



**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

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

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.



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Stephen Fair MRTPI MURP
fair planning & design

21 May 2024