

# Public Document Pack

**Argyll and Bute Council**  
Comhairle Earra-Ghàidheal Agus Bhòid

*Executive Director: Douglas Hendry*



*Kilmory, Lochgilphead, PA31 8RT  
Tel: 01546 602127 Fax: 01546 604435  
DX 599700 LOCHGILPHEAD*

13 June 2024

## NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held **BY MICROSOFT TEAMS** on **THURSDAY, 20 JUNE 2024** at **10:45 AM**, 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: KELLAN, GLENMORE ROAD, OBAN, PA34 4NB (REF: 24/0010/LRB)**
  - (a) Notice of Review and Supporting Documentation (Pages 3 - 66)
  - (b) Comments from Interested Parties (Pages 67 - 92)
  - (c) Comments from Applicant (Pages 93 - 96)

## Argyll and Bute Local Review Body

Councillor Gordon Blair (Chair)  
Councillor Mark Irvine

Councillor Daniel Hampsey

Contact: Fiona McCallum Tel: 01546 604392

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Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: [planning.hq@argyll-bute.gov.uk](mailto:planning.hq@argyll-bute.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100669481-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation: Fair Planning & Design

Ref. Number:  You must enter a Building Name or Number, or both: \*

First Name: \* Stephen Building Name: Lios Mhoire

Last Name: \* Fair Building Number:

Telephone Number: \*  Address 1 (Street): \* Ardconnel Terrace

Extension Number:  Address 2:

Mobile Number:  Town/City: \* Oban

Fax Number:  Country: \* United Kingdom

Postcode: \* PA34 5DJ

Email Address: \*

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Kellan"/>
First Name: *	<input type="text" value="Derek"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="MacLean"/>	Address 1 (Street): *	<input type="text" value="Glenmore Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Oban"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="PA34 4NB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing	<input type="text" value="729413"/>	Easting	<input type="text" value="185325"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Site for the erection of dwellinghouse

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached written statement of case and appendices.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Written statement of case and appendices: 1) Application form 2) Roads Authority consultation response 3) Report of Handling 4) Decision Notice 5) Refused application plans 6) Current site photographs 7) Approved location plan for 21/02509/PP 8) Approved site plan for 21/02509/PP 9) Approved road improvements plan for 21/02509/PP 10) Decision notice for 21/02509/PP

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01163/PPP

What date was the application submitted to the planning authority? \*

19/06/2023

What date was the decision issued by the planning authority? \*

16/02/2024

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The Local Review Body is invited to undertake a site visit in order see the public road network and site context in person, and to view the comparable site with planning permission for five houses around the corner on Pulpit Hill - these matters being difficult to fully appreciate by electronic means or to convey with site photographs.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

### Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

### Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Stephen Fair

Declaration Date: 24/04/2024

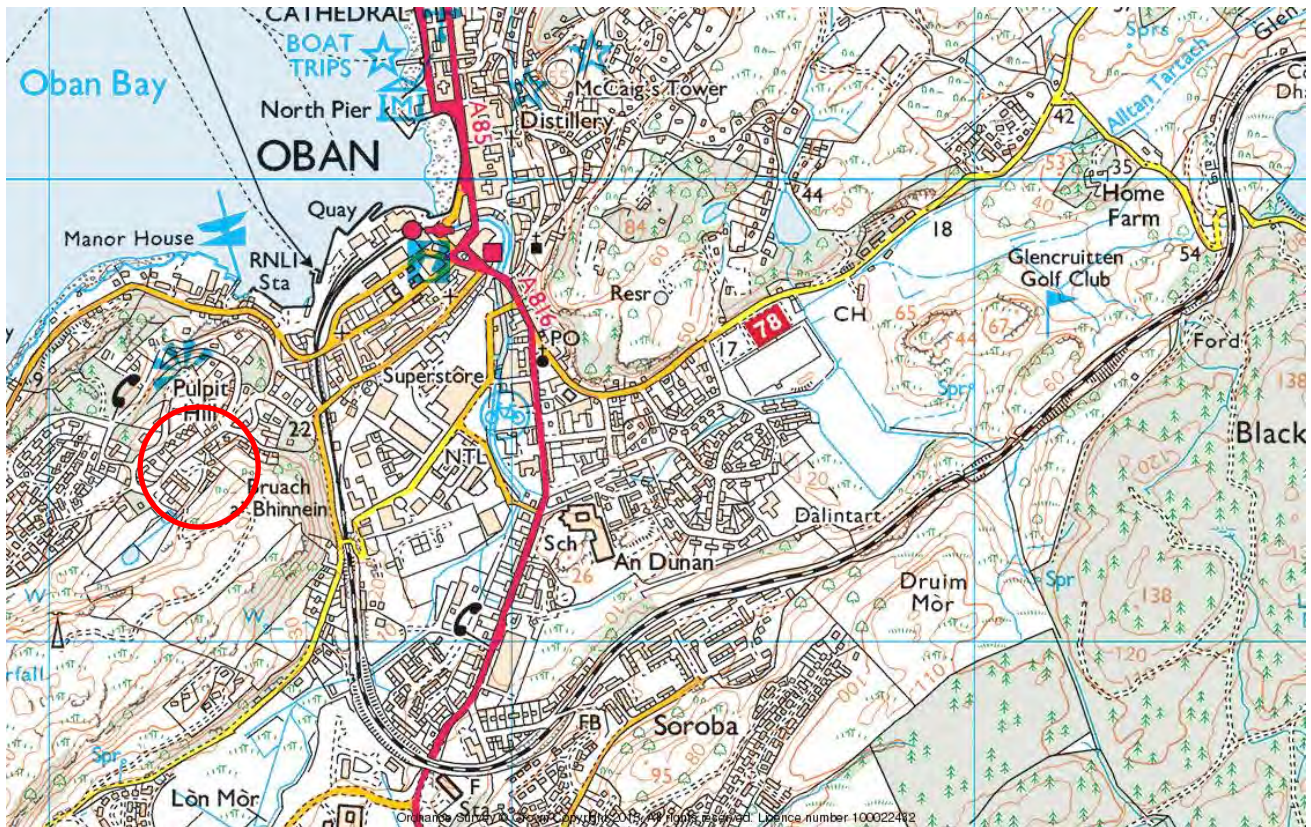


# fair planning & design

chartered planning and architectural services

Written statement for Notice of Review to  
Argyll and Bute Council – Local Review Body

Appellant: Derek MacLean  
Project Ref: 2024006  
Development: Refusal of planning permission in principle 23/01163/PPP:  
Site for the erection of a dwellinghouse  
Site: Kellan, Glenmore Road, Oban, PA34 4NB  
Scale: Local development





## 1 Introduction

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Planning application 23/01163/PPP, submitted on 15 June 2023 by Beaton & McMurchy Architects on behalf of Derek MacLean, sought planning permission in principle for the formation of a house plot within the grounds of his existing house: Kellan, Glenmore Road, Oban.

The application was refused under delegated powers on 16 February 2024 for the following reason:

1. The proposed development conflicts with NPF4 Policy 13, and Policies LDP 11, SG LDP TRAN 4 and SG LDP TRAN 5 of the adopted 'Argyll and Bute Local Plan' 2015 and Policies 37 and 41 of emerging proposed 'Local Development Plan 2' as the proposed development would result in the intensification in vehicular use of a sub-standard public approach road with no delineation between pedestrian or vehicular use.

The proposed development of the site by the erection of a dwellinghouse constitutes a material intensification of the use of an existing and constrained public approach road. The proposed development is therefore considered to have a significant adverse impact upon highway safety. No appropriate commensurate or offsite highway improvements have been identified sufficient to set aside these safety concerns. The proposal is considered to be contrary to the NPF4 Policy 13(g) as underpinned by LDP Policies LDP 11, SG LDP TRAN 4(1), SG LDP TRAN 5, and Policy 36 and Policy 41 of pLDP2.

Within the delegated report of handling, planning officers confirm:

"It is therefore considered that the site represents a suitable opportunity within the defined Settlement for the development of a suitably sited and designed dwellinghouse which will relate to the existing development within this area. The detailed siting, design and finishes of the proposed dwellinghouse could be secured by way of suitably worded condition(s) being imposed on the grant of permission."

The proposal is confirmed as appropriate in all planning respects, other than a Roads Authority concern over the constrained public road network that serves this area of Oban. This Notice of Review therefore focusses on the single issue of concern as reflected in the reason for refusal.

Mr MacLean submits this Notice of Review for the reasons set out in below and respectfully invites the Local Review Body to visit the site in person and to grant planning permission in principle.

2 Discussion

As confirmed in the planning report of handling, the application is considered acceptable in all terms other than access.

The essential questions on which the planning decision rests are:

- 1) Whether deficiencies in the public road network should - or are sufficient to - justify refusal of an otherwise acceptable proposal?
- 2) If the addition of one house would generate a road safety concern, whether any mitigation measures exist that could enable the house to be supported?

The Roads Engineer considers that there would be a material intensification of use of an existing sub-standard public road network and has accordingly objected to the application. Planning officers indicate in the report of handling that significant time was invested in trying to find a solution, because the site is considered suitable in all other respects, but ultimately their decision was to agree with the Roads Authority.

Two individual objections were submitted by members of the public, but neither of these raise concerns over road safety matters. All third-party points of concern were considered and addressed in the planning officer's report of handling.

The public road network in question comprises Glenmore Road passing up the south-eastern side of Pulpit Hill linking to Crannag a' Mhinister which passes up the north-western side. The roads form part of the long established public road network, serving houses in the area outlined purple in the image below as well as the public viewpoint at Pulpit Hill.



## 3 Planning policy

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Shortly after the delegated decision was issued, the 2015 local development plan and associated supplementary guidance were replaced by Argyll and Bute Local Development Plan 2 (LDP2) - adopted on 28 February 2024. This appeal statement focusses on current planning policies as set out in National Planning Framework 4 (NPF4) and Local Development Plan 2 (LDP2).

The reason for refusal indicates that the project was deemed to conflict with NPF4 Policy 13(g), and Local Development Plan 2 Policies 36, 37 and 41, whereas the lack of definition between pedestrian and vehicular space within the public road network meant that the development would have a “significant adverse impact upon highway safety”.

NPF4 (2023) Policy 13 – Sustainable Transport – lists its policy intent as:

*“To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.”*

Oban is a highly walkable town, well served with onward transport connections by bus, train, ferry, car and planes. Almost any site close to Oban town centre can fit the objectives of NPF4 to eradicate the need for unsustainable travel. This specific site lies just 650m away from the main transport hub, where the bus station, railway station, taxi ranks and ferry terminal are located, and enjoys a near direct route via existing roads and footpaths. It is within walking distance of shops, post offices, schools, restaurants, police station and multiple business/employment centres.

Policy 13, para (g) states:

*“Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.”*

The policy advises that where there are adverse impacts on safety or unacceptable impacts on operational performance, then mitigation measures would be required, and the developer should pay for these. The approach here is clearly to enable development, such that adverse safety impacts might be mitigated, and developments can proceed. The starting point for this is however whether a proposal generates any adverse impacts on safety – which is explored further below.

Given that the project overwhelmingly complies with the wider objectives of NPF4, including the intentions of Policy 13, it would seem appropriate to seek to contextualise the development such that its safety impacts might be fairly considered, and thereafter to find a solution if any adverse safety impacts are identified.

Turning to policies within the Argyll and Bute Local Development Plan 2 (2024):

### **Policy 36 – New Private Accesses**

**New Private Access may be considered acceptable where:**

- a) The new private access forms an individual private driveway serving a single user development, which does not, in the view of the planning authority, generate unacceptable levels of pedestrian or vehicular traffic in terms of the access regime provided; or**
- b) The private access serves a housing development not exceeding 5 dwelling houses; or**
- c) The private access serves no more than 20 units in a housing court development.**

This proposal is for a single house, in an area that is surrounded by single houses, and it would have direct access onto the public road network. The standard of access at this site would be superior to many existing accesses given the gentler gradient and good visibility in both directions that exist at this straight section of Glenmore Road.

We do not consider there to be any conflict with LDP2 Policy 36.

### **Policy 37 – Development Utilising an Existing Private Access or Existing Private Road**

**Further development that utilises an existing *private access* or existing *private road* will only be accepted where:-**

- a) The access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); AND the applicant can;**
- b) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,**
- c) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.**

Although also advocating commensurate improvements where deficiencies exist, Policy 37 relates explicitly to existing private accesses and existing private roads. This application proposes direct access onto the public road network with no existing private access or existing private road element whatsoever.

The reason for refusal makes explicit reference to deficiencies in the public road network.

Policy 37 is not relevant to the application. It cannot legitimately be cited as part of the reason for refusal.

### **Policy 41 – Off Site Highway Improvements**

**In the judgement of the planning authority where development proposals will significantly increase vehicular or pedestrian traffic on substandard private or public approach roads, then developments will be required to contribute proportionately to improvements to an agreed section of the public or private road network. This may be subject to planning conditions or agreements, including Section 75 planning agreements.**

Policy 41 is the most relevant LDP2 policy of the three that have been listed.

The Roads Authority hold the view that the public road approach is substandard. They further advise having a serious concern for road safety, and the Planning Service has confirmed in the reason for refusal that:

*“The proposed development of the site by the erection of a dwellinghouse constitutes a material intensification of the use of an existing and constrained public approach road. The proposed development is therefore considered to have a significant adverse impact upon highway safety. No appropriate commensurate or offsite highway improvements have been identified sufficient to set aside these safety concerns.”*

It is accepted that the road network serving Pulpit Hill does not meet current standards for new public roads, in terms of its varying width and due to the lack of footpath provision across most of its length. However, it is not accepted that adding a single house in the context of this site would generate a significant adverse impact on highway safety, and we also consider that commensurate improvements are possible which have not been explored. These matters are discussed in greater detail below.

## 4 Road safety

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The existing public roads serving Pulpit Hill pass up and around from both sides of the hill. The two roads share similarities due to the topography and their age relative to the growth of Oban. Neither Glenmore Road nor Crannag a' Mhinister would meet current standards for a new public road.

Concerns over road safety at Pulpit Hill motivated the Roads Authority to consider the feasibility of introducing a one-way system in 2012. That option was ruled out, but shortly afterwards the Roads Authority began to resist additional developments that would be served by Glenmore Road and Crannag a' Mhinister, other than pre-existing houses or any live planning permissions that existed at that point in time.

The existing context is an important factor for consideration in this case because it is alleged that the development of a single house would represent a material intensification of use of the existing sub-standard public road network, and that in turn has been deemed to trigger a serious concern for highway safety on the part of the Roads Authority backed up by the Planning Service.

Taken in combination, the two public roads serve the area outlined purple on the image on page 3 of this report (above). The number of properties which are already served is:

Pulpit Drive	51 units
Pulpit Road	28 units
Pulpit Rock	35 units
Grianach Gardens	9 units
Villa Road	10 units
Crannag a' Mhinister	52 units
Glenmore Road	44 units
<u>Total</u>	<u>229 units</u>

Glenmore Road and Crannag a' Mhinister both serve the Pulpit Hill public viewpoint, listed as one of the top ten things to do in Oban by Visit Scotland, TripAdvisor and Love Oban. If just a small percentage of visitors to Oban each year take in the view from Pulpit Hill, this adds to baseline traffic levels. In addition, there are multiple delivery vehicles, bin lorries, postal service, and emergency vehicles accessing the existing public road network in this area.

Surplus number of live planning permissions for houses as of 2012, was 6. One of these has been relocated to another site and constructed in the interim, with a continuing capacity for another 5 houses remaining uncontested by the Roads Authority.

Like much of Oban, the roads around the site have no separately defined footpath, so pedestrians and vehicles use the road as a shared surface. Varying road widths provide an additional challenge to road users, leading to reduced speeds. The public road network serving Pulpit Hill, whilst undoubtedly different from the standards and geometry that a new public road would have to achieve, does already serve many properties and forms a bus route for selected busses. The whole area is within a 20mph residential zone.

In contrast with other similar streets in Oban, such as Croft Road and Rockfield Road, there

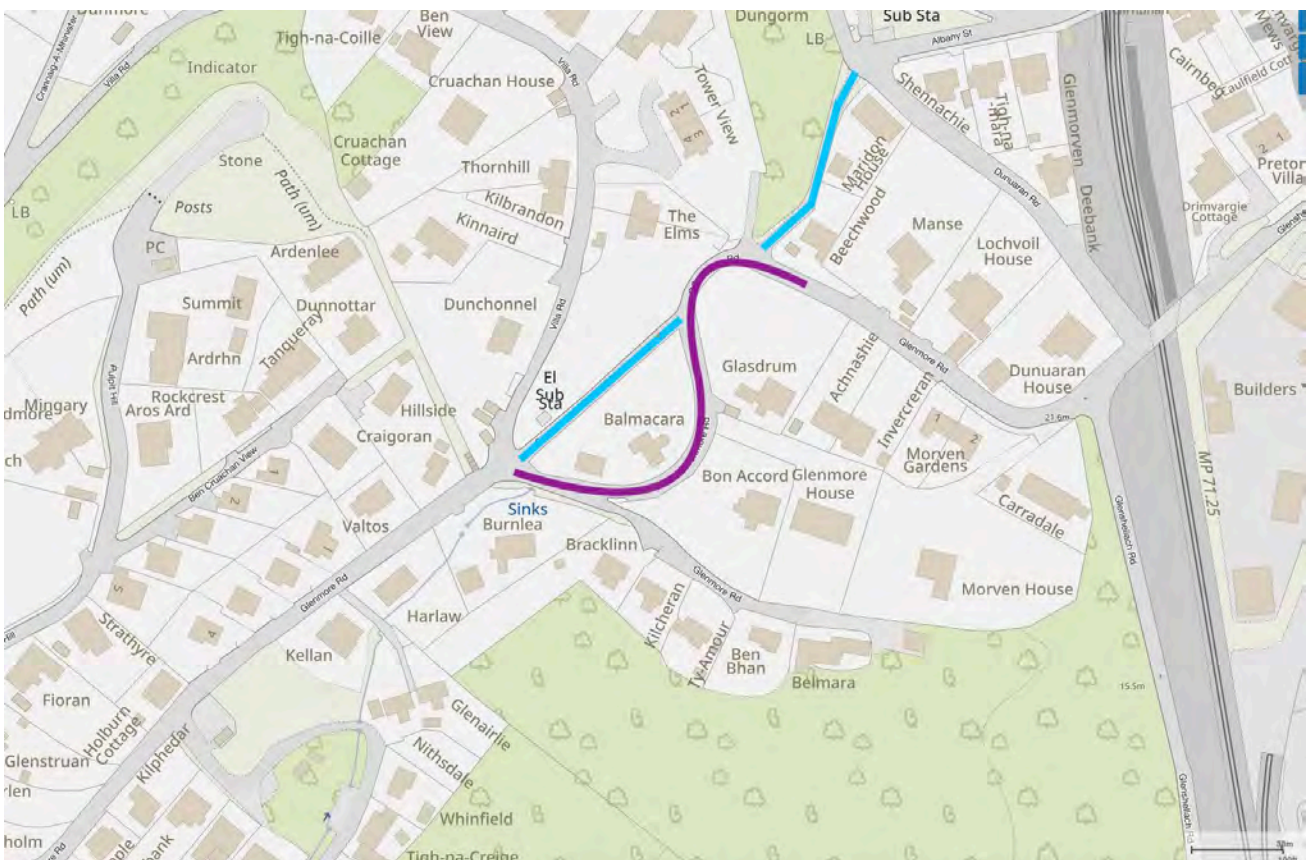
is no habit of on street parking on either Crannag a' Mhinister or Glenmore Road, making them safer and easier to access than other comparable streets within the main town.

Adding a single house to the residential units already served by Glenmore Road and Crannag a' Mhinister equates to just a 0.44% increase on existing vehicular activity. Factoring in visitors to the viewpoint and other users of the public road network reduces the percentage further.

We do not understand how such a small degree of change can be classified as a material intensification of use of the existing public road network, or one that generates a 'significant adverse impact on highway safety'.

We do of course accept that the public road network has some deficiencies, and that there are many ways in which the two roads serving this part of Oban fall short of the standards that would be required of new public roads now. However, there does not appear to be any direct correlation between these deficiencies and day-to-day road safety. Police records and crash map services, verify that no vehicle/vehicle collisions nor any vehicle/pedestrian accidents have been recorded on Glenmore Road. The public road network can undoubtedly create inconvenience to road users on occasion, but it does not appear to be dangerous. Drivers and pedestrians alike alter their behaviour to suit the road conditions, and in this case, the nature of the public road network acts a natural traffic calming measure.

The worst section of Glenmore Road is the set of S-bends between 100m and 200m north-east (downhill) from the appeal site, shown purple on the image below. At this location there are established footpaths (shown blue) which provide safe routes between Glenmore Road and Oban town centre – where a network of dedicated footpaths does exist.



By the time road users pass above the S-bends, heading south-west, the road straightens out and widens. It is this straighter and wider section of Glenmore Road where the new house would take access – immediately alongside Kellan (the donor house).

In the absence of any recorded accidents, and whereas the additional traffic created is so small relative to existing vehicular activity on the public road network, it is difficult to understand how the project would represent a significant intensification or generate a serious adverse impact on road safety. Indeed, during a previous application for a house at this site in 2008, there was no objection from the Roads Authority.

Further, there have been several residential annexes and holiday units approved at locations around Pulpit Hill in recent years, including two new holiday lets within the former public toilets at the viewpoint and annexes/holiday spaces provided in addition to existing houses, such that they each generate a degree of additional traffic. These decisions were not opposed by the Roads Authority or Planning Authority. Individually, holiday pods will not generate the same amount of traffic that a house can, but cumulative approvals certainly could. There is an inconsistency between holiday units and annexes receiving support from Planning and Roads, who consider the sub-standard public road network acceptable to serve those developments, and yet for this single house proposal to attract such strong opposition.

Furthermore, spare capacity to serve at least another 5 houses was deemed to exist in the Roads Authority's calculations since 2012, as they allowed for the live planning permission for a 5-house development alongside Tigh na Creag (Pulpit Rock). That permission has been repeatedly renewed in the intervening years, most recently in March 2022 under planning permission reference 21/02509/PP. All these renewals were decisions which went unopposed by the Roads Authority.

The planning officer's report on Mr MacLean's house (Section F) states that commensurate road improvements were secured as part of the 5-house permission at Tigh na Creag and that a lawful commencement of development had occurred. The development at Tigh na Creag has been the subject of renewal applications in 2012, 2015, 2018 and 2021. No lawful commencement occurred before the most recent renewal, or the permission would have remained live and there would have been no need to seek a the renewal. There is no evident sign of progress with the development on the ground since it was first granted in 2007. Planning application file 21/02509/PP does show that shallow strips of topsoil were excavated in spring 2023 and planning officers have expressed a view that these works comprise the start of development at Tigh na Creag. However, the terms of planning condition 2 on permission 21/02509/PP obliges the developer to construct the site access in accordance with standard detail drawing SD 08/004A before any other development commences, so the excavation of foundation trenches could not lawfully be undertaken without breaching planning condition 2. To our knowledge there has been no work on the site access. In addition, the locations where shallow topsoil stripping has occurred do not align to any of the approved building positions, so they are not 'comprised in the development' and do not represent the commencement of any approved foundation trenches. Accordingly, it is a matter of planning law that a lawful commencement on permission 21/02509/PP has not yet occurred - nor can it occur unless and until the site access is constructed in accordance with condition 2.

The extent of public road improvements that were secured in conjunction with planning permission 21/02509/PP also merits consideration, as the degree of proportionality that was applied to that 5-house development should be compared to the proposals for Mr



MacLean's single house. Appendices 7&8 contain the approved details of planning permission 21/02509/PP. Appendix 9 identifies the extent of road improvements that were required in that case. These involve the widening of the junction with Pulpit Rock by 1m for a length of 11m back from its junction with Crannag a' Mhinister and the addition of 300mm width to an existing 1.2m wide footpath along the site boundary. No improvements are proposed or required to Crannag a' Mhinister or Glenmore Road, or any other location beyond the ownership of the applicant in that case. Adopting an approach that secures a proportionate degree of improvements on land within the applicants control is exactly the type of approach that is advocated under NPF4 Policy 13 and LDP2 Policy 41 as detailed in section 3 (above).

In a situation where each planning application (including renewals) is to be assessed on its individual merits, taking full regard of current circumstances, policy and relevant material considerations, it seems unjust for Planning Authority decisions to support one developer's aspirations to construct five houses and simultaneously decline other's efforts to provide a house on their land. The outcome is to effectively land bank spare capacity in the road network for just one developer, and if that development does not advance, that in turn stifles the ability of others to realise their own ambitions.

If an additional five houses can be repeatedly supported by the Roads Authority and the Planning Authority at one site which is served by the public road loop of Glenmore Road and Crannag a' Mhinister, then there is capacity for an additional five houses to be served at least. Whether that development comes forward as a five-house development in one location, or a series of single house applications by other developers within the vicinity, should make no difference to road safety concerns in these circumstances. The two roads serving Pulpit Hill are so similar as to carry the same Roads concerns/restrictions – neither road is substantially better or worse than the other. Both have steep gradients, narrow sections and bends with poor visibility, and yet, it remains possible for commensurate improvements to be made that will benefit road safety for all road users as were secured in the conditions attached to planning permission 21/02509/PP for a five-house development.

The single house proposed in the grounds of Kellan and subject of this appeal would only generate 20% of the traffic that has repeatedly been approved for the Tigh na Creag site, and it would accordingly only use up one fifth of the minimum recognised capacity in the public road network.

Approving planning application 23/01163/PPP, for a single additional house in the grounds of Kellan, would not generate any significant adverse impact on road safety. Any impacts that adding a single house might create could readily be addressed by commensurate improvements on land within the applicant's control.

## 5 Potential mitigation measures

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Although we do not agree that there is any significant or adverse impact on road safety generated by this single house proposal, we have nonetheless considered what potential commensurate improvements might be possible, or desirable, in conjunction with the development proceeding.

Arguably, the Roads Authority should themselves be tasked with undertaking improvements to the public road, including by accessing private land under the powers of the Roads (Scotland) Act, if the conditions of the public road network are deemed unsafe to serve the existing 229 houses, but that is not understood to be the situation here.

Introducing a maximum of 0.44% increase in vehicular activity above current traffic levels, on a public road with no recorded accidents, highlights the care which would be needed to ensure that any public road improvements remained proportionate to the scale of change that would be generated. It would for example be unreasonable to expect a single house development to be responsible for wide reaching public road upgrades where the roads already serve 229 houses plus a public viewpoint.

For comparison, the five-house development at Tigh na Creag approved under 21/02509/PP required only small improvements to the junction with Pulpit Rock (widening by 1m for a length of 11m) and adding 300mm width to an adjacent footpath which in turn terminated at the junction with Crannag a' Mhinister. The required improvements were all held to land within the applicant's control, which ensured delivery of the required works.

Turning to the land at Kellan, the appellant has a relatively long and straight road frontage, measuring around 55m, which gives scope for improvements to be made, were the Local Review Body to consider such improvements to be necessary. For example, the road outside Kellan measures 4.8m wide at present, so there is scope for all development within the site to be held back by 0.7m from the road edge so that a future widening of the road to the normal standard width of 5.5m would not be precluded. Allowing for a future improvement of this nature would provide a benefit for all road users, whilst remaining proportionate to the very small increase in traffic that would be generated beyond baseline levels at Glenmore Road.

Allowing a proportionate and commensurate improvement to the public road network, in conjunction with enabling a single house to be added, if that house is otherwise deemed to be served by an inadequate approach road, would render the decision consistent with NPF4 and LDP2 policy and with the precedent decision at Tigh na Creag in 2022 (permission reference 21/02509/PP).

## 6 Summary

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Mr MacLean wishes to provide a single new house within the garden ground of his existing home, on Glenmore Road in Oban. The proposal has been confirmed as acceptable in all respects by planning officers, except for concerns over the existing public road network serving the site. Those concerns are reflected in the single reason for refusal detailed above.

In terms of planning policy, providing an additional house within a main settlement must be one of the most sustainable models for development, where full use can be made of existing transport connections and other public services and infrastructure. Oban is a very walkable town in a Scottish context, and it is the main population centre in Lorn. Planning policy supports sustainable development and the project should only be refused if there is a clear and insurmountable obstacle to the development advancing.

In the context of a local authority whose main objective is to reverse population decline, where a Housing Emergency has been identified since June 2023 (<https://www.argyll-bute.gov.uk/housing/housing-emergency>), and in a town where housing demand far outstrips supply, there are compelling reasons to support the provision of additional house plots within easy access of Oban town centre.

The delegated decision to refuse overstates the level of change that would be associated with this single house development on one of the last remaining gap sites around Pulpit Hill, asserting that it would create a serious road safety impact or concern. Such a view ignores the fact that the road network, despite its deficiencies, already serves 229 houses plus a public viewpoint, and provides a bus route - without any recorded accidents. We agree that, and understand the ways in which, the public roads serving Pulpit Hill fall short of the standards which would be applied were they to be advanced as new public roads, but they are not new public roads. They are characterful and twisting historic roads, typical of those found in large sections of Oban. Drivers are familiar with sharing the road surface with pedestrian in many of the roads across Oban, and the nature of the roads themselves provides natural traffic calming.

Our case can be summarised as follows:

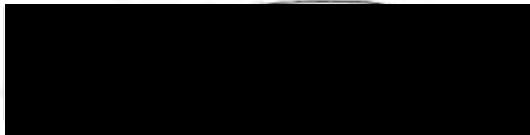
- 1) Adding one house to a road loop that currently serves 229 houses would only create an insignificant increase in vehicular movements.
- 2) Spare capacity exists in the public road network for at least another 5 houses, as evidenced by multiple approvals granted by the Planning and Roads Authority.
- 3) This house could be provided without any notable impact on existing road safety standards or traffic levels.
- 4) The Roads Authority did not object to this site being developed when it was previously proposed in 2008. Their opposition to the plot now appears to originate from an ad hoc position adopted in 2012 rather than by a scientific assessment of road safety standards on Glenmore Road and Crannag a' Mhinister, where no accidents are recorded.
- 5) If a serious or adverse impact is expected, the policy approach advocated in both NPF4 and LDP2 is to identify commensurate road improvements that will allow the project to continue.
- 6) If such improvements are required, there is scope to retain land along the site frontage free of development such that future road widening could occur, which would be to the benefit of all road users.

In policy terms, the proposal represents a small-scale development on an appropriate site, in accordance with relevant national and local policy.

Giving regard to the context within which the site would be located, and the level of traffic that already uses the public roads in question without accident, should make it a relatively straightforward matter to allow the provision of one extra house. At a time when the council is desperate to bolster local housing provision, reverse population decline, and support sustainable development in general, the consolidation of the main towns is one of the best ways in which to work towards meeting these objectives.

There is clearly more in favour of this development than there is against it.

The Local Review Body is asked to support this Notice of Review and enable a small positive contribution towards residential accommodation to be provided in a way that accords with local and national planning policy and raises no unacceptable impacts. We assert that the project can be supported without any need to improve the road network, but if commensurate improvements are deemed to be necessary by the Local Review Body, we ask that the applicant's 55m road frontage be looked at as this could provide a deliverable and proportionate option in those circumstances.



Stephen Fair MRTPI MURP

fair planning & design

23 April 2024

## List of appendices

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- 1) Application form
- 2) Roads Authority consultation response
- 3) Report of Handling
- 4) Decision Notice
- 5) Refused application plans
- 6) Current site photographs
- 7) Approved location plan for 21/02509/PP (five houses)
- 8) Approved site plan for 21/02509/PP (five houses)
- 9) Approved road improvements plan for 21/02509/PP (five houses)
- 10) Decision notice for 21/02509/PP (five houses)



Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: [planning.hq@argyll-bute.gov.uk](mailto:planning.hq@argyll-bute.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100632119-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of dwelling house and formation of new access

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Beaton + McMurchy Architects Ltd.		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Beaton +	Building Name:	The Studio
Last Name: *	McMurchy Architects Ltd.	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Address 1 (Street): *	Tigh Na Glaic
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Taynuilt
Fax Number:	<input type="text"/>	Country: *	UK
		Postcode: *	PA35 1JW
Email Address: *	<input type="text"/>		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Kellan
First Name: *	Derek	Building Number:	<input type="text"/>
Last Name: *	MacLean	Address 1 (Street): *	Glenmore Road
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Oban
Extension Number:	<input type="text"/>	Country: *	United Kingdom
Mobile Number:	<input type="text"/>	Postcode: *	PA34 4NB
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

Argyll and Bute Council

Full postal address of the site (including postcode where available):

Address 1:

KELLAN

Address 2:

GLENMORE ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

OBAN

Post Code:

PA34 4NB

Please identify/describe the location of the site or sites

Northing

729413

Easting

185325

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Client discussed proposals with Planning Officer

Title:

Mrs

Other title:

First Name:

Fiona

Last Name:

Scott

Correspondence Reference Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.



## Site Area

Please state the site area:

536.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Vacant land

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Beaton + McMurchy Architects Ltd.

On behalf of: Mr Derek MacLean

Date: 14/06/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |                              |   |
|--|------------------------------|---|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

### Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name:                    Beaton + McMurphy Architects Ltd. Beaton + McMurphy Architects Ltd.  
Declaration Date:                    14/06/2023

### Payment Details

Pay Direct

Created: 14/06/2023 10:29

Operational Services  
Oban, Lorn and the Isles Area

## OBSERVATIONS ON PLANNING APPLICATION

Our Ref: 23/01163/PPP  
Contact: James Jackson  
Tel: 01631 567983

Planning Application No: 23/01163/PPP Dated: 19<sup>th</sup> June 2023

Received:

Applicant: Mr Derek MacLean.

Proposed Development: Site for the erection of dwellinghouse.

Location: Tullich Farm Kilmelford Oban Argyll And Bute PA34 4XA.

Type of consent: Planning Permission In Principal.

Ref. No(s) of Drg(s) submitted: Series of drawings

### RECOMMENDATION: Refuse.

Proposals Acceptable	Y
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#### 1. General

(a) General Impact of development	Y
(b) Safety Audit Required	N
(c) Traffic Impact Analysis Required	N
(d) Drainage Impact/Flooding Assessment Required	N
(e) Sustainable Drainage System (SUDS) Provision	N

#### 2. Existing Roads

(a) Type of connection (Road Junction/Footway Crossing)	Y
(b) Location(s) of Connection(s)	Y
(b) Sight-lines.	Y
(d) Pedestrian Provision	Y

Proposals Acceptable	Y/N
----------------------	-----

#### 3. New Roads

(a) Widths	Y
(b) Pedestrian Provision	Y
(c) Layout (Horizontal/Vertical alignment)	Y
(d) Turning Facilities (Circles/Hammerheads)	Y
(e) Junction Details (Locations/radii/sightlines)	Y
(f) Provision for P.U. Services	Y

Proposals Acceptable	Y/N
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#### 4. Servicing and Car Parking

(a) Drainage	Y
(b) Car parking Provision	Y
(c) Layout of Parking bays/Garages	Y
(d) Servicing Arrangements/Driveways	Y

#### 5. Signing n/a

(a) Location	
(b) Illumination	

Item Ref.	COMMENTS
1	The proposal is situated off the UC53 Glenmore Road within an urban 20mph speed restriction. Roads will not support any further new development to be served by this road due to unsuitability of restricted road to take additional traffic.

Item Ref.	CONDITIONS/ REASONS
	Refuse.

#### Notes for intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road openings Permit (S56)*	Not Required

\*Relevant Section of the Roads (Scotland) Act 1984

Signed: James Jackson, Technical Officer

Date: 06/07/2023

Argyll and Bute Council  
Development & Economic Growth

**Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 23/01163/PPP  
**Planning Hierarchy:** Local  
**Applicant:** Mr Derek MacLean  
**Proposal:** Site for the erection of dwellinghouse  
**Site Address:** Kellan, Glenmore Road, Oban, Argyll

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**DECISION ROUTE**

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997  
 Committee - Local Government Scotland Act 1973
- 

**(A) THE APPLICATION**

- (i) Development Requiring Express Planning Permission**
- Site for the erection of a dwellinghouse
  - Formation of vehicular access
- (ii) Other specified operations**
- Connection to public water main
  - Connection to public drainage system
- 

**(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission in principle be **refused** subject to the reasons appended to this report.

---

**(C) CONSULTATIONS:**

Roads Authority

Report dated 06.07.2023 recommending Refusal. Area Roads advise that the proposal is situated off the UC53 Glenmore Road within an urban 20mph speed restriction and Roads will not support any further new development to be served by this road due to the unsuitability of the restricted road to take additional traffic.

The Roads Authority have further advised as follows: *'In 2012 the Council Roads Department carried out studies and inspections on traffic issues on Glenmore Road and Crannag a Mhinisteir at the behest of the Oban Lorn and The Isles Area Committee due to complaint and concerns that local elected members had*

*received from the community in respect of road safety. The study looked at various issues but predominantly centred around turning Glenmore Road and Crannag a Mhinisteir into a one way system and providing a footway for pedestrian safety.*

*It is generally acknowledged that the road serving the Pulpit Hill area have steep gradients and are barely wide enough in places for two way traffic. In places this is exacerbated by walls and hedges close to the road edge.*

*The one way system option was dismissed on various grounds so the decision was taken at that point by the Roads department to try to control the increase in numbers of vehicle movements over these roads by refusing to support any further new development proposals that would increase traffic on the roads’.*

### Scottish Water

Letter dated 22.06.2023 advising no objection to the proposed development which will be serviced from the Tullich Water Treatment Works and the Oban Waste Water Treatment Works. Scottish Water do however advise that further investigations may be required once formal applications for connection to their infrastructure has been submitted for consideration.

### Health & Safety Executive (HSE)

Report dated 20.06.2023 advising that the proposed development site which you have identified does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

### Oban Airport

No response at time of report being written and no request for an extension to time.

The above represents a summary of the issues raised. Full details of the consultation responses are available to view via the [Public Access](#) section of the Council’s website.

---

## **(D) HISTORY:**

18/02010/PPP

Site for the erection of dwellinghouse  
Planning application returned

08/01030/OUT

Site for erection of a dwellinghouse.  
Refused: 01.08.2008

93/01135/OUT001

SITE FOR THE ERECTION OF A DWELLINGHOUSE  
23.02.1994

*(Delegated report for 08/01030/OUT referring to 93/01135/OUT001: The reasons for refusal were overdevelopment of a small narrow plot contrary to local plan policy HO 21 and fragmentation of open space which contributes to the townscape setting contrary to local plan policy BE 9A.*

*The applicant subsequently appealed the decision but it was dismissed by the reporter.)*

---

**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 20.07.2023

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

Objections:

David Maers, Rockcliff, 4 Glenmore Road, Pulpit Hill, Oban, received 06.07.2023  
Kenneth MacPherson, Kilphedar, Glenmore Road, Pulpit Hill, Oban, dated 07.07.2023.

Representation from the applicant:

Emails dated 12.10.2023, 12.10.2023, 23.10.2023, 11.11.2023, 16.01.2024, 19.01.2024, 02.02.2024 and 06.02.2024.

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

**(ii) Summary of issues raised:**

- Concerns that the applicant has undertaken major excavations of the site which was once a lovely green area and is now a rock face.

*Planning Authority Comment: The retrospective nature of this part of the development is noted.*

- Concerns with the impact of privacy, overlooking / looking down into the proposed dwellinghouse.

*Planning Authority Comment: As the proposal is for planning permission in principle no details of the proposed dwellinghouse are required to be submitted at this stage.*

*However, it is considered that a dwellinghouse to this site will not impact on the privacy of surrounding dwellinghouses subject to a suitably sited and designed dwellinghouse which will relate to the existing development within this area.*

- Concerns with the proposal will partially block the view from a neighbouring property known as 4 Glenmore Road.

*Planning Authority Comment: The proposal is for planning permission in principle where no details of the proposed dwellinghouse are required to be submitted at this stage. Further the site is set down in a lower location and the loss of a private view is not a material planning consideration.*

- Concerns that the proposed access will be directly opposite 4 Glenmore Road.



*Planning Authority Comment: The submitted site plan, drawing number 2216 01, identifies the proposed access as being opposite the access to 3 Glenmore Road and not 4 Glenmore Road.*

- Concerns that the proposal will create a lot of noise and a mess on the public road.

*Planning Authority Comment: Any concerns with potential future noise would be a matter for Environmental Health and any potential mess on the public road would be a matter for the Area Roads Authority.*

- Concerns that planning permission has been refused before.

*Planning Authority Comment: Planning Permissions 08/01030/OUT and 93/01135/OUT001 were refused on the same site. Reasons for refusal are set out above in Section (D). It is noted that these historic refusals were assessed and determined under a different set of both local and national planning policies.*

- Concerns that the proposal will have insufficient garden ground.

*Planning Authority Comment: The submitted site plan, drawing number 2216 01, annotates an indicative house footprint; leaving approximately 429 square metres of garden ground which is acceptable.*

- Concerns from the applicant:

- The planning application had exceeded the determination date of 18<sup>th</sup> August 2023 and the agreed extension.

- Advising that the council are now in severe violation of Scottish planning laws. The first violation was not meeting the response time determined by the Scottish government. The second was not asking the applicant for an extension on the determination date. Finally the 3<sup>rd</sup> violation has occurred in the fact that Argyll and Bute council have not met the extension deadline that was reluctantly agreed by myself and the council.

*Planning Authority Comment: The applicant was advised that the Council is not in any violation of planning law although it is confirmed that failure to determine the application within the agreed extension period does now mean that the time period within which a right to seek Local Review of the application due to a failure of the Council to provide a timely decision commenced on 10<sup>th</sup> November 2023 and will expire on 10<sup>th</sup> February 2024. It was advised that once a request for a local review has been initiated that process would preclude officers from reaching a formal determination of the application.*

- The applicant enquired if the Area Team Leader would go against the recommendations from the roads authority.
- Advising that a FOI had been received from Argyll & Bute Council which requested information on the road safety survey carried out in 2012.
- The roads department are not consistent with reports that have been carried out for previous applications i.e. granny annexes, garage conversions etc.

*Planning Authority Comment: The applicant was advised that Area Roads are a consultee in the planning process and that the points made are noted.*

- Mr J. Mclachlan's plots that have been granted for 5 homes which has been ongoing since 2008 with no built development being undertaken.

*Planning Authority Comment: This is not a material consideration in the determination of this planning application. However, planning permission 21/02509/PP was granted for the erection of 5 dwellinghouses and the formation of a vehicular access; commensurate improvements were sought and agreed with the Area Roads. That particular site benefited from planning approvals going back to 2007 and also benefits from a meaningful start.*

---

**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- (i) **Environmental Impact Assessment Report:** Yes No No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No
- (iii) **A Design or Design/Access statement:** Yes No
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No

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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** Yes No

- 
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** Yes No

- 
- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

[National Planning Framework 4 \(Adopted 13<sup>th</sup> February 2023\)](#)

**Part 2 – National Planning Policy**

**Sustainable Places**

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption  
NPF4 Policy 3 – Biodiversity  
NPF4 Policy 4 – Natural Places  
NPF4 Policy 7 – Historic Assets and Places  
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)  
NPF4 Policy 12 – Zero Waste  
NPF4 Policy 13 – Sustainable Transport

**Liveable Places**

NPF4 Policy 14 – Design, Quality and Place  
NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods  
NPF4 Policy 16 – Quality Homes  
NPF4 Policy 17 – Rural Homes  
NPF4 Policy 18 – Infrastructure First

**[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)**

LDP STRAT 1 – Sustainable Development  
LDP DM 1 – Development within the Development Management Zones  
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment  
LDP 8 – Supporting the Strength of our Communities  
LDP 9 – Development Setting, Layout and Design  
LDP 10 – Maximising our Resources and Reducing our Consumption  
LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedules

**[‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ \(Adopted March 2016 & December 2016\)](#)**

**Natural Environment**

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity

**Landscape and Design**

SG LDP ENV 14 – Landscape

**General Housing Development**

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

**Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

**Resources and Consumption**

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems  
SG LDP SERV 2 – Incorporation of Natural Features / SuDS  
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

## **Addressing Climate Change**

SG LDP Sust Check – Sustainability Checklist

## **Transport (Including Core Paths)**

SG LDP TRAN 2 – Development and Public Transport Accessibility

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 5 – Off-site Highway Improvements

SG LDP TRAN 6 – Vehicle Parking Provision

### **(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

- Third Party Representations
- Consultation Responses
- Planning History
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13<sup>th</sup> June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

## **Spatial and Settlement Strategy**

Policy 01 – Settlement Areas

Policy 04 – Sustainable Development

## **High Quality Places**

Policy 05 – Design and Placemaking

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

## **Connected Places**

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes

Policy 36 – New Private Accesses

Policy 37 – Development Utilising an Existing Private Access or Existing Private Road

Policy 40 – Vehicle Parking Provision

Policy 41 – Off Site Highway Improvements

## **Sustainable Communities**

Policy 61 – Sustainable Urban Drainage Systems (SUDS)  
 Policy 63 – Waste Related Development and Waste Management

**High Quality Environment**

Policy 71 – Development Impact on Local Landscape Areas (LLA's)  
 Policy 73 – Development Impact on Habitats, Species and Biodiversity

Local Development Plan 2 Schedules

**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** Yes No

**(L) Has the application been the subject of statutory pre-application consultation (PAC):** Yes No

**(M) Has a Sustainability Checklist been submitted:** Yes No

**(N) Does the Council have an interest in the site:** Yes No

**(O) Requirement for a pre-determination hearing:** Yes No

**(P)(i) Key Constraints/Designations Affected by the Development:**

- N/A

**(P)(ii) Soils**

Agricultural Land Classification: Unclassified Land

Peatland/Carbon Rich Soils Classification: Class 1  
Class 2  
Class 3  
N/A

Peat Depth Classification: N/A

Does the development relate to croft land? Yes No

Would the development restrict access to croft or better quality agricultural land? Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land? Yes No N/A

**(P)(iii) Woodland**

Will the proposal result in loss of trees/woodland? Yes No

(If yes, detail in summary assessment)

Does the proposal include any replacement or compensatory planting? Yes No details to be secured by condition

⊗N/A

**(P)(iv) Land Status / LDP Settlement Strategy**

Status of Land within the Application

- ⊗Brownfield
- Brownfield Reclaimed
- Greenfield

**ABC LDP 2015 Settlement Strategy  
LDP DM 1**

- ⊗ Main Town Settlement Area
- Key Rural Settlement Area
- Village/Minor Settlement Area
- Rural Opportunity Area
- Countryside Zone
- Very Sensitive Countryside Zone
- Greenbelt

**ABC pLDP2 Settlement Strategy**

- ⊗Settlement Area
- Countryside Zone
- Remote Countryside Zone
- Helensburgh & Lomond Greenbelt

**ABC LDP 2015 Allocations/PDAs/AFAs  
etc:**

**ABC pLDP2 Allocations/PDAs/AFAs  
etc:**

Special Built Environment Area (SBEA) – Pulpit Hill

**(P)(v) Summary assessment and summary of determining issues and material considerations**

Planning permission in principle (PPP) is sought for the erection of a dwellinghouse at Kellan, Glenmore Road, Oban in Argyll.

The site lies immediately adjacent to the public road situated to the south of Kellan. The site which is within the extended curtilage of Kellan was previously open garden ground which had been abandoned and incorporates recent unauthorised excavation works to the rock cliff to the east of the site; this is evident from the image captured on google street maps dated May 2022. The site, although in an elevated position on Pulpit Hill, is surrounded by residential development; of various sizes and types of construction, some in a linear form and others sporadically sited.

The application shows the indicative footprint of the proposed dwellinghouse situated off the UC53 Glenmore Road.

Whilst the application is seeking to secure PPP for the site, with the detailed layout, design and infrastructure details to be addressed by way of a future application(s) for approval of matters specified in conditions, the site plan shows the indicative position of a dwellinghouse within the site.

The site is effectively the extended open ground of Kellan and a modest dwelling appropriately sited and designed in terms of potential siting, plot size and compliance with the existing settlement pattern would effectively terminate the extent of built development at this location. It is therefore considered that the site represents a suitable opportunity within the defined Settlement for the development of a suitably sited and designed dwellinghouse which will relate to the existing development within this area. The detailed siting, design and finishes

of the proposed dwellinghouse could be secured by way of suitably worded condition(s) being imposed on the grant of permission.

It is accepted that this opinion differs materially from the previous refusals on the site but the current application must be considered on its merits and whilst the planning history of the site remains a material planning consideration greater weight must be given to the current and proposed Local Development Plan and to National Planning Framework 4.

Notwithstanding the above however, the Council as roads authority have serious concerns regarding the suitability of the existing access and road network serving Pulpit Hill. Roads have firmly stated that they are not prepared to allow any further development of this type in Glenmore Road and that there is no scope for commensurate road improvements sufficient to outweigh their road safety concerns.

Officers have spent considerable time trying to find a solution to this but, ultimately, it is agreed that a highway safety issue does exist and therefore this planning application is recommended for refusal on that sole basis. It is accepted that the applicant takes a wholly different view. His opinions are both noted and respected.

**NPF4 Policy 1** seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4. Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

In this case, given the relatively small scale nature of the development proposed and its alignment with all other relevant policies in NPF4 and those supporting policies in the adopted 'Argyll and Bute Local Development Plan 2015' (LDP), it is considered that the development proposed would, in the absence of the overriding highway safety concerns, be in accordance with the broad aims of NPF4 Policy 1 as underpinned by LDP Policies STRAT 1, LDP DM 1 and the adopted Sustainability Checklist and Policies 01 and 04 of pLDP2.

**NPF4 Policy 2** seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change.

Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. It is noted that the provisions of the Settlement Strategy set out within Policy LDP DM 1 of the LDP promotes sustainable levels of growth by steering significant development to our Main Towns and Settlements, rural growth is supported through identification of Key Rural Settlements and safeguards more sensitive and vulnerable areas within its various countryside designations.

It is considered that the proposed development would, in the absence of the overriding highway safety concerns, be consistent with Policy 2 of NPF4 having had due regard to the specifics of the development proposed and to the overarching planning policy strategy outlined within the adopted LDP, notably

policies STRAT 1, LDP DM 1, LDP DM 10 and the adopted Sustainability Checklist and Policies 01 and 04 of pLDP2.

**NPF4 Policy 3** seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

In the case of the development proposed by this application, it is considered that there are no issues of compliance with Policy 3. No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and whilst no specific proposals for biodiversity improvements have been submitted it is considered that adequate and proportionate measures for biodiversity enhancement and protection could be delivered by planning condition. Such a condition will be attached to this permission.

The proposed development is therefore considered to be in compliance with NPF4 Policy 3 as underpinned by Local Development Plan Policy LDP 3, SG LDP ENV 1 and Policy 73 of the pLDP2, in the absence of the overriding highway safety concerns.

**NPF4 Policy 4** seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The development proposed by the current planning application is considered appropriate in terms of its type, location and scale such that it will have no unacceptable impact on the natural environment. The proposed development is not within any designated European site of natural environment conservation or protection, it is not located within a National Park, a National Scenic Area a SSSI or RAMSAR site, or a National Nature Reserve. Neither is it located within a site designated as a local nature conservation site or landscape area or within an area identified as wild land.

The site is located within the Special Built Environment Area (SBEA) of Pulpit Hill where SBEA's do not have the presence, continuity or quality of 'conservation areas' but exhibit special built and land form characteristics which should be safeguarded and promoted when considering development potential and proposals.

However, in this instance, subject to a suitably sited and designed dwellinghouse, details of which could be secured by condition, it is not considered that the development of the site with a single dwellinghouse would, in the absence of the overriding highway safety concerns, have any significant adverse impact on the land form characteristics and therefore accords with NPF4 Policy 4 as underpinned by LDP Policies LDP 3, SG LDP ENV 1 and SG LDP ENV 13 and Policy 71 of pLDP2.

**NPF4 Policy 9** seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

The development proposed by this planning application is on a brownfield site by virtue of it being the extended open ground of Kellan. The site is within the defined Settlement wherein LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development on appropriate sites, with these main policy considerations underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential



development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

In terms of pLDP2, the site is identified as being within a 'Settlement Area' where Policy 01 gives general support to development provided that it is compatible with surrounding uses; provides appropriate infrastructure; is of an appropriate scale and fit for the size of settlement in which it is proposed; and respects the character and appearance of the surrounding townscape in terms of density, scale, massing, design, external finishes and access arrangements.

In this instance the proposal is seeking to secure permission for a single dwellinghouse in an area of established residential development where it could fit with the settlement pattern of the area and not give rise to any adverse impact on the wider landscape setting. Accordingly, in this instance, it is not considered that the proposal conflicts with Policy 02 of pLDP2.

Policy 9 of NPF4 aligns with the settlement strategy of the LDP and emerging pLDP2 and the current development proposal raises no issue of conflict.

**NPF4 Policy 12** seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks to establish the principle of a single dwellinghouse. Whilst this is a development likely to generate waste when operational, it would benefit from regular waste uplifts by the Council and would be expected to comply with our adopted and enforced recycling and reuse strategy. In this regard, in the absence of the overriding highway safety concerns, the proposed development is considered to be in compliance with NPF4 Policy 12 as underpinned by LDP Policies LDP 10 and SG LDP SERV 5(b) and Policy 63 of pLDP2.

**NPF4 Policy 13** seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The development the subject of this planning application seeks to establish the principle of a single dwellinghouse. The application proposes a new vehicular access of the UC 53 Glenmore Road.

Part (b) of Policy 13 sets out that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii. Will be accessible by public transport, ideally supporting the use of existing services;
- iii. Integrate transport modes;
- iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;

- vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii. Adequately mitigate any impact on local public access routes.

Part (g) of Policy 13 states that development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

NPF4 Policy 13 is underpinned at local level by LDP Policy LDP 11 which sets out a requirement that an appropriate standard of access is delivered to serve new developments, including off-site highway improvements where appropriate. This requirement is specified in more detail within LDP Policy SG LDP TRAN 4 (1) and Policy 36 of pLDP2 which sets out acceptance of development that proposes new private access regimes which are subject to road safety and street design issues being addressed which will only be accepted if:

- (i) The new private access forms an individual private driveway serving a single user development, which does not, in the view of the planning authority, generate unacceptable levels of pedestrian or vehicular traffic in terms of the access regime provided; or
- (ii) The private access serves a housing development not exceeding 5 dwelling houses; or
- (iii) The private access serves no more than 20 units in a housing court development.

The Council's Area Roads Authority was consulted on the proposal and a refusal was recommended. The Roads Authority have advised that they will not support any further new development to be served by the public road at this location due to unsuitability of the restricted road to take additional traffic.

The Roads Authority have further advised that in 2012 the Council Roads Department carried out studies and inspections on traffic issues on Glenmore Road and Crannag a Mhinisteir at the behest of the Oban Lorn and The Isles Area Committee due to complaints and concerns that local elected members had received from the community in respect of road safety. The study looked at various issues but predominantly centred around turning Glenmore Road and Crannag a Mhinisteir into a one way system and providing a footway for pedestrian safety. The Roads Authority have advised that the one way system option was dismissed by Members on various grounds so the decision was taken at that point by the Roads Authority to try to control the increase in numbers of vehicle movements over these roads by refusing to support any further new development proposals that would increase traffic on the roads.

It is generally acknowledged that the public roads serving the Pulpit Hill area have steep gradients and are barely wide enough in places for two way traffic. In places this is exacerbated by walls and hedges close to the road edge.

The provisions of LDP Policy SG LDP TRAN 5 and Policy 41 of pLDP2 set out that where development will significantly increase vehicular or pedestrian traffic on substandard public approach roads, then developments will be required to contribute proportionately to improvements to the public road network. In this instance the review undertaken by the Council's Roads Service in 2012 has already concluded that in the absence of a one way system being introduced, the wider road network does not have capacity to accommodate additional vehicular or pedestrian traffic generating uses and as such the applicant is not in a position to address the fundamental shortcomings in the public approach road in a manner that would be practical or proportionate to the development proposed.

The proposed development of the site by the erection of a dwellinghouse constitutes a material intensification of the use of an existing and constrained access regime. The proposed development is therefore considered to have a significant adverse impact upon highway safety. No appropriate commensurate or offsite highway improvements have been identified sufficient to set aside these safety concerns. The proposal is considered to be contrary to the NPF4 Policy 13(g) as underpinned by LDP Policies LDP 11, SG LDP TRAN 4(1), SG LDP TRAN 5 and Policies 36 and 41 of pLDP2.

**NPF4 Policy 14** seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'.

The development the subject of this planning application seeks to establish the principle of a single dwellinghouse and therefore, at this stage, no specific design has been submitted for assessment by the Planning Authority. If granted, the necessary future application(s) for the approval of the details of the proposed development would be expected to comply with the 'place principle' as set out in NPF4 Policy 14 and planning conditions attached to any permission in principle would ensure that the development is designed to an appropriate standard.

In this regard, the development the subject of this planning application is, in the absence of the overriding highway safety concerns, considered to be in accordance with the broad aims of NPF4 Policy 14 as underpinned by LDP Policies LDP 9 and SG LDP Sustainable Siting and Design Principles and Policies 08, 09 and 10 of pLDP2.

**NPF4 Policy 15** seeks to encourage, promote and facilitate the application of the 'Place Principle' and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

In terms of our adopted settlement strategy, the site of the proposed development is within the defined Main Town Key Settlement of Oban where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development on appropriate sites. These main policy considerations are underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would

have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

It is considered that the small scale of the proposed development and its location would, in the absence of the overriding highway safety concerns, reasonably comply with Policy 15 of NPF4 given the existing dispersed geographical scale of the environment within which the development is to be located, and given its compliance with the existing settlement pattern and the geographic relationship of the proposed development with the surrounding area where people can reasonably meet the majority of their daily needs within a reasonable distance of their home. This is underpinned by the broad settlement strategy policy contained within Policies LDP DM 1, LDP 8, LDP 10 and LDP 11 of the LDP and Policy 02 of pLDP2.

**NPF4 Policy 16** seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes in the right locations and providing choice of tenure to meet diverse housing needs.

Policy 16 supports development proposals for new homes that improve choice, including at Policy 16(c) 'self-provided homes'. It is considered that this application to establish the principle of a single self-build home would accord with the broad policy aims of NPF4 Policy 16 and would be in a location underpinned by our adopted settlement strategy policies.

The development proposed by this planning application falls well below the adopted threshold for a requirement to provide 25% affordability.

The need in Policy 16(f) to ensure that development proposals for an agreed timescale for build-out could be covered through the use of a planning condition.

Whilst the development proposed by this planning application is on land not actively allocated for housing in the LDP, it would wholly accord with the adopted settlement strategy and would accord with the principles of 'local living' and '20 minute neighbourhoods'. The proposed development, in the absence of the overriding highway safety concerns, is therefore deemed consistent with NPF4 Policy 16 as underpinned by LDP policies LDP DM 1, LDP 8 and SG LDP HOU 1 and Policy 05 and 67 of pLDP2.

**NPF4 Policy 18** seeks to encourage, promote and facilitate an infrastructure first approach to land use planning etc.

The development the subject of this planning application proposes connection to the public water and drainage infrastructure to which Scottish Water raised no objection advising that the development will be serviced from the Tullich Water Treatment Works and the Oban Waste Water Treatment Works. Scottish Water do advise that they are unable to confirm capacity and advise the Applicant to submit a Pre-Development Enquiry for consideration. The proposal is, in the absence of the overriding highway safety concerns, considered consistent with the broad aims of NPF4 Policy 18 as underpinned by LDP policy LDP DM 11 and Policies 05 and 08 of pLDP2 which seek to ensure suitable infrastructure is available to serve proposed developments.

**NPF4 Policy 22** seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

As detailed at NPF4 Policy 18 above, the development the subject of this planning application proposes connection to the public water main to which Scottish Water raised no objection. The proposal is, in the absence of the overriding highway safety concerns, considered to be consistent with NPF4 Policy 22 as underpinned by LDP Policies LDP 10 and SG LDP SERV 2 and Policy 61 of pLDP2.

Accordingly, notwithstanding the above assessment that the proposed site for the erection of a single dwellinghouse could be accommodated within the site without any significant adverse visual impact on the site or the wider landscape within which it is proposed, a suitable access regime, including improvement of substandard public approach roads, to serve the proposed development cannot be achieved.

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**(Q) Is the proposal consistent with the Development Plan:** Yes No

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**(R) Reasons why Planning Permission in Principle Should be Refused:**

See reasons for refusal below.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

N/A

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**  
Yes No

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**Author of Report:** Judith Stephen **Date:** 14.02.2024

**Reviewing Officer:** Peter Bain **Date:** 15.02.2024

**Fergus Murray**  
**Head of Development & Economic Growth**

**REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 23/01163/PP**

1. The proposed development conflicts with NPF4 Policy 13, and Policies LDP 11, SG LDP TRAN 4 and SG LDP TRAN 5 of the adopted 'Argyll and Bute Local Plan' 2015 and Policies 37 and 41 of emerging proposed 'Local Development Plan 2' as the proposed development would result in the intensification in vehicular use of a sub-standard public approach road with no delineation between pedestrian or vehicular use.

The proposed development of the site by the erection of a dwellinghouse constitutes a material intensification of the use of an existing and constrained public approach road. The proposed development is therefore considered to have a significant adverse impact upon highway safety. No appropriate commensurate or offsite highway improvements have been identified sufficient to set aside these safety concerns. The proposal is considered to be contrary to the NPF4 Policy 13(g) as underpinned by LDP Policies LDP 11, SG LDP TRAN 4(1), SG LDP TRAN 5, and Policy 36 and Policy 41 of pLDP2.

**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application **23/01163/PPP**

(A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. Yes No

(B) The reason why planning permission has been refused:

**See reasons for refusal set out above.**

Municipal Buildings Albany Street Oban PA34 4AW

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)**  
**(SCOTLAND) REGULATIONS 2013**

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE**

**REFERENCE NUMBER: 23/01163/PPP**

**Mr Derek MacLean**  
**Beaton + McMurchy Architects Ltd.**  
**The Studio**  
**Tigh Na Glaic**  
**Taynuilt**  
**UK**  
**PA35 1JW**

I refer to your application dated 15th June 2023 for planning permission in principle under the above mentioned Act and Regulations in respect of the following development:

**Site for the erection of dwellinghouse at Kellan Glenmore Road Oban Argyll And Bute PA34 4NB**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission in principle for the above development for the **reason(s) contained in the attached appendix.**

Dated: 16 February 2024

A black rectangular redaction box covers the signature area, with a small portion of a handwritten signature visible above it.

Fergus Murray  
Head of Development and Economic Growth





**REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER: 23/01163/PPP**

1. The proposed development conflicts with NPF4 Policy 13, and Policies LDP 11, SG LDP TRAN 4 and SG LDP TRAN 5 of the adopted 'Argyll and Bute Local Plan' 2015 and Policies 37 and 41 of emerging proposed 'Local Development Plan 2' as the proposed development would result in the intensification in vehicular use of a sub-standard public approach road with no delineation between pedestrian or vehicular use.

The proposed development of the site by the erection of a dwellinghouse constitutes a material intensification of the use of an existing and constrained public approach road. The proposed development is therefore considered to have a significant adverse impact upon highway safety. No appropriate commensurate or offsite highway improvements have been identified sufficient to set aside these safety concerns. The proposal is considered to be contrary to the NPF4 Policy 13(g) as underpinned by LDP Policies LDP 11, SG LDP TRAN 4(1), SG LDP TRAN 5, and Policy 36 and Policy 41 of pLDP2.

**NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 23/01163/PPP**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**APPENDIX TO DECISION REFUSAL NOTICE**

**Appendix relative to application: 23/01163/PPP**

- A. Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.**

Yes/No (delete as appropriate) if yes, list amendments

- B. Is the proposal a departure from the Development Plan:**

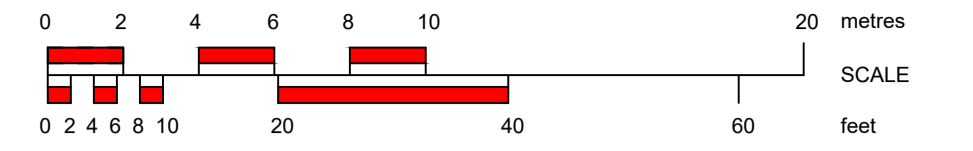
No

If yes, state level of departure:

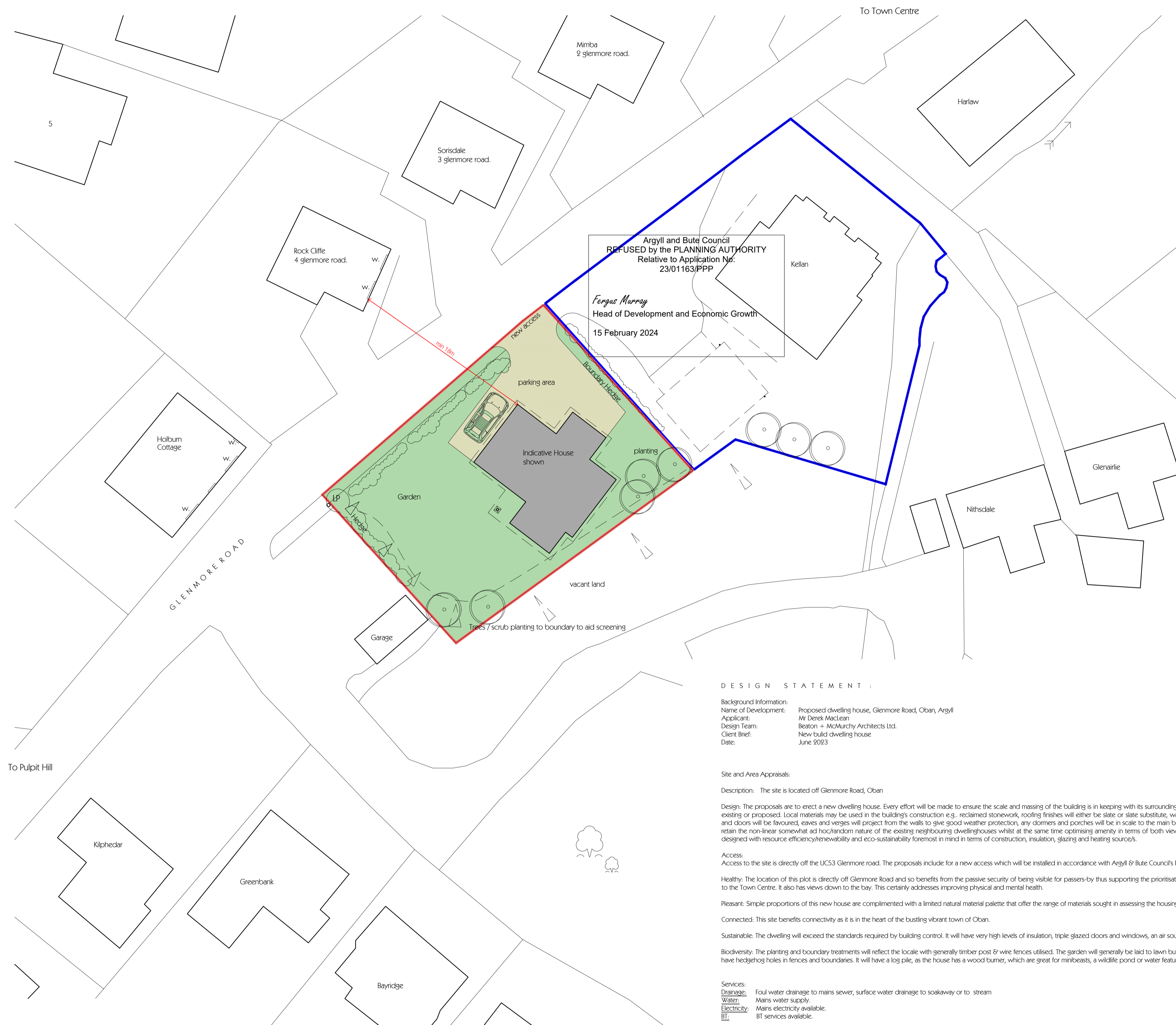
No Departure

- C. Summary justification statement for refusal of planning permission in principle**

The proposal is considered to be contrary to NPF4 Policy 13 and Policies LDP11, SG LDP TRAN 4 and SG LDP TRAN 5 of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.



LOCATION PLAN 1 : 2 5 0 0



S I T E P L A N 1 : 2 0 0

**DESIGN STATEMENT :**

Background Information:  
 Name of Development: Proposed dwelling house, Glenmore Road, Oban, Argyll  
 Applicant: Mr Derek MacLean  
 Design Team: Beaton + McMurphy Architects Ltd.  
 Client Brief: New build dwelling house  
 Date: June 2023

**Site and Area Appraisals:**

Description: The site is located off Glenmore Road, Oban

Design: The proposals are to erect a new dwelling house. Every effort will be made to ensure the scale and massing of the building is in keeping with its surroundings and that it will 'blend in' within the landscape with the help of planting, either existing or proposed. Local materials may be used in the building's construction e.g. reclaimed stonework, roofing finishes will either be slate or slate substitute, wall finishes may be render and/or timber/ composite boarding. Timber windows and doors will be favoured, eaves and verges will project from the walls to give good weather protection, any dormers and porches will be in scale to the main building. The proposed dwellinghouse have been positioned and oriented so as to retain the non-linear somewhat ad hoc/random nature of the existing neighbouring dwellinghouses whilst at the same time optimising amenity in terms of both views and natural light. The proposed dwellinghouse would in due course also be designed with resource efficiency/renewability and eco-sustainability foremost in mind in terms of construction, insulation, glazing and heating source/s.

**Access:**

Access to the site is directly off the UC53 Glenmore road. The proposals include for a new access which will be installed in accordance with Argyll & Bute Council's Roads and Pavements' department's requirements.

Healthy: The location of this plot is directly off Glenmore Road and so benefits from the passive security of being visible for passers-by thus supporting the prioritisation of women's safety. The location also helps in that it is within walking distance to the Town Centre. It also has views down to the bay. This certainly addresses improving physical and mental health.

Pleasant: Simple proportions of this new house are complimented with a limited natural material palette that offer the range of materials sought in assessing the housing character of the area which support attractive natural and built spaces.

Connected: This site benefits connectivity as it is in the heart of the bustling vibrant town of Oban.

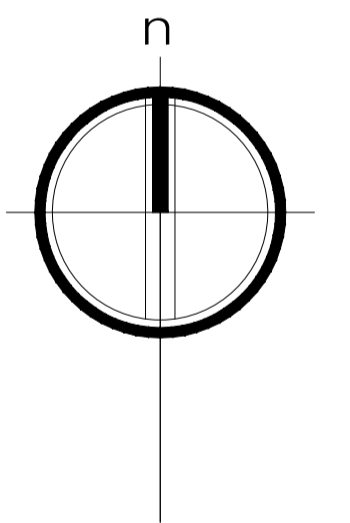
Sustainable: The dwelling will exceed the standards required by building control. It will have very high levels of insulation, triple glazed doors and windows, an air source heat pump and solar panels.

Biodiversity: The planting and boundary treatments will reflect the locale with generally timber post & wire fences utilised. The garden will generally be laid to lawn but will incorporate an area of natural lawn for foraging birds, insects etc. and will have hedgehog holes in fences and boundaries. It will have a log pile, as the house has a wood burner, which are great for minibeasts, a wildlife pond or water feature, a compost bin and lots of hiding places so beasts will not be disturbed.

Services:  
 Drainage: Foul water drainage to mains sewer, surface water drainage to soakaway or to stream  
 Water: Mains water supply.  
 Electricity: Mains electricity available.  
 BT: BT services available.

**NOTES:**

1. APPLICATION SITE OUTLINED IN RED
2. ALL OTHER LAND IN SAME OWNERSHIP OUTLINED IN BLUE



NOTE: Boundary lines taken from Title plan ARG24766

Client  
**DEREK MACLEAN**

---

Project  
**PROPOSED HOUSE SITE AT KELLAN,  
 GLENMORE ROAD,  
 OBAN, ARGYLL**

---

Drawing  
**SITEPLAN**

---

**SCHEME DESIGN**

Drawn by: CMD Date: APR 2023  
 Drawing Scale: A1 @ 1:900  
 CAD Filename:

---

**Beaton + McMurphy architects**  
 tigh na glaic, taynuilt, argyll. pa35 1jw  
 tel - 01866 822350 fax - 01866 822320 e-mail mail@bmacm.com  
 www.bmacm.com

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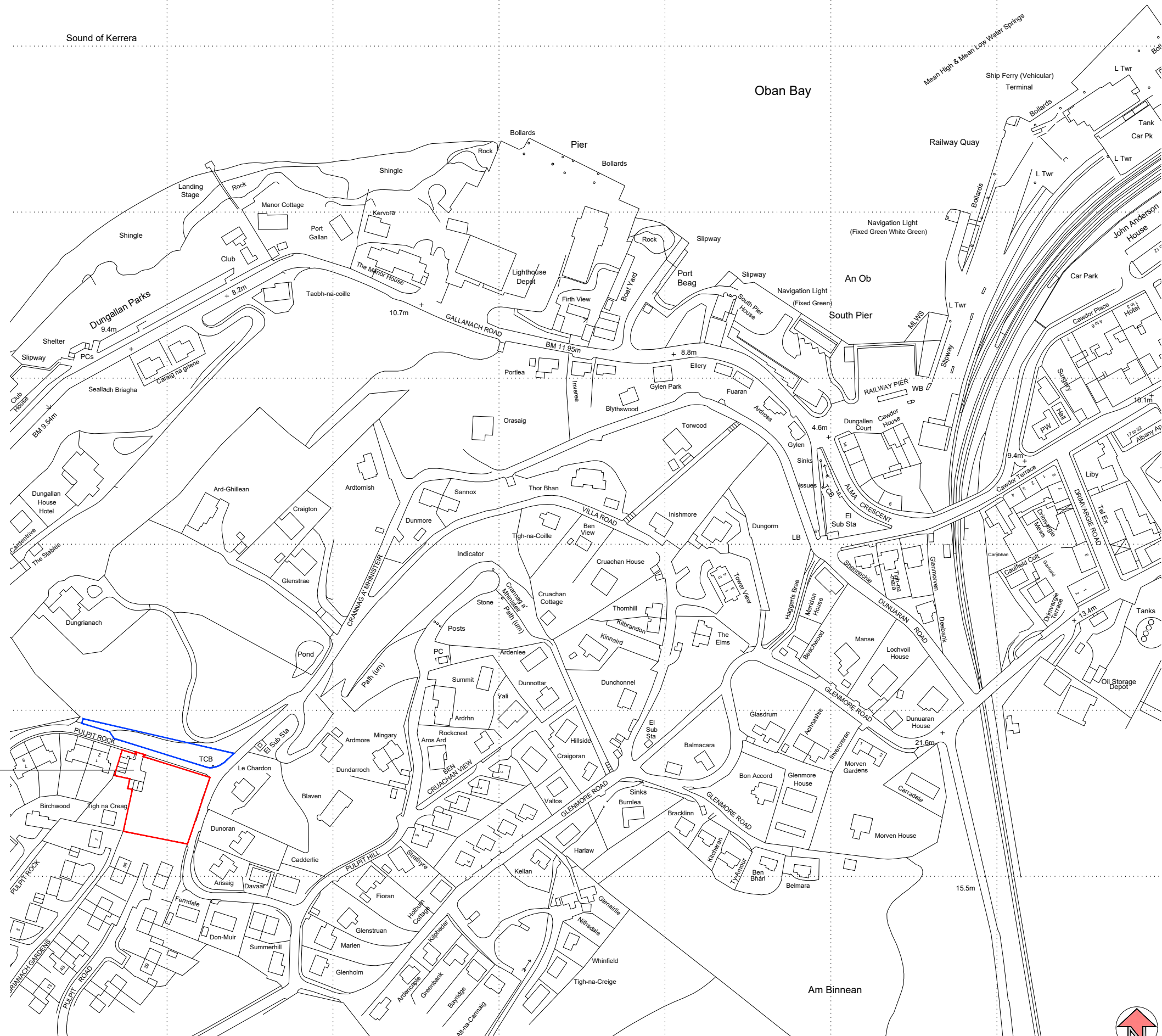
Drawing No. **2216** | Revision **01** | **C**

NOTE: copyright of this design belongs to Beaton + McMurphy Architects Ltd. and cannot be copied or reproduced without our consent.  
 The purpose of this drawing is solely for obtaining Planning Permission and/or Building Warrant approval. The drawing may be suitable for construction purposes but it may be necessary to augment/amend this information for this purpose. No liability will be accepted for any omission on this drawing should the drawing be used for construction purposes.







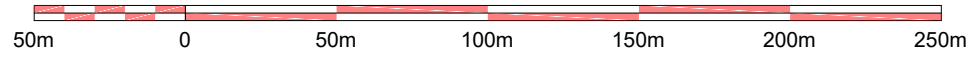


Application site

**Location Plan** Application site boundary outlined in RED

All other land in same ownership outlined in Blue

1:2500



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 SIGNED  
 DATE

Rev	Date	Description	dwn	chk

Client  
**John MacLachlan Ltd**  
 Project  
**Proposed Housing at:  
 Pulpit Rock  
 Oban**  
 Drawing Title  
**Location Plan**

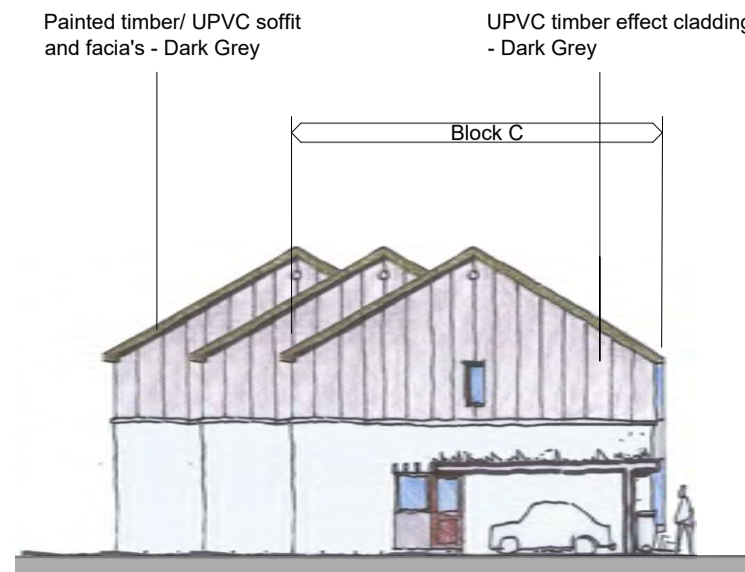
Drawing Status  
**Planning**

Job no.	Drawing no.	Rev.	Scale
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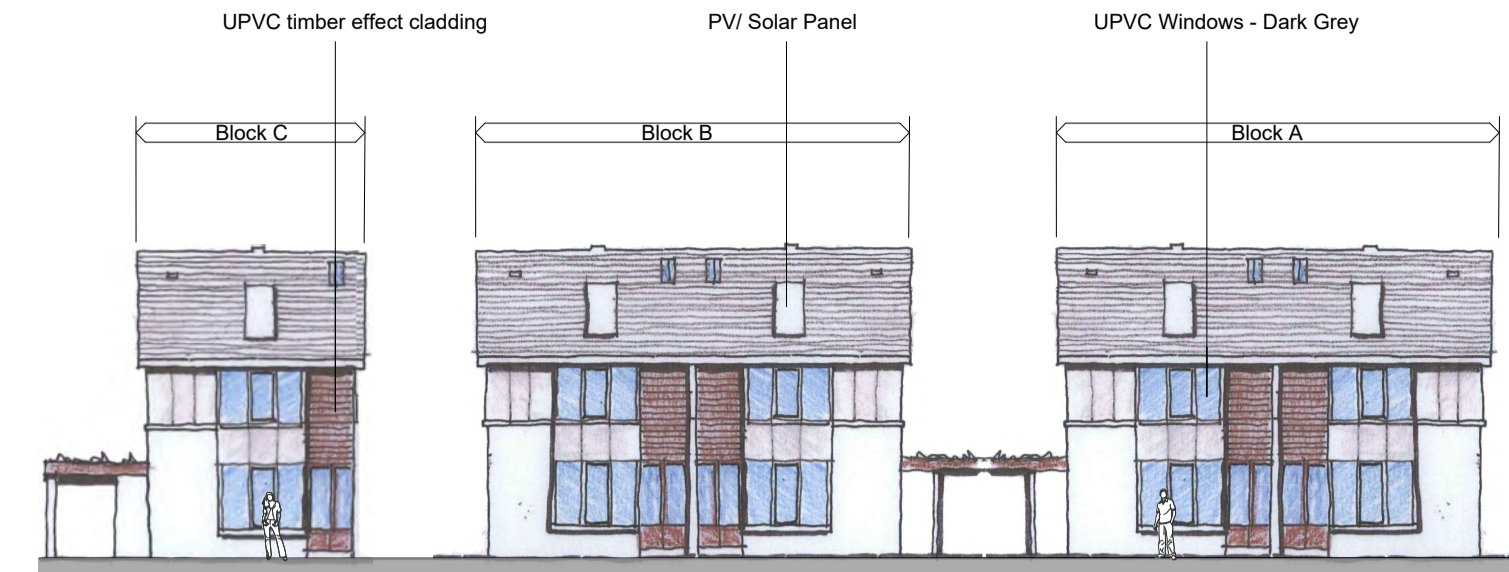




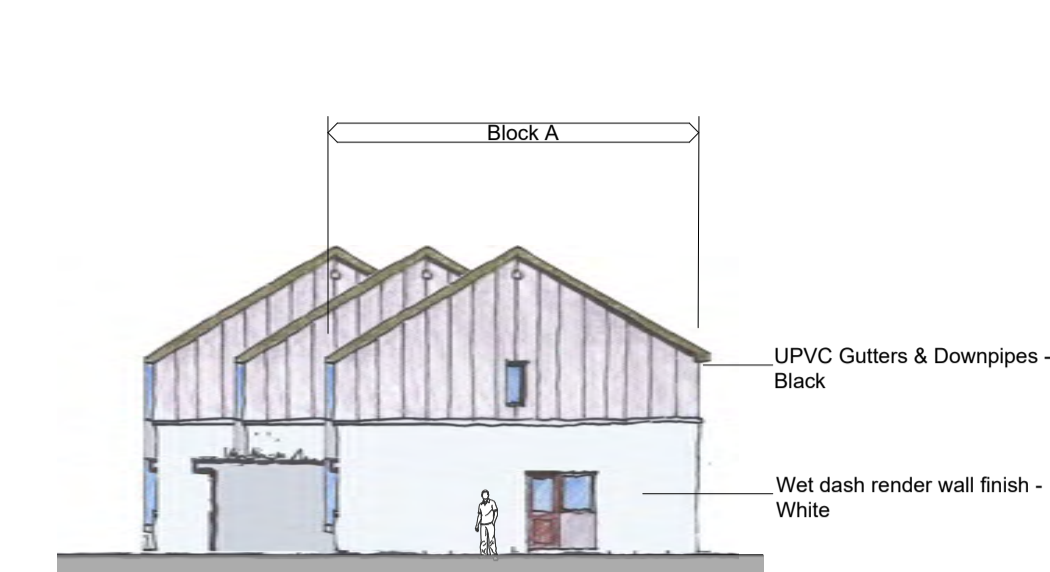
North West Elevation (front) 1:200



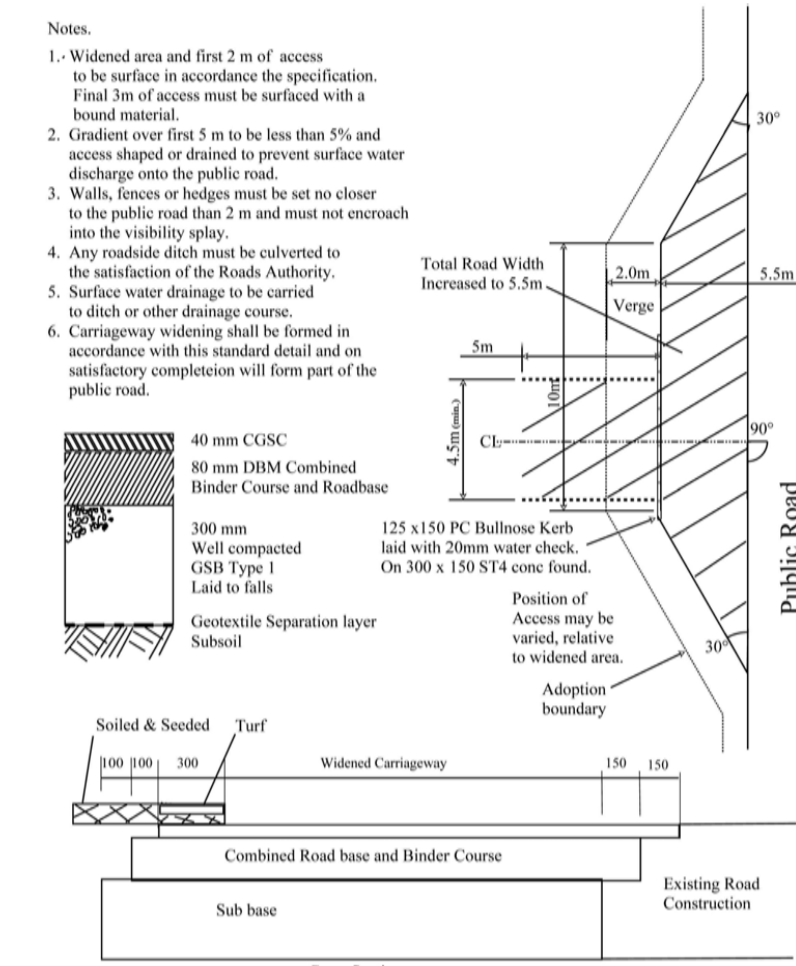
South West Elevation (side) 1:200



South East Elevation (rear) 1:200



North East Elevation (side) 1:200



A&BC Road Standards drawing: SD 08/004 rev A - N.T.S

**Notes:**

1. Widened area and first 2m of access to be surfaced in accordance with the specification. Final 2m of access must be surfaced with a bound material.
2. Gradient over first 5m to be less than 5% and access shaped or drained to prevent surface water discharge onto the public road.
3. Walls, fences or hedges must be set no closer to the public road than 2m and must not encroach into the visibility splay.
4. Any roadside ditch must be culverted to the satisfaction of the Roads Authority.
5. Surface water drainings to be carried to ditch or other drainage course.
6. Carriageway widening shall be formed in accordance with this standard detail and an satisfactory completion will form part of the public road.

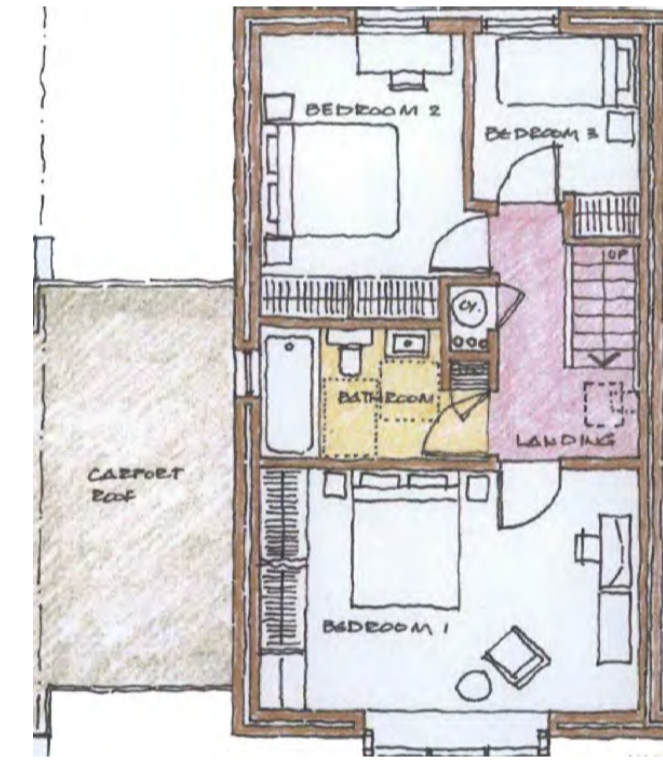
**Access Notes:**

Access at junction with public road to be constructed in accordance with Operational Services Drg No SD08004.

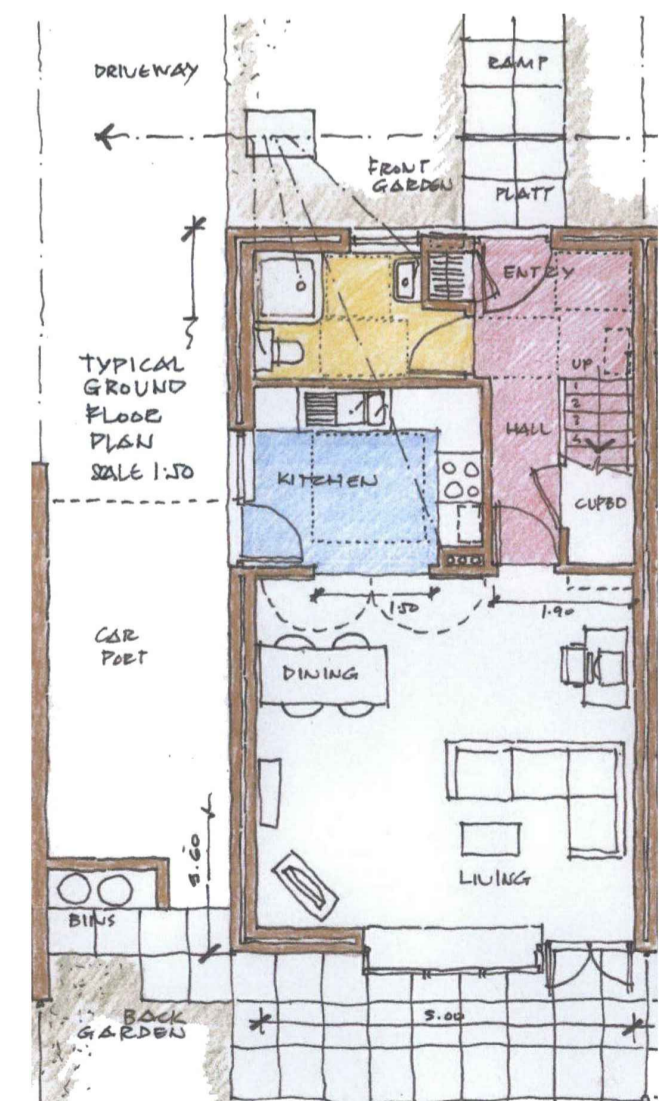
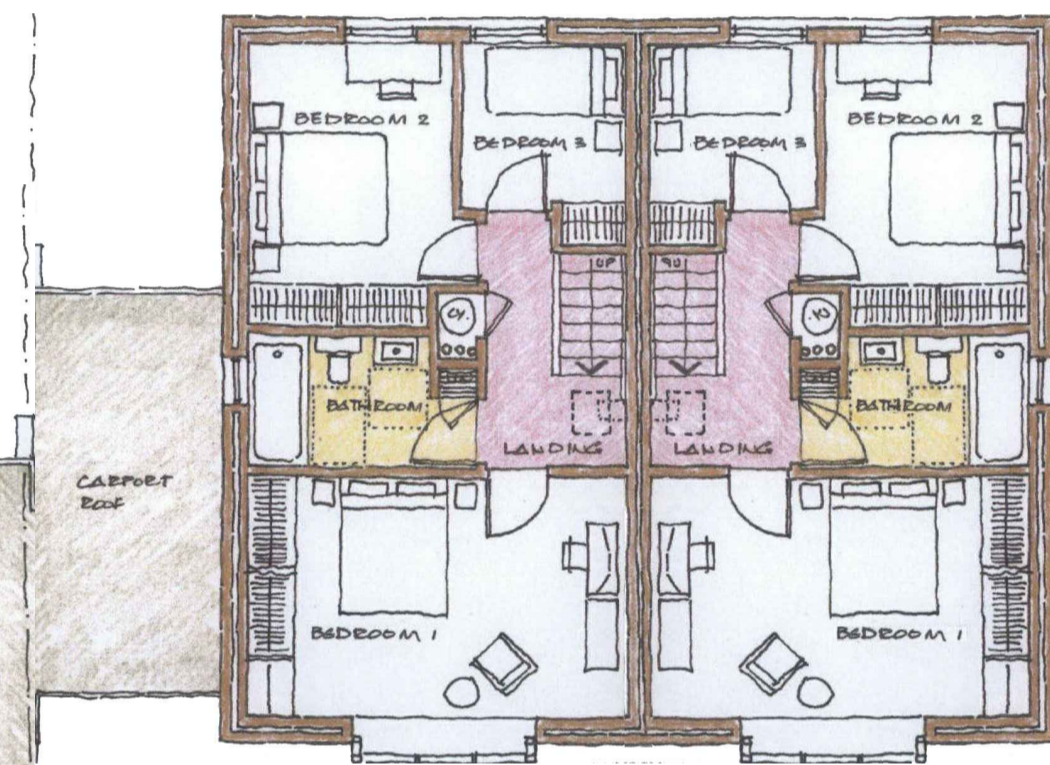
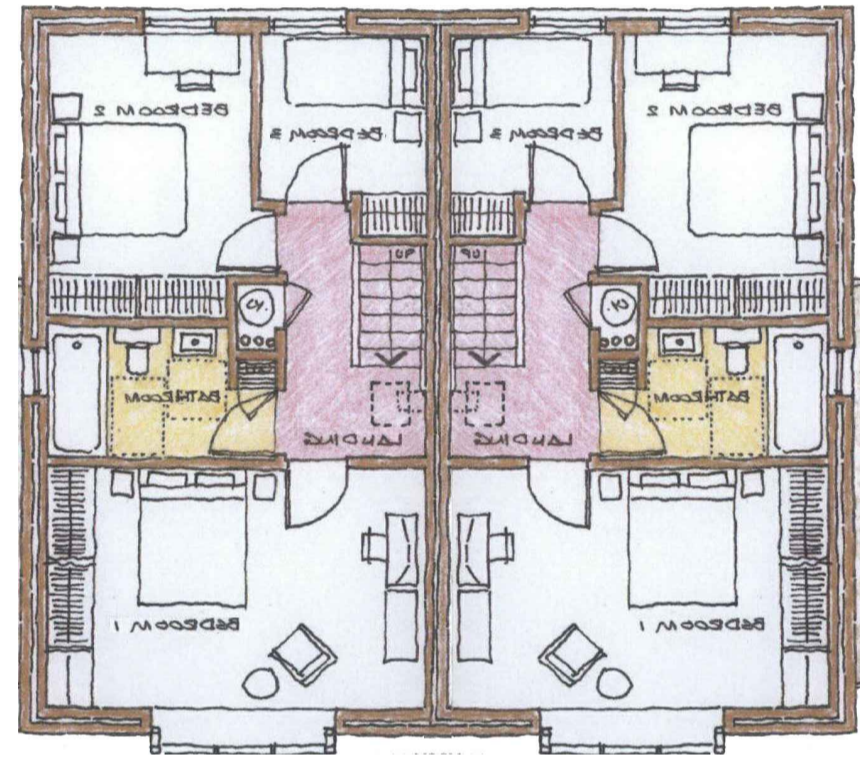
No walls, fences, hedges etc will be permitted within the verge or to be greater than height than 1.05m above road level within the first 2m from the channel line.

Visibility splays measuring 25m x 2.4m to be cleared and maintained.

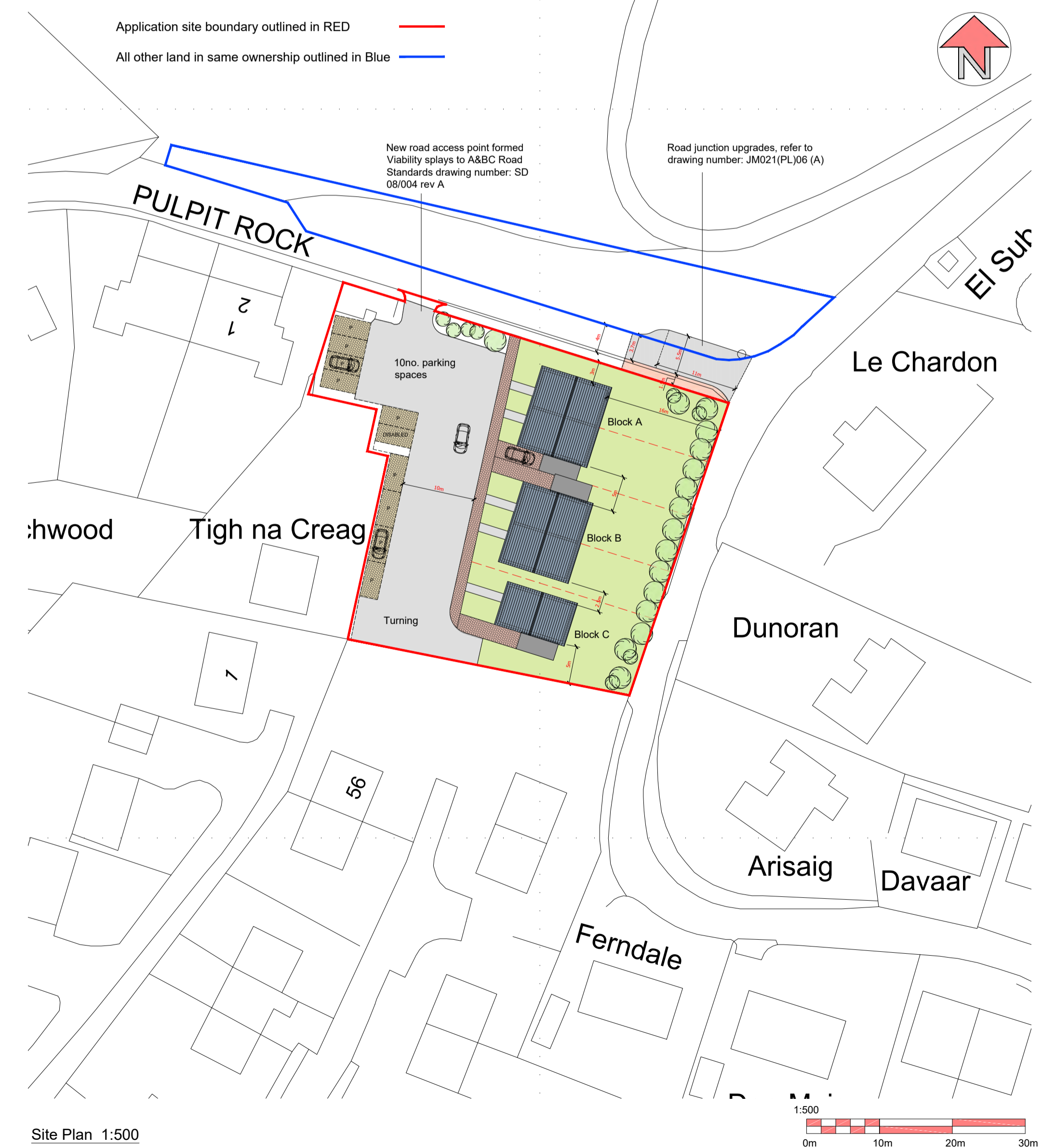
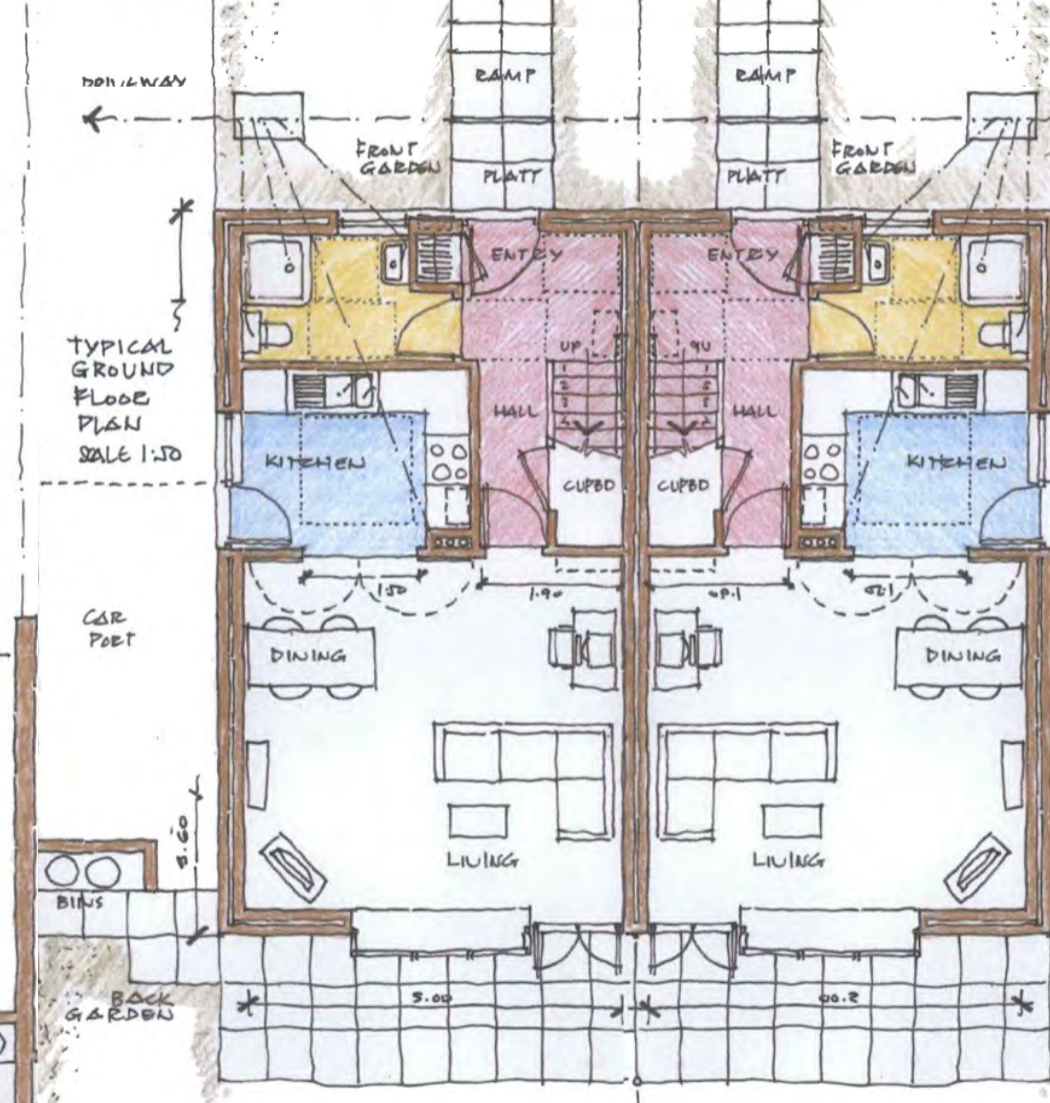
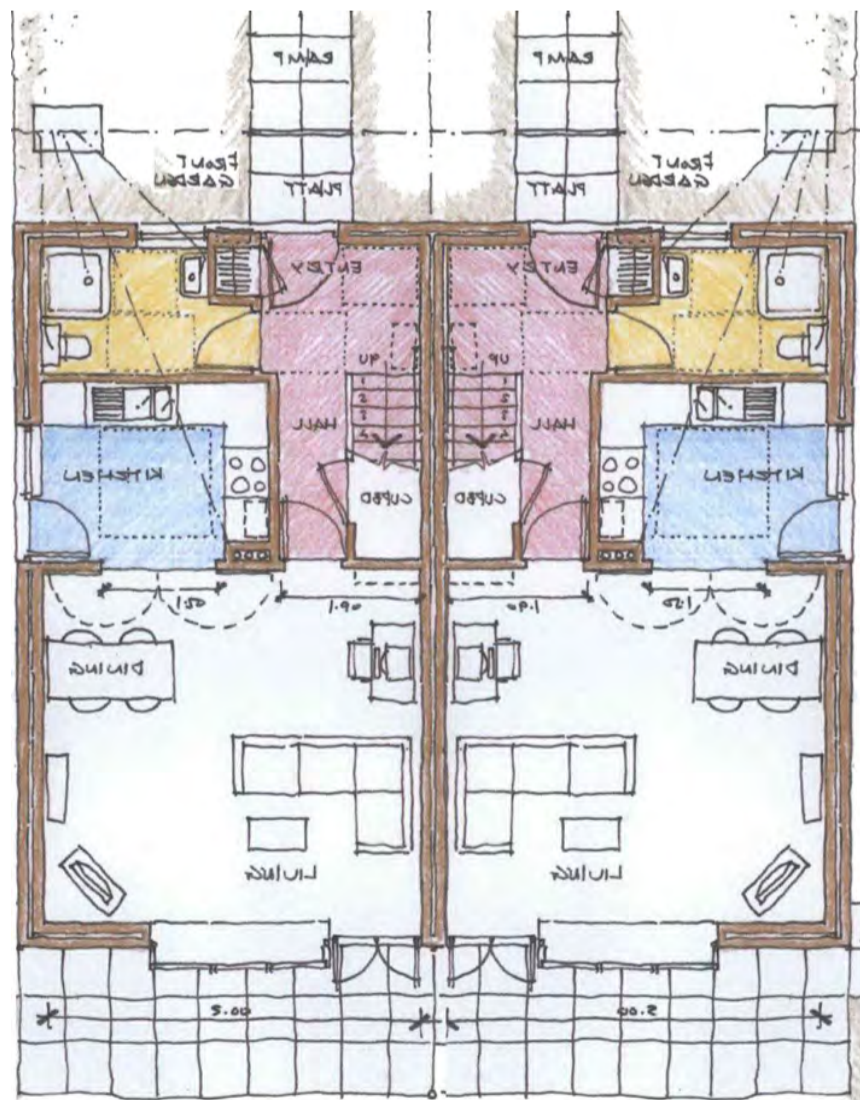
This applies to both the new connection from the site to Pulpit Rock UC56 and the junction of the Pulpit Rock UC56 Road with Crannaig-A-Mhinister UC55 Road.



First Floor Plans 1:100



Ground Floor Plans 1:100



Site Plan 1:500

**Services**

The houses would be connected to the existing services serving the area:

- Mains electrical connection;
- Mains sewers; and
- Mains water supply.

**Vehicular Access and Parking**

A new internal private access road would be provided from Pulpit Rock leading to a parking courtyard and turning head capable of accommodating service and emergency vehicles. The access would be a minimum of 4.5 metres wide at the entry (for a distance of 10 metres) and bitumen surfaced.

**Landscaping and Open Space**

By providing in the site planning around 30 m<sup>2</sup> of open space the development affords the opportunity to meet LP Policy HOU 4, requiring (for developments of over 20 units) 12m<sup>2</sup> of casual play and, if required equipped play space of 6m<sup>2</sup>. This open space is in addition to verges, which would be grassed and planted with ground cover material.

Trees would be planted using native species on a one-metre reserve strip along eastern road boundary of the site and around the central courtyard, using (larch, maple, linden, etc.) planting on ground cover in areas around the shared access. The central courtyard and parking areas would be paved in mono-blocks.

The rear gardens of the houses have been made as large as possible, with grassed gardens with concrete block terraces. Fencing between the rear gardens would be vertical feather-edge boarding with triangular arched runners. The front gardens would be without fencing, using ground cover, shrubs and hedging.

Adequate visibility splays would be provided at the entry. The minimum internal road width would be 3 metres and a 5-metre circulation aisle would be provided between parking spaces. The shared access would be constructed in mono-blocks, with dropped kerbs for carport access, via mono-blocked driveways. Pedestrian access would be via a 2 metre wide mono-blocked footpath.

Overall some twelve parking spaces would be provided - at a standard of 2 places per individual 2/3-bedroom housing unit (LP TRAN 6). Two of the spaces would be provided in a carport adjacent to each house, three in existing garages and seven in open parking spaces, which would be a minimum of 2.5 x 5 metres. One of these spaces would be reserved for disabled users and provided with a 1.2-metre wide strip on each side for facilitating wheelchair access.

THIS IS THE PRINCIPAL COPY / TRUE COPY OF THE PLANS REFERRED TO IN THE APPLICATION  
Rev Date

rev date	Description	dwnl clik

Client  
**John MacLachlan Ltd**

Project  
**Proposed Housing at:  
Pulpit Rock  
Oban**

Drawing Title  
**Floor Plans, Elevations & Site Plan**

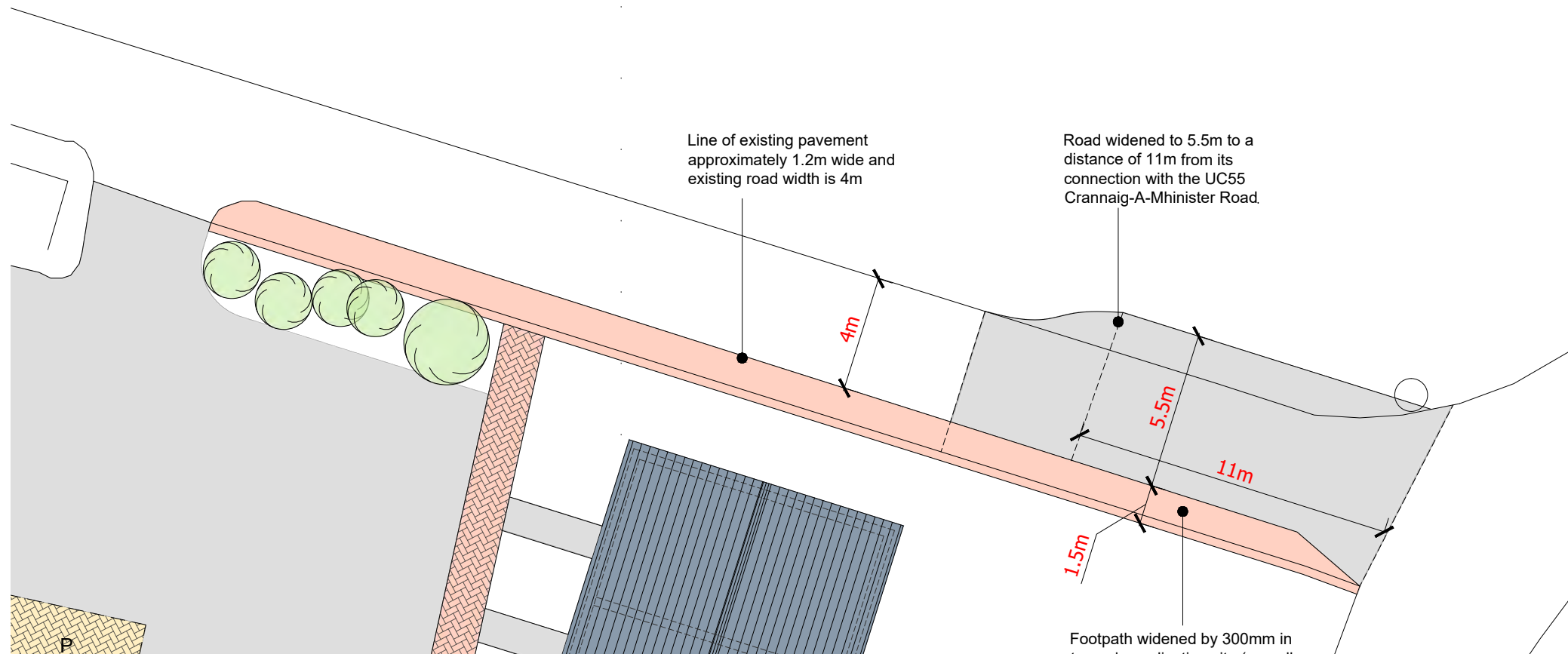
Drawing Status  
**Planning**

Drawing no.	Rev.	Scale
JM021 PL)02	B	Var @ A1

Area shown hatched represents additional 300mm added to existing footpath.



Street View of Existing Infrastructure



Road Junction Plan 1:200

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SIGNED

DATE

Rev	Date	Description	dwn	chk

Client  
John MacLachlan Ltd

Project  
Proposed Housing at:  
Pulpit Rock  
Oban

Drawing Title  
Road Upgrades

Drawing Status  
Planning



Job no.	Drawing no.	Rev.	Scale
JM 021	PL_06	A	1:200@A3

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND) REGULATIONS 2013**

**PLANNING PERMISSION**

**REFERENCE NUMBER: 21/02509/PP**

**Mr John MacLachan  
Allan Macaskill  
An Eala Bhan  
5 Ferryfield Road Connel  
Connel  
Oban  
United Kingdom  
PA37 1SR**

I refer to your application dated 26th November 2021 for planning permission in respect of the following development:

**Erection of 5 dwellinghouses and formation of vehicular access  
AT:  
Land North East Of Tigh Na Creag Pulpit Rock Oban Argyll And Bute**

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby grant planning permission for the above development in accordance with the particulars given in the application form and docketed plans subject however to the conditions and reasons detailed on the following page(s).

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments and is not a Building Warrant.

Dated: 16 March 2022

A black rectangular redaction box covers the signature area. A faint, handwritten signature is visible behind the redaction.

Fergus Murray  
Head of Development and Economic Growth

**REFERENCE NUMBER: 21/02509/PP**

**Erection of 5 dwellinghouses and formation of vehicular access  
AT:  
Land North East Of Tigh Na Creag Pulpit Rock Oban Argyll And Bute**

The planning application as detailed above is subject to the following conditions:

1. The development shall be implemented in accordance with the details specified on the application form dated 25/11/21, 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.

<b>Plan Title.</b>	<b>Plan Ref. No.</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	PL_01	A	15/03/22
Floor Plans, Elevations & Site Plan	PL_02	B	15/03/22
Block A – Floor Plans & Elevations	PL_03		13/12/21
Block B – Floor Plans & Elevations	PL_04		13/12/21
Block C – Floor Plans & Elevations	PL_05		13/12/21
Road Upgrades	PL_06	A	15/03/22

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

Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, 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 on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 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.

Both the Notification of Initiation and Notification of Completion forms referred to above are available via the following link on the Council's website:

<https://www.argyll-bute.gov.uk/planning-and-environment/make-planning-application>

- Please note the advice and guidance contained in the consultation responses from Scottish Water and JBA Consulting Ltd, both of which are available to view via the following link on the Council's Public Access System. Should you wish to

discuss any of the points raised in the responses you are advised to contact the relevant parties direct.

- <https://www.argyll-bute.gov.uk/planning-and-environment/find-and-comment-planning-applications>

2. Notwithstanding the provisions of Condition 1, the proposed access into the site at the junction with the public road shall be constructed in accordance with the Council's Roads Standard Detail Drawing SD 08/004a and shall include visibility splays of 2.4 metres to point X by 25 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Before any development commences, the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the initial occupation of the first dwellinghouse to be completed and the visibility splays shall be maintained clear of all obstructions thereafter.

*Reason: In the interests of road safety.*

Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
  - The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
3. 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 proposed dwellinghouses 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. The proposed commensurate improvements to the public highway shown on Drawing Number PL\_06 A, shall be fully completed, to the satisfaction of the Roads Authority, prior to the initial occupation of the first dwellinghouse to be completed.

*Reason: In the interests of road safety.*

5. 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 and Sewers for Scotland 4<sup>th</sup> Edition. 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)

6. Notwithstanding the provisions of Condition 1, the finished floor levels of the proposed development shall be between 0.3 and 0.6 metres above surrounding natural ground level.

*Reason: In order to secure an acceptable relationship between the development and its surroundings and prevent surface water flooding.*

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1C, 1D, 2A, 2B, 3A, 3B, 3C, 3D and 3E of the aforementioned Schedule, as summarised below:

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1C: The erection, construction or alteration of any porch outside any external door of a dwellinghouse.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 2A: The erection, construction or alteration of any access ramp outside an external door of a dwellinghouse.

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

*Reason: To protect the sensitive area and the setting of the proposed dwellinghouse, in the interest of visual amenity and public health, from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).*

8. Notwithstanding the effect of Condition 1, no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
- 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.

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.*

Note to Applicant:

Careful consideration should be given to the proposed landscaping scheme for the development to ensure that it does not conflict with the visibility splays required by Condition 2 above.

**NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 21/02509/PP**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
  
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land, in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).



APPENDIX TO DECISION APPROVAL NOTICE

Appendix relative to application: 21/02509/PP

A. Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended):

Planning Obligation Not Required

B. Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

Yes

**The application drawings have been updated to show some off-site highway improvements which can be achieved within the public road corridor and land within the ownership of the applicant.**

Summary of amendments (if appropriate):

C. Is the proposal a departure from the Development Plan:

No

If yes, state level of departure:

No Departure

D. Summary justification statement for approval of planning permission

The proposal is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to s25 of the Act.

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**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**24/0010/LRB**

**REFUSAL OF PLANNING PERMISSION 23/01163/PPP**

**SITE FOR THE ERECTION OF A DWELLINGHOUSE**

**KELLAN, GLENMORE ROAD, OBAN**

**02 May 2024**

## **STATEMENT OF CASE**

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mr Derek MacLean ("the appellant").

Planning permission 23/01163/PPP for the site for the erection of a dwellinghouse at Kellan, Glenmore Road, Oban ("the appeal site") was refused by the Planning Service under delegated powers on 16 February 2024.

The planning application has been appealed and is subject of referral to a Local Review Body.

### **DESCRIPTION OF SITE**

The site lies immediately adjacent to the public road situated to the south of Kellan. The site which is within the extended curtilage of Kellan was previously open garden ground which had been abandoned and incorporates recent unauthorised excavation works to the rock cliff to the east of the site; this is evident from the image captured on Google street maps dated May 2022 (Appendix 2). The site, although in an elevated position on Pulpit Hill, is surrounded by residential development; of various sizes and types of construction, some in a linear form and others sporadically sited.

The planning application identified the indicative footprint of the proposed dwellinghouse situated off the UC53 Glenmore Road.

The site is effectively the extended open ground of Kellan and a modest dwellinghouse appropriately sited and designed in terms of potential siting, plot size and compliance with the existing settlement pattern would effectively terminate the extent of built development at this location. The site represents a suitable opportunity within the defined settlement for the development of a suitably sited and designed dwellinghouse which will relate to the existing development within this area.

Whilst it is accepted that the proposed the site for the erection of a dwellinghouse within the site without any significant adverse visual impact on the site or the wider landscape within which it is proposed, a suitable access regime, including improvement of substandard public approach roads, to serve the proposed development cannot be achieved.

The proposed development of the site by the erection of a dwellinghouse constitutes a material intensification of the use of an existing and constrained public approach road. The proposed development is therefore considered to have a significant adverse impact upon highway safety. No appropriate commensurate or offsite highway improvements have been identified sufficient to set aside these safety concerns and therefore planning permission was refused.

### **STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED**

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Act, regard is to be had to the development plan, and all other material planning considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

## **STATEMENT OF CASE**

Argyll and Bute Council considers the determining issues in relation to the case are as follows:

- *Whether the proposed development constitutes a material intensification of the use of an existing and constrained public approach road and whether.*

The Report of Handling (Appendix 1) sets out the Council's full assessment of the application in terms of Development Plan policy and other material considerations.

## **REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING**

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

## **COMMENT ON APPELLANT'S SUBMISSION**

The case from the Planning Service is set out in the Report of Handling appended to this statement.

The Planning Service has no comment to make on the Appellant's submission.

## **ADOPTION OF LOCAL DEVELOPMENT PLAN 2**

Since planning permission was refused, 'Local Development Plan 2' (LDP2) has been adopted which, along with 'National Planning Framework 4' represent the Development Plan against which planning applications are assessed.

However, the relevant policies contained within LDP2 were considered during the processing of the application and therefore, in this instance, the adoption of LDP2 does not change the assessment previously undertaken by officers, namely that the development the subject of this review would conflict with NPF4 Policy 13 and Policies 36 and 41 of LDP2.

## **CONCLUSION**

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

As set out above, it remains the view of the Planning Service, as set out in the Report of Handling appended to this statement, that the proposed development constitutes a material intensification of the use of an existing and constrained public approach road. The proposed development is therefore considered to have a significant adverse impact upon highway safety. No appropriate commensurate or offsite highway improvements have been identified sufficient to set aside these safety concerns and therefore planning permission was refused.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

APPENDIX 1

Report of Handling Relative to 23/01163/PP

Argyll and Bute Council  
Development & Economic Growth

Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

---

Reference No: 23/01163/PPP  
Planning Hierarchy: Local  
Applicant: Mr Derek MacLean  
Proposal: Site for the erection of dwellinghouse  
Site Address: Kellan, Glenmore Road, Oban, Argyll

---

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
- 

(A) THE APPLICATION

- (i) **Development Requiring Express Planning Permission**
- Site for the erection of a dwellinghouse
  - Formation of vehicular access
- (ii) **Other specified operations**
- Connection to public water main
  - Connection to public drainage system
- 

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission in principle be **refused** subject to the reasons appended to this report.

---

(C) CONSULTATIONS:

Roads Authority

Report dated 06.07.2023 recommending Refusal. Area Roads advise that the proposal is situated off the UC53 Glenmore Road within an urban 20mph speed restriction and Roads will not support any further new development to be served by this road due to the unsuitability of the restricted road to take additional traffic.

The Roads Authority have further advised as follows: *'In 2012 the Council Roads Department carried out studies and inspections on traffic issues on Glenmore Road and Crannag a Mhinisteir at the behest of the Oban Lorn and The Isles Area Committee due to complaint and concerns that local elected members had received from the community in respect of road safety. The study looked at various issues but predominantly centred around turning Glenmore Road and Crannag a Mhinisteir into a one way system and providing a footway for pedestrian safety.*

*It is generally acknowledged that the road serving the Pulpit Hill area have steep gradients and are barely wide enough in places for two way traffic. In places this is exacerbated by walls and hedges close to the road edge.*

*The one way system option was dismissed on various grounds so the decision was taken at that point by the Roads department to try to control the increase in numbers of vehicle movements over these roads by refusing to support any further new development proposals that would increase traffic on the roads'.*

Scottish Water

Letter dated 22.06.2023 advising no objection to the proposed development which will be serviced from the Tullich Water Treatment Works and the Oban Waste Water Treatment Works. Scottish Water do however advise that further investigations may be required once formal applications for connection to their infrastructure has been submitted for consideration.

Health & Safety Executive (HSE)

Report dated 20.06.2023 advising that the proposed development site which you have identified does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

Oban Airport

No response at time of report being written and no request for an extension to time.

The above represents a summary of the issues raised. Full details of the consultation responses are available to view via the [Public Access](#) section of the Council's website.

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**(D) HISTORY:**

18/02010/PPP

Site for the erection of dwellinghouse  
Planning application returned

08/01030/OUT

Site for erection of a dwellinghouse.  
Refused: 01.08.2008

93/01135/OUT001

SITE FOR THE ERECTION OF A DWELLINGHOUSE  
23.02.1994

*(Delegated report for 08/01030/OUT referring to 93/01135/OUT001: The reasons*

for refusal were overdevelopment of a small narrow plot contrary to local plan policy HO 21 and fragmentation of open space which contributes to the townscape setting contrary to local plan policy BE 9A.

The applicant subsequently appealed the decision but it was dismissed by the reporter.)

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 20.07.2023

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

Objections:

David Maers, Rockcliff, 4 Glenmore Road, Pulpit Hill, Oban, received 06.07.2023  
Kenneth MacPherson, Kilphedar, Glenmore Road, Pulpit Hill, Oban, dated 07.07.2023.

Representation from the applicant:

Emails dated 12.10.2023, 12.10.2023, 23.10.2023, 11.11.2023, 16.01.2024, 19.01.2024, 02.02.2024 and 06.02.2024.

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

**(ii) Summary of issues raised:**

- Concerns that the applicant has undertaken major excavations of the site which was once a lovely green area and is now a rock face.

*Planning Authority Comment: The retrospective nature of this part of the development is noted.*

- Concerns with the impact of privacy, overlooking / looking down into the proposed dwellinghouse.

*Planning Authority Comment: As the proposal is for planning permission in principle no details of the proposed dwellinghouse are required to be submitted at this stage.*

*However, it is considered that a dwellinghouse to this site will not impact on the privacy of surrounding dwellinghouses subject to a suitably sited and designed dwellinghouse which will relate to the existing development within this area.*

- Concerns with the proposal will partially block the view from a neighbouring property known as 4 Glenmore Road.

*Planning Authority Comment: The proposal is for planning permission in principle*



*where no details of the proposed dwellinghouse are required to be submitted at this stage. Further the site is set down in a lower location and the loss of a private view is not a material planning consideration.*

- Concerns that the proposed access will be directly opposite 4 Glenmore Road.

*Planning Authority Comment: The submitted site plan, drawing number 2216 01, identifies the proposed access as being opposite the access to 3 Glenmore Road and not 4 Glenmore Road.*

- Concerns that the proposal will create a lot of noise and a mess on the public road.

*Planning Authority Comment: Any concerns with potential future noise would be a matter for Environmental Health and any potential mess on the public road would be a matter for the Area Roads Authority.*

- Concerns that planning permission has been refused before.

*Planning Authority Comment: Planning Permissions 08/01030/OUT and 93/01135/OUT001 were refused on the same site. Reasons for refusal are set out above in Section (D). It is noted that these historic refusals were assessed and determined under a different set of both local and national planning policies.*

- Concerns that the proposal will have insufficient garden ground.

*Planning Authority Comment: The submitted site plan, drawing number 2216 01, annotates an indicative house footprint; leaving approximately 429 square metres of garden ground which is acceptable.*

- Concerns from the applicant:

- The planning application had exceeded the determination date of 18<sup>th</sup> August 2023 and the agreed extension.

- Advising that the council are now in severe violation of Scottish planning laws. The first violation was not meeting the response time determined by the Scottish government. The second was not asking the applicant for an extension on the determination date. Finally the 3<sup>rd</sup> violation has occurred in the fact that Argyll and Bute council have not met the extension deadline that was reluctantly agreed by myself and the council.

*Planning Authority Comment: The applicant was advised that the Council is not in any violation of planning law although it is confirmed that failure to determine the application within the agreed extension period does now mean that the time period within which a right to seek Local Review of the application due to a failure of the Council to provide a timely decision commenced on 10<sup>th</sup> November 2023 and will expire on 10<sup>th</sup> February 2024. It was advised that once a request for a local review has been initiated that process would preclude officers from reaching a formal determination of the application.*

- The applicant enquired if the Area Team Leader would go against the recommendations from the roads authority.

- Advising that a FOI had been received from Argyll & Bute Council which requested

information on the road safety survey carried out in 2012.

- The roads department are not consistent with reports that have been carried out for previous applications i.e. granny annexes, garage conversions etc.

*Planning Authority Comment: The applicant was advised that Area Roads are a consultee in the planning process and that the points made are noted.*

- Mr J. Mclachlan's plots that have been granted for 5 homes which has been ongoing since 2008 with no built development being undertaken.

*Planning Authority Comment: This is not a material consideration in the determination of this planning application. However, planning permission 21/02509/PP was granted for the erection of 5 dwellinghouses and the formation of a vehicular access; commensurate improvements were sought and agreed with the Area Roads. That particular site benefited from planning approvals going back to 2007 and also benefits from a meaningful start.*

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- (i) **Environmental Impact Assessment Report:** Yes No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No
- (iii) **A Design or Design/Access statement:** Yes No
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No

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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** Yes No

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- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** Yes No

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**(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

[National Planning Framework 4 \(Adopted 13<sup>th</sup> February 2023\)](#)

## **Part 2 – National Planning Policy**

### **Sustainable Places**

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 7 – Historic Assets and Places

NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings  
(*includes provisions relevant to Greenfield Sites*)

NPF4 Policy 12 – Zero Waste

NPF4 Policy 13 – Sustainable Transport

### **Liveable Places**

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 17 – Rural Homes

NPF4 Policy 18 – Infrastructure First

### **[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)**

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedules

### **[‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ \(Adopted March 2016 & December 2016\)](#)**

#### **Natural Environment**

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity

#### **Landscape and Design**

SG LDP ENV 14 – Landscape

#### **General Housing Development**

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

#### **Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

#### **Resources and Consumption**

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems  
SG LDP SERV 2 – Incorporation of Natural Features / SuDS  
SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within  
New Development

### **Addressing Climate Change**

SG LDP Sust Check – Sustainability Checklist

### **Transport (Including Core Paths)**

SG LDP TRAN 2 – Development and Public Transport Accessibility  
SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes  
SG LDP TRAN 5 – Off-site Highway Improvements  
SG LDP TRAN 6 – Vehicle Parking Provision

(ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.**

- Third Party Representations
- Consultation Responses
- Planning History
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13<sup>th</sup> June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

### **Spatial and Settlement Strategy**

Policy 01 – Settlement Areas  
Policy 04 – Sustainable Development

### **High Quality Places**

Policy 05 – Design and Placemaking  
Policy 08 – Sustainable Siting  
Policy 09 – Sustainable Design  
Policy 10 – Design – All Development

### **Connected Places**

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes  
Policy 36 – New Private Accesses  
Policy 37 – Development Utilising an Existing Private Access or Existing Private

Road  
Policy 40 – Vehicle Parking Provision  
Policy 41 – Off Site Highway Improvements

**Sustainable Communities**

Policy 61 – Sustainable Urban Drainage Systems (SUDS)  
Policy 63 – Waste Related Development and Waste Management

**High Quality Environment**

Policy 71 – Development Impact on Local Landscape Areas (LLA's)  
Policy 73 – Development Impact on Habitats, Species and Biodiversity

Local Development Plan 2 Schedules

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**(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** Yes No

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**(L) Has the application been the subject of statutory pre-application consultation (PAC):** Yes No

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**(M) Has a Sustainability Checklist been submitted:** Yes No

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**(N) Does the Council have an interest in the site:** Yes No

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**(O) Requirement for a pre-determination hearing:** Yes No

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**(P)(i) Key Constraints/Designations Affected by the Development:**

- N/A

**(P)(ii) Soils**

Agricultural Land Classification:

Unclassified Land

Peatland/Carbon Rich Soils Classification:

Class 1

Class 2

Class 3

N/A

Peat Depth Classification:

N/A

Does the development relate to croft land?

Yes No

Would the development restrict access to croft or better quality agricultural land?

Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land?

Yes No N/A

**(P)(iii) Woodland**

Will the proposal result in loss of trees/woodland? Yes  
No

(If yes, detail in summary assessment)

Does the proposal include any replacement or compensatory planting? Yes  
No details to be secured by condition  
N/A

**(P)(iv) Land Status / LDP Settlement Strategy**

Status of Land within the Application Brownfield  
Brownfield Reclaimed  
Greenfield

**ABC LDP 2015 Settlement Strategy  
LDP DM 1**

- Main Town Settlement Area
- Key Rural Settlement Area
- Village/Minor Settlement Area
- Rural Opportunity Area
- Countryside Zone
- Very Sensitive Countryside Zone
- Greenbelt

**ABC LDP 2015 Allocations/PDAs/AFAs  
etc:**

Special Built Environment Area (SBEA) –  
Pulpit Hill

**ABC pLDP2 Settlement Strategy**

- Settlement Area
- Countryside Zone
- Remote Countryside Zone
- Helensburgh & Lomond Greenbelt

**ABC pLDP2 Allocations/PDAs/AFAs  
etc:**

**(P)(v) Summary assessment and summary of determining issues and material considerations**

Planning permission in principle (PPP) is sought for the erection of a dwellinghouse at Kellan, Glenmore Road, Oban in Argyll.

The site lies immediately adjacent to the public road situated to the south of Kellan. The site which is within the extended curtilage of Kellan was previously open garden ground which had been abandoned and incorporates recent unauthorised excavation works to the rock cliff to the east of the site; this is evident from the image captured on google street maps dated May 2022. The site, although in an elevated position on Pulpit Hill, is surrounded by residential development; of various sizes and types of construction, some in a linear form and others sporadically sited.

The application shows the indicative footprint of the proposed dwellinghouse situated off the UC53 Glenmore Road.

Whilst the application is seeking to secure PPP for the site, with the detailed layout, design and infrastructure details to be addressed by way of a future application(s) for approval of matters specified in conditions, the site plan shows the indicative position of a dwellinghouse within the site.

The site is effectively the extended open ground of Kellan and a modest dwelling

appropriately sited and designed in terms of potential siting, plot size and compliance with the existing settlement pattern would effectively terminate the extent of built development at this location. It is therefore considered that the site represents a suitable opportunity within the defined Settlement for the development of a suitably sited and designed dwellinghouse which will relate to the existing development within this area. The detailed siting, design and finishes of the proposed dwellinghouse could be secured by way of suitably worded condition(s) being imposed on the grant of permission.

It is accepted that this opinion differs materially from the previous refusals on the site but the current application must be considered on its merits and whilst the planning history of the site remains a material planning consideration greater weight must be given to the current and proposed Local Development Plan and to National Planning Framework 4.

Notwithstanding the above however, the Council as roads authority have serious concerns regarding the suitability of the existing access and road network serving Pulpit Hill. Roads have firmly stated that they are not prepared to allow any further development of this type in Glenmore Road and that there is no scope for commensurate road improvements sufficient to outweigh their road safety concerns.

Officers have spent considerable time trying to find a solution to this but, ultimately, it is agreed that a highway safety issue does exist and therefore this planning application is recommended for refusal on that sole basis. It is accepted that the applicant takes a wholly different view. His opinions are both noted and respected.

**NPF4 Policy 1** seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4. Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

In this case, given the relatively small scale nature of the development proposed and its alignment with all other relevant policies in NPF4 and those supporting policies in the adopted 'Argyll and Bute Local Development Plan 2015' (LDP), it is considered that the development proposed would, in the absence of the overriding highway safety concerns, be in accordance with the broad aims of NPF4 Policy 1 as underpinned by LDP Policies STRAT 1, LDP DM 1 and the adopted Sustainability Checklist and Policies 01 and 04 of pLDP2.

**NPF4 Policy 2** seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change.

Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. It is noted that the provisions of the Settlement Strategy set out within Policy LDP DM 1 of the LDP promotes sustainable levels of growth by steering significant development to our Main Towns and Settlements, rural growth is supported through identification of Key Rural Settlements and safeguards more

sensitive and vulnerable areas within its various countryside designations.

It is considered that the proposed development would, in the absence of the overriding highway safety concerns, be consistent with Policy 2 of NPF4 having had due regard to the specifics of the development proposed and to the overarching planning policy strategy outlined within the adopted LDP, notably policies STRAT 1, LDP DM 1, LDP DM 10 and the adopted Sustainability Checklist and Policies 01 and 04 of pLDP2.

**NPF4 Policy 3** seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

In the case of the development proposed by this application, it is considered that there are no issues of compliance with Policy 3. No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and whilst no specific proposals for biodiversity improvements have been submitted it is considered that adequate and proportionate measures for biodiversity enhancement and protection could be delivered by planning condition. Such a condition will be attached to this permission.

The proposed development is therefore considered to be in compliance with NPF4 Policy 3 as underpinned by Local Development Plan Policy LDP 3, SG LDP ENV 1 and Policy 73 of the pLDP2, in the absence of the overriding highway safety concerns.

**NPF4 Policy 4** seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The development proposed by the current planning application is considered appropriate in terms of its type, location and scale such that it will have no unacceptable impact on the natural environment. The proposed development is not within any designated European site of natural environment conservation or protection, it is not located within a National Park, a National Scenic Area a SSSI or RAMSAR site, or a National Nature Reserve. Neither is it located within a site designated as a local nature conservation site or landscape area or within an area identified as wild land.

The site is located within the Special Built Environment Area (SBEA) of Pulpit Hill where SBEA's do not have the presence, continuity or quality of 'conservation areas' but exhibit special built and land form characteristics which should be safeguarded and promoted when considering development potential and proposals.

However, in this instance, subject to a suitably sited and designed dwellinghouse, details of which could be secured by condition, it is not considered that the development of the site with a single dwellinghouse would, in the absence of the overriding highway safety concerns, have any significant adverse impact on the land form characteristics and therefore accords with NPF4 Policy 4 as underpinned by LDP Policies LDP 3, SG LDP ENV 1 and SG LDP ENV 13 and Policy 71 of pLDP2.

**NPF4 Policy 9** seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.



The development proposed by this planning application in on a brownfield site by virtue of it being the extended open ground of Kellan. The site is within the defined Settlement wherein LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development on appropriate sites, with these main policy considerations underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

In terms of pLDP2, the site is identified as being within a 'Settlement Area' where Policy 01 gives general support to development provided that it is compatible with surrounding uses; provides appropriate infrastructure; is of an appropriate scale and fit for the size of settlement in which it is proposed; and respects the character and appearance of the surrounding townscape in terms of density, scale, massing, design, external finishes and access arrangements.

In this instance the proposal is seeking to secure permission for a single dwellinghouse in an area of established residential development where it could fit with the settlement pattern of the area and not give rise to any adverse impact on the wider landscape setting. Accordingly, in this instance, it is not considered that the proposal conflicts with Policy 02 of pLDP2.

Policy 9 of NPF4 aligns with the settlement strategy of the LDP and emerging pLDP2 and the current development proposal raises no issue of conflict.

**NPF4 Policy 12** seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks to establish the principle of a single dwellinghouse. Whilst this is a development likely to generate waste when operational, it would benefit from regular waste uplifts by the Council and would be expected to comply with our adopted and enforced recycling and reuse strategy. In this regard, in the absence of the overriding highway safety concerns, the proposed development is considered to be in compliance with NPF4 Policy 12 as underpinned by LDP Policies LDP 10 and SG LDP SERV 5(b) and Policy 63 of pLDP2.

**NPF4 Policy 13** seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The development the subject of this planning application seeks to establish the principle of a single dwellinghouse. The application proposes a new vehicular access of the UC 53 Glenmore Road.

Part (b) of Policy 13 sets out that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii. Will be accessible by public transport, ideally supporting the use of existing services;

- iii. Integrate transport modes;
- iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii. Adequately mitigate any impact on local public access routes.

Part (g) of Policy 13 states that development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

NPF4 Policy 13 is underpinned at local level by LDP Policy LDP 11 which sets out a requirement that an appropriate standard of access is delivered to serve new developments, including off-site highway improvements where appropriate. This requirement is specified in more detail within LDP Policy SG LDP TRAN 4 (1) and Policy 36 of pLDP2 which sets out acceptance of development that proposes new private access regimes which are subject to road safety and street design issues being addressed which will only be accepted if:

- (i) The new private access forms an individual private driveway serving a single user development, which does not, in the view of the planning authority, generate unacceptable levels of pedestrian or vehicular traffic in terms of the access regime provided; or
- (ii) The private access serves a housing development not exceeding 5 dwelling houses; or
- (iii) The private access serves no more than 20 units in a housing court development.

The Council's Area Roads Authority was consulted on the proposal and a refusal was recommended. The Roads Authority have advised that they will not support any further new development to be served by the public road at this location due to unsuitability of the restricted road to take additional traffic.

The Roads Authority have further advised that in 2012 the Council Roads Department carried out studies and inspections on traffic issues on Glenmore Road and Crannag a Mhinisteir at the behest of the Oban Lorn and The Isles Area Committee due to complaints and concerns that local elected members had received from the community in respect of road safety. The study looked at various issues but predominantly centred around turning Glenmore Road and Crannag a Mhinisteir into a one way system and providing a footway for pedestrian safety. The Roads Authority have advised that the one way system option was dismissed by Members on various grounds so the decision was taken at that point by the Roads Authority to try to control the increase in numbers of

vehicle movements over these roads by refusing to support any further new development proposals that would increase traffic on the roads.

It is generally acknowledged that the public roads serving the Pulpit Hill area have steep gradients and are barely wide enough in places for two way traffic. In places this is exacerbated by walls and hedges close to the road edge.

The provisions of LDP Policy SG LDP TRAN 5 and Policy 41 of pLDP2 set out that where development will significantly increase vehicular or pedestrian traffic on substandard public approach roads, then developments will be required to contribute proportionately to improvements to the public road network. In this instance the review undertaken by the Council's Roads Service in 2012 has already concluded that in the absence of a one way system being introduced, the wider road network does not have capacity to accommodate additional vehicular or pedestrian traffic generating uses and as such the applicant is not in a position to address the fundamental shortcomings in the public approach road in a manner that would be practical or proportionate to the development proposed.

The proposed development of the site by the erection of a dwellinghouse constitutes a material intensification of the use of an existing and constrained access regime. The proposed development is therefore considered to have a significant adverse impact upon highway safety. No appropriate commensurate or offsite highway improvements have been identified sufficient to set aside these safety concerns. The proposal is considered to be contrary to the NPF4 Policy 13(g) as underpinned by LDP Policies LDP 11, SG LDP TRAN 4(1), SG LDP TRAN 5 and Policies 36 and 41 of pLDP2.

**NPF4 Policy 14** seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'.

The development the subject of this planning application seeks to establish the principle of a single dwellinghouse and therefore, at this stage, no specific design has been submitted for assessment by the Planning Authority. If granted, the necessary future application(s) for the approval of the details of the proposed development would be expected to comply with the 'place principle' as set out in NPF4 Policy 14 and planning conditions attached to any permission in principle would ensure that the development is designed to an appropriate standard.

In this regard, the development the subject of this planning application is, in the absence of the overriding highway safety concerns, considered to be in accordance with the broad aims of NPF4 Policy 14 as underpinned by LDP Policies LDP 9 and SG LDP Sustainable Siting and Design Principles and Policies 08, 09 and 10 of pLDP2.

**NPF4 Policy 15** seeks to encourage, promote and facilitate the application of the 'Place Principle' and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

In terms of our adopted settlement strategy, the site of the proposed development is within the defined Main Town Key Settlement of Oban where LDP Policies LDP STRAT 1 and LDP DM 1 give general encouragement to

development on appropriate sites. These main policy considerations are underpinned by the SG contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

It is considered that the small scale of the proposed development and its location would, in the absence of the overriding highway safety concerns, reasonably comply with Policy 15 of NPF4 given the existing dispersed geographical scale of the environment within which the development is to be located, and given its compliance with the existing settlement pattern and the geographic relationship of the proposed development with the surrounding area where people can reasonably meet the majority of their daily needs within a reasonable distance of their home. This is underpinned by the broad settlement strategy policy contained within Policies LDP DM 1, LDP 8, LDP 10 and LDP 11 of the LDP and Policy 02 of pLDP2.

**NPF4 Policy 16** seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes in the right locations and providing choice of tenure to meet diverse housing needs.

Policy 16 supports development proposals for new homes that improve choice, including at Policy 16(c) 'self-provided homes'. It is considered that this application to establish the principle of a single self-build home would accord with the broad policy aims of NPF4 Policy 16 and would be in a location underpinned by our adopted settlement strategy policies.

The development proposed by this planning application falls well below the adopted threshold for a requirement to provide 25% affordability.

The need in Policy 16(f) to ensure that development proposals for an agreed timescale for build-out could be covered through the use of a planning condition.

Whilst the development proposed by this planning application is on land not actively allocated for housing in the LDP, it would wholly accord with the adopted settlement strategy and would accord with the principles of 'local living' and '20 minute neighbourhoods'. The proposed development, in the absence of the overriding highway safety concerns, is therefore deemed consistent with NPF4 Policy 16 as underpinned by LDP policies LDP DM 1, LDP 8 and SG LDP HOU 1 and Policy 05 and 67 of pLDP2.

**NPF4 Policy 18** seeks to encourage, promote and facilitate an infrastructure first approach to land use planning etc.

The development the subject of this planning application proposes connection to the public water and drainage infrastructure to which Scottish Water raised no objection advising that the development will be serviced from the Tullich Water Treatment Works and the Oban Waste Water Treatment Works. Scottish Water do advise that they are unable to confirm capacity and advise the Applicant to submit a Pre-Development Enquiry for consideration. The proposal is, in the absence of the overriding highway safety concerns, considered consistent with the broad aims of NPF4 Policy 18 as underpinned by LDP policy LDP DM 11 and Policies 05 and 08 of pLDP2 which seek to ensure suitable infrastructure is available to serve proposed developments.

**NPF4 Policy 22** seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

As detailed at NPF4 Policy 18 above, the development the subject of this planning application proposes connection to the public water main to which Scottish Water raised no objection. The proposal is, in the absence of the overriding highway safety concerns, considered to be consistent with NPF4 Policy 22 as underpinned by LDP Policies LDP 10 and SG LDP SERV 2 and Policy 61 of pLDP2.

Accordingly, notwithstanding the above assessment that the proposed site for the erection of a single dwellinghouse could be accommodated within the site without any significant adverse visual impact on the site or the wider landscape within which it is proposed, a suitable access regime, including improvement of substandard public approach roads, to serve the proposed development cannot be achieved.

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**(Q) Is the proposal consistent with the Development Plan:** Yes No

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**(R) Reasons why Planning Permission in Principle Should be Refused:**

See reasons for refusal below.

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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

N/A

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**(T) Need for notification to Scottish Ministers or Historic Environment Scotland:**  
Yes No

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**Author of Report:** Judith Stephen

**Date:** 14.02.2024

**Reviewing Officer:** Peter Bain

**Date:** 15.02.2024

**Fergus Murray**  
**Head of Development & Economic Growth**

**REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 23/01163/PP**

1. The proposed development conflicts with NPF4 Policy 13, and Policies LDP 11, SG LDP TRAN 4 and SG LDP TRAN 5 of the adopted 'Argyll and Bute Local Plan' 2015 and Policies 37 and 41 of emerging proposed 'Local Development Plan 2' as the proposed development would result in the intensification in vehicular use of a sub-standard public approach road with no delineation between pedestrian or vehicular use.

The proposed development of the site by the erection of a dwellinghouse constitutes a material intensification of the use of an existing and constrained public approach road. The proposed development is therefore considered to have a significant adverse impact upon highway safety. No appropriate commensurate or offsite highway improvements have been identified sufficient to set aside these safety concerns. The proposal is considered to be contrary to the NPF4 Policy 13(g) as underpinned by LDP Policies LDP 11, SG LDP TRAN 4(1), SG LDP TRAN 5, and Policy 36 and Policy 41 of pLDP2.

**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application **23/01163/PPP**

(A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. Yes No

(B) The reason why planning permission has been refused:

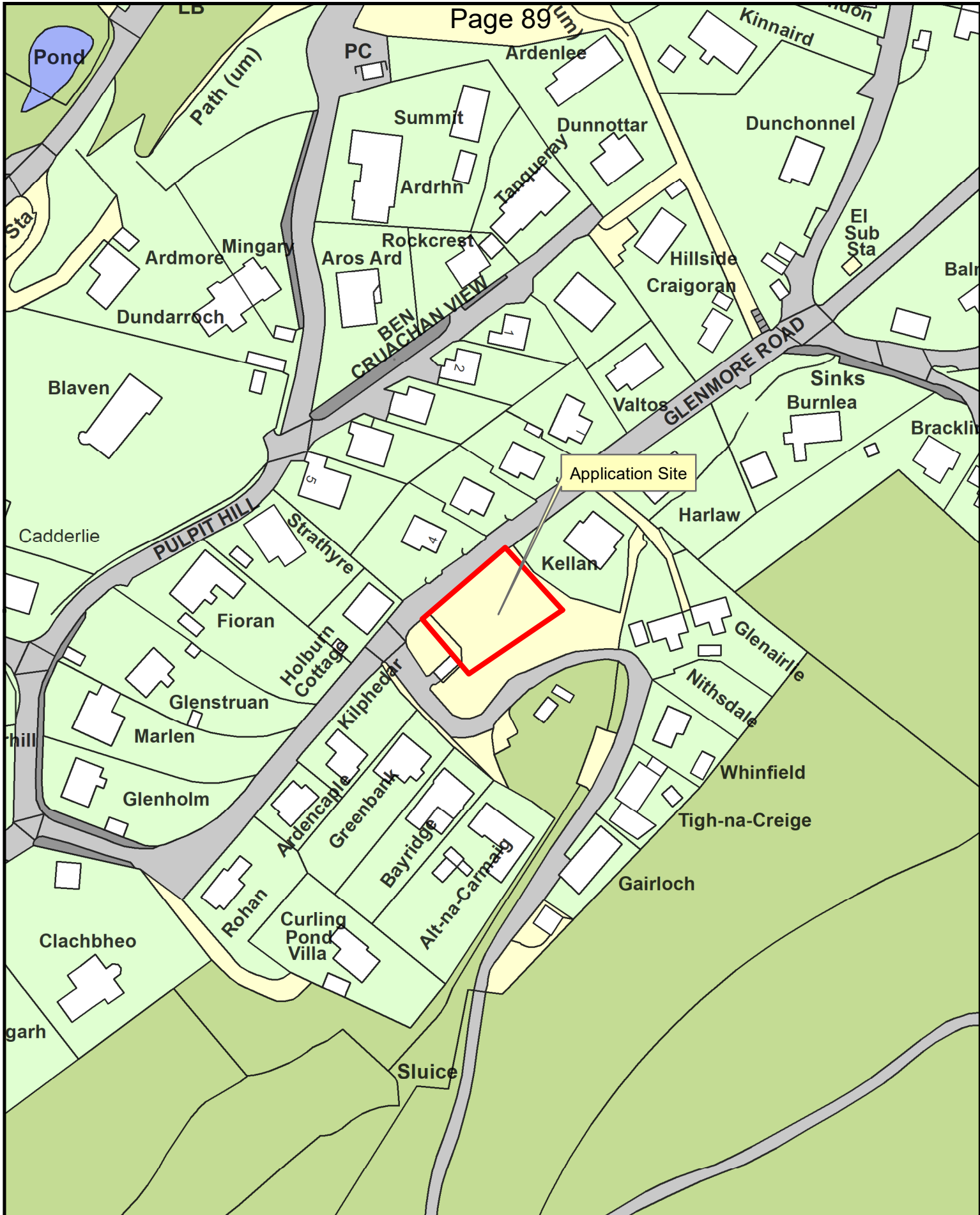
**See reasons for refusal set out above.**

Appendix 2

Image captured on Google street maps dated May 2022 Relative to 23/01163/PP







**Location Plan Relative to: 24/0010/LRB**



1:1,250

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" ROCKCLIFFE "

4 GLENMORE RD

PULPIT HILL

OBAN

ARGYLL

PA34 4NB

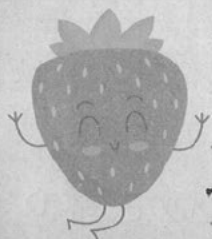
Dear Fiona,

I am writing to you about the proposed houses to be built at KELLAN, Glenmore RD, Pulpit Hill, Oban, by a MR Derek MacLean,

The houses to be built would look straight into my living window, It would infringe on my privacy.

The plot of land is not big enough for detached houses.



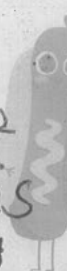



There is not enough room for garden for the premises, and they would be crammed into the space.

There would be a big upheaval if they were built, There would be a constant noise plus the mess and dirt that would be created.

The houses round about are all older and the houses would look completely out of place. I hope you will consider my letter and not allow these dwellings to be built. Could you let me know what your decision is

Yours faithfully





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**Response to representations submitted relative to  
Notice of Review 24/0010/LRB  
Argyll and Bute Council – Local Review Body**

**Appellant:** Derek MacLean

**Project Ref:** 2024006

**Development:** Refusal of planning permission in principle 23/01163/PPP:  
Site for the erection of a dwellinghouse

**Site:** Kellan, Glenmore Road, Oban, PA34 4NB

**Scale:** Local development

## Response

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Thank you for the opportunity to respond to representations submitted relative to Notice of Review 24/0010/LRB.

We note the Planning Authority response to the Notice of Review. Our response is listed below for brevity. Please read this document in conjunction with our original statement of case for completeness.

By way of explanation of the appellant's excavation of the site prior to advancing a planning application – as referenced in the Planning Authority response – Mr MacLean was unaware that the landscaping works he proposed within his garden would be considered of such a scale as may drift towards an engineering operation which could itself be development requiring planning permission. Mr MacLean apologises if he was wrong in that respect, although we are also aware of cases where excavation works exceeding that which Mr MacLean has undertaken were deemed to be landscaping rather than development following the pursuit of enforcement action (e.g. Philipson v Highland Council). We note that the Planning Service is not opposed to the excavation works nor are they recommending that this be pursued.

Returning to the matter at hand:

- We welcome the Planning Authority's further confirmation that the proposed house plot **"represents a suitable opportunity within the defined settlement for the development of a suitably sited and designed dwellinghouse which will relate to the existing development within this area"**, and that they consider it acceptable in all respects other than access.
- We note that no specific response or comments have been provided to the matters raised in our comprehensive appeal statement.
- The Planning Authority's resistance to the application was founded on the belief that the house would generate a material intensification of use of an existing constrained public approach road, and whereas they state that no commensurate or off-site road improvements are possible, and whereas they conclude that the development would have a significant adverse impact on highway safety.
- The three critical factors in the assessment are:
  - 1) whether the proposal constitutes a material intensification of use,
  - 2) whether commensurate improvements are possible, and
  - 3) whether such improvements would mitigate any perceived adverse impact on highway safety.
- We continue to assert that adding a single house to a public road loop that already serves 229 houses, plus a public viewpoint and which provides a bus route, can only represent a marginal intensification of use of the public road network.
- We further assert that commensurate improvements are possible, whereas the applicant owns a 55m road frontage where road widening could be provided for by retaining a 0.7m strip free of development. The scale of improvement suggested

here is comparable to that which was accepted as a sufficient commensurate improvement to justify the five house development (21/02509/PP) granted in March 2022 just around the corner from the appeal site.

- Given that a similar scale of commensurate improvements was accepted for a five-house development just 200m away along the same constrained public road loop, and whereas such improvements were required on land entirely within the applicants control in that case (rather than seeking to address the worst areas of the public road network that served that site), there appears to be a clear argument in favour of securing commensurate improvements on the land within the appellant's control in return for enabling one additional house to be provided in this instance.
- In these circumstances, we consider:
  - 1) there is only a marginal intensification of use of the public road,
  - 2) commensurate improvements are possible on the appellant's land, and
  - 3) such improvements would be sufficient to mitigate any perceived adverse impact on overall highway safety.
- The proposed access from the proposed house site onto the public road itself will adhere to current standards. The only deficiency that exists is within the public road network when that is compared against current standards for new public roads.
- There appears to be a conclusion drawn by the Roads Authority that deficiencies from the standards required of new public roads automatically renders the pre-existing network serving Pulpit Hill unsafe. To our knowledge, including research of publicly available sources, there have been no recorded accidents on the public road network serving Pulpit Hill. The conclusion of the Roads Authority has not yet been justified by means of any empirical evidence. The Roads Authority's resistance towards all housing development (other than that which was previously granted before 2012) appears to be an ad hoc response, following the unsuccessful investigation/report around changing Glenmore Road and Crannag a' Mhinister to a one-way system.
- Given the very small degree of change in vehicular demand on the public road network (+0.44%), we assert that one new house could be provided without requiring improvement to the public road network, and we ask that the Roads Authority be required to provide any evidence they hold to the contrary.
- If Members of the LRB determine it necessary, following a site visit, we ask that the ability to secure commensurate improvements within the appellant's land be explored further. Enabling the development by securing commensurate improvements would remain in line with NPF4 Policy 13(g) and LDP2 Policy 41.
- In the context of a recognised housing emergency, and whereas the proposed site is already deemed acceptable by the Planning Authority in all other respects, we ask that this proposal to add one house within the main settlement of Oban be considered favourably.

Summary

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The Local Review Body is again asked to support this Notice of Review and enable a small positive contribution towards local housing supply in a location that complies with all relevant planning policy and raises no unacceptable impacts.

In the event that Members consider it necessary, we ask that commensurate improvements to the public road, within the appellant's 55m road frontage, be explored further in order that planning permission in principle might be granted subject to conditions.



.....  
Stephen Fair MRTPI MURP  
fair planning & design

21 May 2024