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Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

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1 December 2023

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY MICROSOFT TEAMS** on **FRIDAY, 8 DECEMBER 2023** at **3:00 PM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **CONSIDER NOTICE OF REVIEW REQUEST: BROOM HILL, ARDCONNEL HILL, OBAN (REF: 23/0007/LRB)**
 - (a) Further Information requested from Roads Authority (Pages 3 - 4)
 - (b) Further Information requested from Planning Authority (Pages 5 - 8)
 - (c) Note of Site Visit (Pages 9 - 10)

Argyll and Bute Local Review Body

Councillor Jan Brown
Councillor Dougie Philand

Councillor Kieron Green (Chair)

Contact: Lynsey Innis, Senior Committee Assistant, Tel: 01546 604338

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Good morning,

This email is in response to the request for further information within AB7 in relation to the LRB hearing for Broom Hill proposed glamping pod.

- Can you confirm whether your recommendation to refuse the proposed development was based on the two rooms within the house being used for B&B or not?

The answer to the question above is that our recommendation for refusal was made without knowledge that the house was being used for B&B.

Regards,
James.

James Jackson.
Traffic and Development Officer.
Oban, Lorn and the Isles.

Tel: 01631 567983.

Email: james.jackson@argyll-bute.gov.uk

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SUGGESTED CONDITIONS

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

22/0007/LRB

REFUSAL OF PLANNING PERMISSION 22/01001/PP

USE OF LAND FOR THE SITING OF A GLAMPING POD

GARDEN GROUND OF BROOM HILL, ARDCONNEL HILL, OBAN

2 November 2023

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/01001/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 16/05/22, 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			07/10/22
Proposed Site Layout	100		30/11/22
Design Sketch	101		17/05/22
Proposed Site Sections	200		30/11/22

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 available to view on the planning application file 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 – 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 glamping 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.

4. 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.

5. 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

ARGYLL AND BUTE LOCAL REVIEW BODY**NOTE OF MEETING OF SITE INSPECTION RE CASE 23/0007/LRB
BROOM HILL, ARDCONNELL HILL, OBAN, PA34 5DY
WEDNESDAY 8 NOVEMBER 2023**

In attendance: Councillor Kieron Green, Argyll and Bute LRB (Chair)
Councillor Jan Brown, Argyll and Bute LRB
Councillor Dougie Philand, Argyll and Bute LRB
Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Lynsey Innis, Senior Committee Assistant (Minutes)
Martin McLeod, Applicant
Arlene McLeod, Applicant
Stephen Fair, Applicant's Agent
Fiona Scott, Planning Officer
James Jackson, Traffic and Development Officer

The Argyll and Bute Local Review Body (LRB) agreed on 30 October 2023 to conduct a site inspection. The purpose of the inspection was to view the development site in context of the surrounding area including the length of the private access road; the visibility splays at the junction of Longsdale Road and the private access road and to view the differing standards of access to the neighbouring properties to gain a fuller understanding of how an intensification of use of the private access road would impact on the current layout.

The Local Review Body convened at 1:00 pm on 8 November 2023 at Broom Hill, Ardconnell Hill, Oban. The Chair welcomed everyone to the site inspection and introductions were made.

Councillor Philand asked the Applicant's Agent to highlight the exact area of the proposed development. Mr Fair outlined the area which was approximately 2.36 acres.

The Chair, Councillor Green enquired whether there were any issues with the siting of the glamping pod that concerned the Planning Authority. The Planning Officer confirmed that there were no issues of concern for the Planning Authority.

Councillor Brown sought clarity on the provision of Bed and Breakfast facilities within the existing house also situated on the site. She enquired whether the intention would be to reduce the use of the two bedrooms currently used for the provision of B&B to achieve a glamping pod within the garden grounds. The Applicant's Agent confirmed that the intention was to reduce the provision of B&B in the house from 2 bedrooms to 1 in order to limit the intensification in vehicular use of the private access road.

Councillor Brown enquired as to whether the Roads Authority had taken into consideration that the house was operating as a two-bed B&B when they recommended refusal of the proposed development. The Traffic and Development

Officer advised that the recommendation for refusal was made without the knowledge that the house was being used for B&B.

Councillor Green sought clarity on the view that the private access road was substandard. The Traffic and Development Officer advised that by the current specification the road would be considered substandard in a new development.

Councillor Philand asked why the use of the house as a B&B had not been taken into account when considering the application. The Traffic and Development Officer advised that there was currently no requirement for a B&B property to seek permission. The Planning Officer clarified that where 2 or less rooms are used in a house for the provision of B&B, there is no requirement for consent from either the Planning or Roads authorities as they benefit from deemed planning permission.

Councillor Brown sought clarity on the position that each of the houses serviced by the private access road could in theory operate as B&B premises, increasing vehicular use of the private access road and there would be nothing to stop them. The Planning Officer confirmed this to be the case.

Having established the parking spaces available for the occupiers of the house and the potential development, the LRB walked the length of the private access road to view the differing standards of access to the neighbouring properties and to gain a fuller understanding of how an intensification of use of the private access road, would impact on the current layout. At the junction with Longsdale Road, the Traffic and Development Officer took the opportunity to highlight the visibility splays and discussion took place in respect of the volume of traffic using Longsdale Road, particularly during busy summer months and the potential issues of meeting other road users on the private access road.

Having established that Members had no further questions, the Chair thanked all in attendance for their input.

This concluded the site visit.