	Design Statement Part 1 (Pages 1-8)			19.10.2022	Design Statement Part 2 (Pages 1-8)			19.10.2022
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	<p>Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.</p>																																										
2.	Sustainable Drainage System																																										
	<p>Notwithstanding the provisions 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.</p>																																										

	<p>Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.</p> <p>Note to Applicant:</p> <ul style="list-style-type: none"> • Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk.
3.	<p>Landscaping</p> <p>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:</p> <ol style="list-style-type: none"> i) Location, design and materials of proposed walls, fences and gates; ii) Surface treatment of proposed means of access and hardstanding areas; iii) Any proposed re-contouring of the site by means of existing and proposed ground levels; iv) Proposed hard and soft landscape works; and v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development. <p>The development shall not be occupied until such time as the physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc), the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.</p> <p>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.</p> <p>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.</p> <p>The biodiversity statement should refer to Developing with Nature guidance NatureScot as appropriate.</p> <p>Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.</p>

4.	<p>PP – General Restriction of Use</p> <p>Notwithstanding the provisions of Condition 1, the outbuilding hereby approved shall be used solely for purposes incidental to the enjoyment of the residential accommodation and shall not be used for any business or commercial purposes.</p> <p>Reason: To define the scope of the permission and protect the amenity of the area.</p>
5.	<p>PP – Short Term Residential Accommodation</p> <p>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.</p> <p>Reason: In order to define the permitted occupancy having regard to the fact that the premises are unsuitable for occupation as a permanent dwelling.</p> <p>Note to Applicant:</p> <ul style="list-style-type: none"> • 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.
6.	<p>PP – Submission of Details of Materials</p> <p>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 external walls and roof coverings 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.</p> <p>Reason: In order to integrate the development into its surroundings.</p>
7.	<p>PP – Compliance with FRA recommendations</p> <p>Notwithstanding the provisions of Condition 1, the development shall be sited on existing ground levels above 5.78m AOD. The development shall be implemented wholly in accordance with the recommendations set out in the Flood Risk Assessment submitted in support of the development.</p> <p>Reason: In order to ensure appropriate mitigation for flood risk.</p>
8.	<p>PP – Private Water Supply</p>

	<p>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 in writing by the Planning Authority.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Note to Applicant:</p> <ul style="list-style-type: none"> Regulatory requirements for private water supplies should be discussed with the Council's Environmental Health Officers in the first instance.
9.	<p>PP – Implement/Operate Development in Accordance with Identified Mitigation Measures</p> <p>Notwithstanding the provisions of Condition 1, the development shall be undertaken in accordance with the mitigation measures set out in the document titled 'P23099 Eilean Loch Oskair Development: Review of Construction Notes for Harbour Seal Mitigation'.</p> <p>Reason: In order to protect natural heritage assets in the interest of nature conservation.</p> <p>Note to Applicant:</p> <ul style="list-style-type: none"> Regard should be had to NatureScot's consultation comments in relation to the proposed development which provide further detail in respect of species/habitats which may be affected and the developer's responsibilities and obligations under nature conservation legislation.
10.	<p>PP – Waste Management Plan – Operational Phase</p> <p>The development hereby approved shall not be brought into use until a Waste Management Plan for the development has been submitted to and approved in writing by the Planning Authority. This shall provide details of the proposed arrangements for</p>

	<p>the storage, segregation, collection and recycling of waste arising within the site, including the location, access and maintenance for on-site storage facilities. The requirements of the plan shall be implemented during the life of the development other than in the event of any revision thereof being approved in writing by the Planning Authority.</p> <p>Reason: In order to accord with the principles of sustainable waste management.</p>