

**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:** 23/00376/PPP  
**Planning Hierarchy:** Local  
**Applicant:** Mr Kevin Burnett  
**Proposal:** Renewal of Planning Permission in Principle Reference 18/02720/PPP – Site for Proposed Residential Development  
**Site Address:** Site at Lonan Drive, Oban

---

**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 proposed residential development
- 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 (PPP) be granted subject the conditions and reasons appended to this report.

---

**(C) CONSULTATIONS:**

Argyll and Bute Council – Roads Authority

Report dated 10/03/23 advising no objection to the proposed development subject to a number of conditions being imposed on the grant of permission. The response from the Roads Authority is discussed in more detail in the main assessment in Appendix A of this report.

Argyll and Bute Council – Development Policy Team (DPT)

Memo dated 29/03/23 noting that the application is for the renewal of the previous permission granted for the site and providing a policy background in terms of the adopted Local Development Plan, proposed Local Development Plan 2 and National Planning Framework 4. The application is assessed against the relevant policy framework in the assessment contained with Appendix A of this report.

Argyll and Bute Council – Biodiversity Officer (BDO)

E-mail dated 04/04/23 reiterating the advice set out in her response to the previous application raising no objection to the proposed development subject to a number of conditions being imposed on the grant of permission to secure the submission of survey and management information when any detailed application(s) for the site is submitted. Such surveys to include species surveys for Bats and Red Squirrel; Peat Management Plan; Tree Survey which should be undertaken prior to drafting the design plan for the placement of dwellings, verges, access routes and services; and finally a Japanese Knotweed Eradication Plan.

Argyll and Bute Council – Oban Airport

No response at time of report.

Argyll and Bute Council – Access Officer

No response at time of report.

Scottish Water

Letter dated 13/03/23 raising no objection to the proposed development which would be serviced from the Tullich Water Treatment Works and the Oban Waste Water Treatment Works. Scottish Water do however advise that this does not confirm that the proposed development can currently be serviced and advise that further investigations will be required once formal applications for connection are submitted for consideration. Scottish Water further advise that the proposed development is within the proximity of existing Scottish Water assets and the applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

JBA Consulting Ltd (JBA)

Report dated 28/03/23 advising no objection to the proposed development subject to conditions being imposed on the grant of permission to secure a detailed drainage assessment at full planning stage and a requirement for the surface water drainage system to be designed in accordance with CIRIA C753 and Sewers For Scotland 4th Edition. JBA further advise that, should a SuDS pond be proposed, this should be detailed on the site plan submitted at full planning stage.

Oban Community Council (OCC)

E-mail dated 30/03/23 objecting to the proposed development. In summary the points raised are:

- There is insufficient depth within the site to create a SuDS which Scottish Water and SEPA will require.
- Machinery which has been on site has infested the site with Japanese knotweed which now cover over half of the site which will take many years and a great expense to remove. OCC provide an example eradication condition imposed on a development in Tarbert.
- The site has been neglected by its owners and has become an important public open space for residents and the local primary campus who use it as an outside classroom for nature learning.

- If refused it is believed that there will be community support for the purchase of the site as an open space/nature reserve.

**Comment:** *The Council's flooding advisor, JBA, raised no objection to the proposed development subject to conditions being imposed on permission granted requiring full details of a land drainage design to be submitted with any detailed application. Similarly, should permission be granted, a condition will be imposed requiring the submission of details of programme of works for the eradication of Japanese Knotweed on the site to be submitted with any detailed application.*

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

---

**(D) HISTORY:**

18/02720/PPP

Site for proposed residential development – Granted: 04/07/19

17/02815/PPP

Site for proposed residential development – Withdrawn: 23/05/18

08/02088/OUT

Proposed site for housing development – Granted: 29/03/10

11/01452/PP

Formation of access track – Granted: 25/11/11

12/02210/PP

Variation of Condition 1 relative to outline planning permission reference 08/02088/OUT (proposed site for housing development) - extension of time period to allow a further period of three years to submit approval of matters specified by condition – Granted: 22/11/12

---

**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 13/04/23.

---

**(F) REPRESENTATIONS:**

**(i) Representations received from:**

At the time of writing 77 objections from 66 households and one representation had been received to the proposed development.

The names and addresses of those contributing to the application are contained within Appendix B of this report with full copies of the representations published on the planning application file available to view via the [Public Access](#) section of the Council's website.

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

- **Traffic and Access Issues**

The traffic and access impacts resulting from development of the site require to be fully considered through a Traffic Impact Assessment.

Access to the site from Lonan Drive is limited and cannot be widened without compromising the stability of the steep rock face. Is it possible to provide a 5.5 metre road with 2 metre paving either side and, in addition, retain the core path at this narrow entrance point.

The proposed access will impact adversely on the driveway serving 25 Lonan Drive which opens out onto the proposed access route.

The proposed development will generate significant additional vehicles entering an already overcrowded and congested road network having implications for emergency service vehicles.

The proposed development has insufficient parking provision which will inevitably result in overspill parking and congestion on Lonan Drive.

Pedestrian crossing points, speed control and parking arrangements should be addressed.

The proposed traffic calming measures are inappropriate and dangerous.

The conditions proposed by the Roads Authority would not provide sufficient assurance that emergency vehicles could properly access the development unhindered by competing traffic in the give/take section of the proposed development.

A fire evacuation strategy should be submitted with the application which should include resident escape routes in the event of a wildfire occurring on the hillside or a fire(s) within the residential development.

**Comment:** *The Roads Authority was consulted on the proposed development and raised no objection on road or pedestrian safety grounds subject to a number of conditions being imposed on the grant of permission. The comments from the Roads Authority are set out in full in the assessment of the application within Appendix A of this report.*

*Access to the development for emergency services, specifically the fire and rescue service, is addressed under the Building Standards Technical Handbook and would be a matter for assessment as part of a Building Warrant submission for the development.*

- **Impact on Existing Infrastructure**

The existing water and drainage system is not suitable for further development.

The existing Scottish Water infrastructure within the site would limit either road, or housing development within the site.

**Comment:** *Scottish Water was consulted on the proposal and in their response raised no objection advising that the proposed development would be serviced*

*by the Tullich Water Treatment Works and the Oban Waste Water Treatment Works. Scottish Water do however advise that this does not confirm that the proposed development can currently be serviced and advise that further investigations will be required once formal applications for connection are submitted to them for consideration.*

*Scottish Water further advised that the proposed development impacts on existing Scottish Water assets and the applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. An informative to this effect will be attached to the grant of any permission.*

*During the processing of the previous application the applicant intimated that they were aware of Scottish Waters existing infrastructure within the site and it has always been understood this will need to be diverted as part of construction works, discussions on which have previously been undertaken with Scottish Water at a local level.*

- **Surface Water Drainage Issues/Flooding**

The drainage issues are unsatisfactory. Events of flooding in Lochavullin, Glenshellach and Millpark show the inadequacy of the existing drainage infrastructure which will be exacerbated by the proposed development.

The application should provide SuDS as part of the application to show that the effects of the proposed development will be acceptable.

Failure to address this issue prior to permission being granted means that it cannot be scrutinised by the public which, in terms of transparency, is unacceptable.

**Comment:** *In their response to the application, the Council's Flooding Advisors, JBA, raised no objection to the proposal in principle subject to a condition being imposed on the grant of permission to secure a detailed drainage assessment at full planning stage and a requirement for the surface water drainage system to be designed in accordance with CIRIA C753 and Sewers for Scotland 4<sup>th</sup> Edition. Such details will require to form part of any detailed proposals for the site and will be reviewed and agreed by JBA in advance of any detailed permission being granted.*

- **Loss of Open Green Space**

The site is the only accessible recreation ground in the area and is an area of considerable amenity to locals being used primarily for recreation and access by children, pedestrians and dog walkers and the local school as an outdoor classroom.

The site is the only such amenity for the hundreds of residents of the surrounding area providing a safe opportunity for outdoor recreation.

The development of the site with housing will result in the loss of the only accessible area of natural greenery in the surrounding area which would have a significant impact on the life quality of many residents.

The argument for retaining this area as a wild woodland suitable for recreation have been set out in the numerous objections to previous applications for the development of the site and for this current application.

During Covid this was the only open space where people could get fresh air and exercise in safety.

There will be no natural areas for recreation left within this part of Oban if the proposed development takes place.

**Comment:** *The site is within private ownership and lies within the defined settlement boundary for Oban as defined in the adopted and emerging Local Development Plan where there is a general presumption in favour of appropriate forms of development.*

*It should be noted that the elevated land adjacent to, but outwith, the application site has been designated as an Open Space Protection Area in pLDP2 where development will not be permitted.*

- **Review the Classification of the Site**

Is it not possible to review the classification of the glen which, after all, provides a beneficial amenity for people and a necessary natural habitat for wildlife.

**Comment:** *As detailed in the assessment of the application in Appendix A, the area of elevated land, outwith the application site, but within the ownership of the applicant, has been identified as an Open Space Protection Area in pLDP2.*

*Any further reclassification of land, including the application site, would require engagement with the proposed Local Development Plan 3 process.*

- **Impact on Trees and Wildlife**

The proposed development would have an adverse impact on a wild variety of trees which provide shelter and food for many bird species and provide a habitat for bats and red squirrels. Bat and red squirrel surveys are considered necessary.

The trees on the steep slopes provide stability, prevent landslip and afford protection for the properties above. A detailed tree survey is recommended to ensure both in the interest of amenity and geological integrity that any approved development retains sufficient area of mature trees.

**Comment:** *The Council's BDO was consulted on the proposal noting that the proposal represented renewal of a previous permission. The BDO raised no objection to the proposed development subject to conditions requiring a number of surveys to be submitted with any future detailed application(s) being imposed on the grant of permission to secure the submission of survey and management information when any detailed planning application(s) for the site is submitted. Such surveys include species surveys for Bats (EPS) and Red Squirrel; Peat Management Plan; Tree Survey which should be undertaken prior to drafting the design plan for the placement of dwellings, gardens, verges, access, routes and services; and finally a Japanese Knotweed Eradication Plan. Such details will require to form part of any detailed proposals for the site and will be reviewed by*

*the Council's Biodiversity Officer in advance of any detailed permission being granted.*

- **Japanese Knotweed**

Japanese Knotweed has established itself within the site and spread extensively. This plant is highly invasive, presenting a problem not only for native wildlife but also for the built environment and relating infrastructure. Once established it is difficult to control and eradicate and can take several years.

Neighbours of the site area anxious of its spread.

**Comment:** *As detailed above, the Council's BDO has highlighted the presence of Japanese Knotweed on the site and therefore it is proposed to impose a condition seeking a programme of works for its eradication. Such details will require to form part of any detailed proposals for the development of the site and will be reviewed by the Council's BDO in advance of any detailed permission being granted.*

- **Core Path**

The core path should be preserved as an integral asset to the natural environment and the communities wellbeing.

The removal of the woodland path and pedestrian having to use the proposed internal road will not be safe.

**Comment:** *The site presently provides informal access through the site with a formal link with Feochan Gardens. The application shows the proposed access linking in to the path at Feochan Gardens retaining access through the site with the indicative plans showing that development can be achieved which protects the integrity of the path. During the processing of the original application, the Council's Access Officer raised no concerns regarding the Core Path following the proposed road but advised that any closure during the construction period should be kept to a minimum the details of which will require to be agreed in advance with him. A condition is proposed on the grant of permission requiring full details of the works to retain the Core Path within the development to be submitted as part of any future detailed planning application(s).*

*With regards to pedestrian safety at the proposed access into the site, the Roads Authority has raised no objection on this issue.*

- **Suitability and Stability of the Site for Development**

Whilst it is noted that there is a need for housing in Oban, there is also an obligation to provide housing in a reasonable environment. The site is surrounded almost totally by elevated ground and is the drainage area for what in effect is a canyon.

There is limited direct sunlight in all but the height of summer and, even then, only for a short period during the day. The houses will be dark and in damp surrounding with the potential for internal dampness being generated. This is not healthy.

The site is a former quarry which would have been exposed to dynamite blasting consequently damaging the geology on both steeply sloped sides of the site.

Many of the neighbouring properties are built on the top of a steep slope with some properties ground extending to the edge of the verge. Owners have witnessed signs of instability/slippage in certain areas and these slopes could be undermined by building works impacting adversely on existing properties.

The vibration from vehicles using the development will destabilise the cliff face posing a danger to vehicles and pedestrians.

A geotechnical site investigation and safety audit should be undertaken to establish the stability along the length of each bank.

**Comment:** *Ground stability is a matter for good development practise and is regulated by the Council's Building Standards Unit.*

- **Layout and Appearance**

The site is adjacent to parts of Nant Drive, Etive Gardens, Creran Gardens and Loan Drive which predominantly comprise of detached and semi-detached bungalows many set within spacious plots with front and rear gardens with some having garages and outbuildings.

The indicative layout of 44 units is considered to be too great for the site and at odds with the current local built environment.

Any development should be of similar design, layout, visual appearance and finishing materials to the surrounding residential development.

It is difficult to envisage how this site would accommodate single storey houses with gardens, parking spaces, a main road with paving either side and a core path.

**Comment:** *The site is within the Main Town of Oban in an area where there is a mix of densities and styles of developments. Whilst it is accepted that the development to the west is lower density than proposed in the current application, to the north is the former Local Authority development of Soroba which is a much denser development incorporating numerous blocks of flatted development.*

*However, as is stated above, this application is not for any specified number, layout or design at this stage but for planning permission in principle to establish the principle of the development. Whilst the indicative plan demonstrates to the satisfaction of the Planning Authority that the site is capable of accommodating residential development, the specific detail of that development must be properly assessed through a subsequent future planning application(s) which will include the mix and layout of development which will be fully assessed against the relevant policies and guidance of the Development Plan to ensure that no adverse visual impact or privacy or amenity issues arise. Third parties will have the opportunity to comment on the detailed proposals.*

- **Noise and Vibration Issues**

The geography of the glen amplifies sound.

Noise from construction works will be extremely disruptive.

Once completed, noise and vibration from vehicles using the development will be disruptive and noisy to neighbouring properties.

**Comment:** *Construction noise is not a material planning consideration. Should noise from construction become a significant issue, this would be a matter for the Council's Environmental Health Unit. With regards to traffic noise to and from the proposed development once completed, and the use of the development itself, it is not considered this would be a significant issue given that the site is within the main town of Oban adjacent to a large housing development where traffic noise already exists.*

- **Unauthorised Site Works**

Works within the site have taken place with the ground levels altered, a gully pump installed and a watercourse filled in.

**Comment:** *As a result of submission from third parties, the Council's Planning and Enforcement Officer has reviewed the works undertaken on site with no breach having been identified.*

- **Availability of Other Sites**

Alternative sites for development of additional social housing are available and under development to the north of Oban and offer far more suitable development opportunities than this controversial site.

**Comment:** *This is not a material consideration in the determination of this planning application. The Planning Authority has to assess any application presented to them in terms of the provisions of the Development Plan in force at the time.*

- **Insufficient Information Submitted**

The applicants justifications for proposing that important material considerations are deferred until the detailed planning stage is not acceptable.

Details with regards to drainage, waste, Japanese knotweed, biodiversity should be submitted and considered under the current application.

**Comment:** *The purpose of this application is to establish the principle of a residential development, which has previously been accepted by the Planning Authority and Members of the Planning, Protective Services and Licensing Committee. Matters of layout and design will be addressed by way of future application(s) for approval of matters specified in conditions.*

*Notwithstanding this, the application has been accompanied by an indicative plan which demonstrates to the satisfaction of the Planning Authority that the site is capable of accommodating residential development.*

*Furthermore, no objections have been received from consultees with regards to servicing and infrastructure arrangements to serve the proposed development.*

- **Non-Compliance with Policy / Outcome of Local Development Plan 2**

The proposal is contrary to a number of Local Plan and NPF4 Policies.

The response to the Planning Authority's request for a statement on the relevant NPF4 Policies is lacking and not acceptable.

Determination of the application should be postponed until the outcome of pLDP2 is known.

**Comment:** *The proposed development is fully assessed against the relevant LDP and NPF4 Policies in the assessment of the application in Appendix A of this report.*

*Proposed LDP2, as recommended to be modified by the Examination Report, is now a significant material consideration in planning applications.*

- **Oban and District Access Panel**

There is no Supporting Statement giving a context for the projection of an Access/Design Statement giving a design or layout philosophy. The Panel has no comments on the planning merits of the proposed development but, if it is to proceed, would ask that, in line with draft Scottish Government Policy, at least 10% of the units should be founded on Inclusive Design principles and be accessible to all.

**Comment:** *These comments are noted and will be passed to the Applicant by way of an informative on the grant of permission.*

---

**(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 e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**  Yes  No

---

**(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 6 – Forestry, Woodland and Trees

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 18 – Infrastructure First

NPF4 Policy 21 – Play, Recreation and Support

NPF4 Policy 22 – Flood Risk and Water Management

[‘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

[‘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

SG LDP ENV 6 – Impact on Trees / Woodland

SG LDP ENV 8 – Green Networks

**Landscape and Design**

SG LDP ENV 14 – Landscape

### **General Housing Development**

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

SG LDP HOU 2 – Special Needs Provision in Housing Developments

### **Housing Greenspace**

SG LDP HOU 3 – Housing Green-Space

### **Sport, Leisure, Recreation and Open Space**

SG LDP REC/COM 2 – Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas (OSPAs)

### **Sustainable Siting and Design**

SG LDP Sustainable – Sustainable Siting and Design Principles

### **Resources and Consumption**

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

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

SG LDP TRAN 1 – Access to the Outdoors

SG LDP TRAN 2 – Development and Public Transport Accessibility

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

SG LDP TRAN 6 – Vehicle Parking Provision

SG LDP TRAN 7 – Safeguarding of Airports

**(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 \(Feb 2017\)](#)
- [ABC draft Technical Note – Argyll and Bute Windows \(April 2018\)](#)
- [ABC Housing Needs and Demand Assessment](#)
- [ABC Housing Emergency Statement](#)

[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 06 – Green Infrastructure  
Policy 08 – Sustainable Siting  
Policy 09 – Sustainable Design  
Policy 10 – Design – All Development

### **Connected Places**

Policy 32 – Active Travel  
Policy 33 – Public Transport Policy 34 – Electric Vehicle Charging Points  
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 39 – Construction Standards for Private Accesses  
Policy 40 – Vehicle Parking Provision  
Policy 43 – Safeguarding of Aerodromes

### **Sustainable Communities**

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

### **Homes for People**

Policy 67 – Provision of Housing to Meet Local Needs Including Affordable Housing  
Policy 68 – Housing Greenspace

### **High Quality Environment**

Policy 73 – Development Impact on Habitats, Species and Biodiversity  
Policy 77 – Forestry, Woodland and Trees  
Policy 81 – Open Space Protection Areas

---

**(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

In deciding whether to hold a discretionary hearing, Members should consider:

- How up to date the Development Plan is, the relevance of the policies to the proposed development, and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations, together with the relative size of community affected, set against the relative number of representations and their provenance.

The application has been the subject of 77 objections from 66 households, one representation and an objection from the Oban Community Council.

Whilst the public interest in the application is noted, the site the subject of the application has been the subject of a previous PPP, reference 18/02720/PPP, for the same development. Whilst the previous PPP expired on 31/03/23, it is considered to represent a material consideration in the current application which was submitted and validated within the lifetime of the previous permission.

The previous application was the subject of a discretionary local hearing which resulted in the application being determined with a recommendation of approval.

Since the previous permission was granted, there has been no change in the main policy background within this area and there have been no material changes in circumstances in the locality or in the previously approved access or servicing arrangements which would preclude the renewal of the previous permission.

Whilst pLDP 2 has not yet been adopted, it is noted that the site the subject of the application will remain within the defined 'Settlement' where Policy 01 gives general encouragement to development provided that there is no unacceptable environmental, servicing or access impact and subject to compliance with other relevant policies and guidance.

Accordingly, in this instance, as the circumstances of the site, infrastructure and planning policy have not changed since the previous permission was granted, it is not considered that a further local hearing would add any value to the planning process.

---

**(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?  
(If yes, detail in summary assessment)

- Yes  
 No

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  
(tick all relevant boxes)

- Brownfield  
 Brownfield Reclaimed by Nature  
 Greenfield

**ABC LDP 2015 Settlement Strategy**  
LDP DM 1 (tick all relevant boxes)

- 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:**

N/A

**ABC pLDP2 Settlement Strategy**  
(tick all relevant boxes)

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

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

N/A

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

The principle of the development on this site has been established by the granting of PPP reference 18/02720/PPP.

Whilst the previous PPP expired on 31/03/23, it is considered to represent a material consideration in the current application which was submitted and validated within the lifetime of the previous permission and which effectively seeks to renew the original

PPP.

The application is seeking to secure PPP for a residential development on an area of land at Lonan Drive, Oban.

Whilst only seeking to establish the principle of development, an indicative layout has been submitted in support of the application showing a layout for 44 units. The indicative layout shows a mix of flats and semi-detached dwellinghouses in 12 blocks situated either side of the proposed access road with an area of casual play space to the south and an equipped play space to the north of the proposed residential units. The indicative layout has been arranged in such a way to avoid the steeply sloping tree covered hillside running along the western edge of the site.

Notwithstanding the above, it should be noted that this is an application for PPP only seeking the approval for the residential development of the land subject of this planning application and not for any specified number, layout or form of dwellings. The submitted plan is solely for indicative purposes. Whilst this indicative plan illustrates a possible development of 44 dwellings, this does not mean that the site is necessarily capable of being developed at that density. The purpose of the indicative plan is simply to demonstrate, to the satisfaction of the Planning Authority, that the site is capable of accommodating residential development to an appropriate standard and generally in accordance with the provision of the LDP.

Vehicular access to serve the site is by extension of Lonan Drive with water supply and drainage via connection to the public systems within the control of Scottish Water.

No adverse comments have been received from consultees with regards to the proposed access and infrastructure arrangements to serve the proposed development.

The application has been the subject of 77 objections from 66 households, one representation and an objection from the Oban Community Council.

The proposal is considered consistent with the terms of National and Local Planning Policy and it is recommended that permission be approved subject to conditions.

A full report is provided in Appendix A.

---

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

---

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

**The proposal is considered to be consistent with the relevant provisions of the Development Plan and National Planning Framework 4 and there are no other material considerations of sufficient significance, including issues raised by third parties, to indicate that it would be appropriate to withhold planning permission having regard to Section 25 of the Act.**

---

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

N/A

---

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

---

**Author of Report:** Fiona Scott

**Date:** 29/11/23

**Reviewing Officer:** Peter Bain

**Date:** 08.12.2023

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

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/00376/PPP

### Standard Time Limit Condition (as defined by Regulation)

#### Additional Conditions

#### 1. PPP – Matters Requiring AMSC Submission

Plans and particulars of the matters specified in conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 below shall be submitted by way of application(s) for Approval of Matters Specified in Conditions in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended. Thereafter the development shall be completed wholly in accordance with the approved details.

*Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.*

#### Note to Applicant

Regard should be had to Scottish Waters consultation comments and the Oban and District Access Panels comments in relation to the proposed development, details of which are available to view via the [Public Access](#) section of the Council's website.

#### 2. PPP – Approved Details

The development shall be implemented in accordance with the details specified on the original application form dated 18/12/18 and the previously approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Site and Location Plan	1441 01	b	09/03/23
Indicative Site Plan & Site Sections	1440 L(--)-01	g	09/03/23
Site Sections	1440 L(--)-02	a	09/03/23
Road Layout at Lonan Drive	601775-DRG-0001-P1		09/03/23
Road Details at Lonan Drive	601775-DRG-0002-P1		09/03/23

*Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.*

#### 3. PPP – Timescale to be Agreed for Completion

Pursuant to Condition 1 - no development shall commence until details of the proposed timescale for completion of the approved development have been submitted to and approved by the Planning Authority. Thereafter, the development shall be implemented in accordance with the duly approved timescale for completion unless an alternative timescale for completion is otherwise agreed in writing with the Planning Authority.

*Reason: In order to comply with the requirements of NPF4 Policy 16F.*

#### 4. **PPP – Roads and Access**

Pursuant to Condition 1 – no development shall commence until details of the proposed service road and connection with the existing public road have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) A vehicular access layout providing a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984;
- ii) A turning head for the public service vehicle;
- iii) Details of the priority signage for the access into the site.

Prior to work starting on site, the junction with the existing public road shall be fully formed and surfaced with all access roads and footways granted consent constructed to at least base course level prior to any work starting on the erection of the buildings which they are intended to serve and the final wearing surface of the roads and footways shall be applied concurrently with the construction of the final building.

*Reason: In the interests of road safety and to ensure the timely provision of a service road commensurate to the scale of the overall development and having regard to the status of the proposed access as a residential service road.*

#### Note to Applicant:

Road Construction Consent under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers and a Road Bond provided prior to the formation of the access within the development site.

#### 5. **PPP – Parking Provision**

Pursuant to Condition 1 – no development shall be commenced in respect of any individual building until plans and particulars of the means of parking/turning arrangements to serve that building have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) The provision of parking and turning in accordance with the requirements of Supplementary Guidance SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015.

The approved parking and turning layout to serve the buildings shall be implemented in full prior to that building first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

*Reason: In the interests of road safety.*

#### 6. **PPP – Sustainable Drainage System**

Pursuant to Condition 1, no development shall commence on site until full details, in plan form, of the land drainage design for the site and details of its ongoing maintenance has been submitted to and approved in writing by the Planning Authority. Such details shall show a drainage system designed in accordance with CIRIA C753 and Sewers for Scotland 4<sup>th</sup> Edition.

*Reason: In order to safeguard the development from the possibility of flooding.*

## Note to Applicant

Regard should be had to JBA Consulting Ltd consultation comments in relation to the proposed development, details of which is available to view via the [Public Access](#) section of the Council's website.

### 7. **PPP – Design and Finishes**

Pursuant to Condition 1 – no development shall commence in respect of any individual building until plans and particulars of the site layout, open space, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate:

- i) A Design Statement in accordance with the advice set out in Planning Advice Note 68 which shall establish the design principles applicable to the layout of the development as a whole and design of the individual dwellings.
- ii) A statement addressing how the proposed development has been designed to be consistent with the six qualities of successful places, as defined within NPF4 Policy 14;
- iii) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- iv) Local vernacular design.

*Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, and in order to integrate the proposed dwellinghouse with its surrounds.*

### 8. **PPP – Landscaping**

Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity and how these benefits will be maintained for the lifetime of the development;
- vi) A programme for the timing, method of implementation, completion and subsequent on-going maintenance;

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously

diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

All physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc.) shall be implemented in full before the development hereby approved is first brought into use.

All biodiversity enhancement measures consisting of new or enhanced planting shall be undertaken either in accordance with the approved scheme of implementation or within the next available planting season following the development first being brought into use.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

*Reason: To assist with the integration of the proposal with its surroundings in the interests of amenity.*

#### 9. **PPP – Tree Retention and Protection**

Pursuant to Condition 1 – no development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:

- i) A survey of trees on and overhanging the site indicating the location, species, height, canopy spread and condition of each tree;
- ii) An assessment of the amenity and nature conservation value of tree groups and individual trees which shall inform the layout of the development proposed;
- iii) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
- iv) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction".

The tree survey should be undertaken prior to drafting the design plan for the placement of dwellings, verges, access routes and services.

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

*Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation*

#### 10. **PPP – Japanese Knotweed Eradication Scheme**

Pursuant to Condition 1 – no development shall commence on site until full details of a scheme for the eradication of Japanese Knotweed has been submitted to and approved in writing by the Planning Authority in consultation with the Biodiversity Officer. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan. Prior to construction works

commencing on site the approved scheme and timetable shall be implemented in full and a validation report confirming details of the remediation treatment carried out and confirmation that the site is free of Japanese Knotweed shall be submitted to the Planning Authority.

*Reason: To eradicate Japanese Knotweed from the development site and to prevent the spread of this non-invasive species through development works.*

## 11. PPP – Affordable Housing

Pursuant to Condition 1 - no development shall commence until a scheme for the provision of affordable housing (as defined below) has been submitted to and approved by the Planning Authority. The scheme shall:

- a) Provide that a minimum of 25% of the approved dwellings are affordable homes;
- b) Define those properties to be used as affordable homes;
- c) Establish the timing of their provision relative to the phasing of the development, which shall ensure that the last 25% of the dwellings within the development are not commenced until the affordable housing phase has been completed for occupation;
- d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers (including any discount rate applicable in terms of (ii) below);

For the purposes of this condition 'affordable homes' are defined as being either:

- i) Social housing (rented or shared ownership or shared equity) managed by a registered social landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification);
- ii) Discounted low cost sale housing (subject to a burden under the Title Conditions (Scotland) Act 2003), or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification).
- iii) Housing for sale or rent without subsidy, which is designed to be affordable and to meet the housing needs of the majority of those households identified as in housing need in the Local Housing Strategy or Housing Market Study i.e. one or two person households on average income, with conditions attached to their missives to prevent further extension, thereby helping to ensure that they are likely to remain affordable to subsequent purchasers.

The development shall be implemented and occupied thereafter in accordance with the duly approved scheme for affordable housing.

*Reason: To accord with the provisions of the Development Plan in respect of affordable housing provision.*

## 12. PPP – Ecological Surveys

Pursuant to Condition 1 - no development shall commence until full details of a Bat Survey and Red Squirrel Survey have been submitted to and approved in writing by the Planning Authority in Consultation with the Biodiversity Officer. Such details shall include when the surveys are to be carried out, the methodology to be employed in both surveys and any mitigation measures, including a timetable for the implementation of mitigation measures.

*Reason: To prevent the disturbance of Protected Species.*

Note to Applicant

Regard should be had to the Council's Biodiversity Officers consultation comments in relation to the proposed development, details of which is available to view via the [Public Access](#) section of the Council's website.

**13. PPP – Peat Survey**

Pursuant to Condition 1- no development shall commence until full details of a Peat Survey and Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with the Biodiversity Officer. Such details shall provide details of the depth of the peat deposit on site.

*Reason: In order to protect natural heritage assets.*

Note to Applicant:

Should the survey determine the depth of peat to be in excess of 0.5 metres the applicant will require to liaise with SEPA for advice on management.

Regard should be had to the Council's Biodiversity Officers consultation comments in relation to the proposed development, details of which is available to view via the [Public Access](#) section of the Council's website.

**14. PPP – Open Space/Play Areas**

Pursuant to Condition 1 – no development shall commence until details for the provision and maintenance of proposed areas of communal open space and equipped play area(s) within the development have been submitted to and approved by the Planning Authority. The details shall comprise:

- i) A plan showing the location and extent of communal open space and equipped play areas;
- ii) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;
- iii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);
- iv) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development;
- v) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects.

The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

*Reason: In order to secure provision of communal open space and equipped play areas within the development in accordance with the minimum standards set out in the Development Plan.*

## 15. PPP – Core Path

Pursuant to Condition 1 – no development shall commence until details for the provision of the Core Path through the development site has been submitted to and approved by the Planning Authority in consultation with the Access Officer.

The details shall comprise:

- i) The route a minimum width of 2.5 metres wide;
- ii) The route finished in a tarmacadam surface;
- iii) The route provided with dropped kerbs where it meets the road surface;
- iv) Gradients kept to a minimum to ensure the route is accessible for people of all abilities.

The route shall be provided in accordance with the duly approved details and maintained to the specified standards thereafter.

*Reason: In order to secure the retention of the existing core path in the interests of amenity*

### Note to Applicant:

The advice contained in the consultation response from the Council's Access Officer in relation to application 18/02720/PPP, available to view via the [Public Access](#) section of the Council's website, should be fully considered in the preparation of the details for the provision of the Core Path within the development.

<b>COMMITTEE REPORT</b>	
<b>APPENDIX A – RELATIVE TO APPLICATION NUMBER:</b>	<b>23/00376/PPP</b>
<b>PLANNING LAND USE AND POLICY ASSESSMENT</b>	

## 1. Introduction

- 1.1. The proposal the subject of this application is seeking to secure PPP for a residential housing development.

The site the subject of the application has been the subject of a previous PPP, reference 18/02720/PPP, for the same development. Whilst the previous PPP expired on 31/03/23, it is considered to represent a material consideration in the current application which was submitted and validated within the lifetime of the previous permission and effectively seeks to renew the previous PPP.

As an application for PPP, no detailed layout, design or infrastructure details having been submitted. The purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

Whilst only seeking PPP, an indicative layout has been submitted in support of the application showing a layout for a 'large scale' housing development of 44 units.

Whilst this indicative plan illustrates a possible development of 44 dwellings, this does not mean that the site is necessarily capable of being developed at that density. The purpose of the indicative plan is simply to demonstrate, to the satisfaction of the Planning Authority, that the site is capable of accommodating residential development to an appropriate standard and generally in accordance with the provision of the LDP.

The proposal has elicited 77 objections from 66 households, 1 representation and an objection from the Oban Community Council.

## 2. Location, Nature and Design of Proposed Development

- 2.1. The application site is situated within a long established residential area on the periphery of the Main Town of Oban.

The site is accessed from the end of Lonan Drive where it is contained within a small glen bounded along its western boundary by the established residential development of Nant Drive which is at a significantly higher level. To the east the site rises steeply upwards beyond which is the formal Local Authority development of Soroba. To the north is Feochan Gardens, a continuation of Nant Drive, and to the south Eive and Creran Gardens. Development within the residential areas surrounding the site comprises a mixture of private semi-detached and detached dwellinghouses which are predominantly single storey.

The application proposes to extend Lonan Drive through the glen with the residential development located within the glen and hillside.

As detailed above, as the application is only seeking to establish the principle of the development, no detailed layout, design or infrastructure details have been submitted in support of the application. However, given the constraints of the site, together with the

number of units proposed, an indicative layout has been submitted with the application showing how the site could be developed. The indicative layout shows a mix of flats and semi-detached dwellinghouses in 12 blocks situated either side of the proposed access road with an area of casual play space to the south and an equipped play space to the north of the proposed residential units. The indicative layout has been arranged in such a way to avoid the steeply sloping tree covered hillside running along the western edge of the site.

Notwithstanding the above, it should be noted that this is an application for PPP only. It seeks the approval for the residential development of the land subject of this planning application and not for any specified number, layout or form of dwellings. The subsequently submitted plan is solely for indicative purposes only. Whilst this indicative plan illustrates a possible development of 44 dwellings, this does not mean that the site is necessarily capable of being developed at that density. The purpose of the indicative plan is simply to demonstrate, to the satisfaction of the Planning Authority, that the site is capable of accommodating residential development to an appropriate standard and generally in accordance with the provision of the LDP.

Through the granting of the previous PPP, the Planning Authority was satisfied that the indicative plan successfully demonstrated that the site is appropriate for residential development arranged along a straight, central access road with buildings either side of it and limited to the 'valley floor' without unacceptable encroachment into the steep and wooded valley sides. Whilst the indicative plan demonstrates to the satisfaction of the Planning Authority that the site is capable of accommodating residential development, the specific detail of that development must be properly assessed through a subsequent future planning application(s).

Vehicular access to serve the site is by extension of Lonan Drive with water supply and drainage via connection to the public systems. The infrastructure arrangements to serve the site are discussed in detail in the relevant sections below.

There has been no change in the circumstances of the site, infrastructure and planning policy since the previous permission was granted

### **3. Settlement Strategy**

3.1. In terms of the Settlement Strategy set out in the adopted 'Argyll and Bute Local Development Plan' 2015 (LDP), the application site is situated within the Main Town of Oban where Policies LDP STRAT 1 and LDP DM 1 give general encouragement to development on appropriate sites. These main policy considerations are underpinned by the Supplementary Guidance (SG) contained with 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 order to address the determining issues, the key considerations in this application are:

- 3.1.1. Compliance with the Development Plan and other relevant planning policy
- 3.1.2. Any other material considerations, including the planning history of the site.

### **4. Compliance with National Policy**

NPF4 was adopted on 13 February 2023 which now represents the main policy background against which proposed developments are assessed underpinned by the Policy and SG contained within the adopted LDP.

The relevant NPF4 Policies are detailed below and grouped into topic areas.

#### **4.1. NPF4 Policy 1 – Tackling the Climate and Nature Crises**

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.

#### **4.2. NPF4 Policy 2 – Climate, Mitigation and Adaption**

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 'Argyll and Bute Local Development Plan' 2015 (LDP) 1 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.

#### **4.3. NPF4 Policy 3 – Biodiversity**

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

Whilst the site is not subject of any statutory landscape or nature designations, it is within an area where there is significant tree cover with third parties raising concerns regarding the implications of the proposed development on wildlife, particularly squirrels and bats.

The Council's Biodiversity Officer was consulted on the proposal and raised no objection to the proposed development subject to conditions being imposed on the grant of permission to secure the submission of survey and management information when any detailed planning application(s) for the site is submitted. Such surveys include species surveys for Bats (EPS) and Red Squirrel; Peat Management Plan; Tree Survey which should be undertaken prior to drafting the design plan for the placement of dwellings, gardens, verges, access, routes and services; and finally a Japanese Knotweed Eradication Plan.

With regards to the need in NPF4 Policy 3 to secure biodiversity improvements, it is not considered that there are any issues of compliance with Policy 3. No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority. Furthermore, the Supporting Statement (SS) submitted by the applicant outlines that detailed arrangements for biodiversity enhancement within the development will be brought forward concurrently with the design and layout of the housing

development. The SS indicates that such biodiversity enhancement measures could include tree protection measures, new tree planting, native planting and wild flower seed sowing, provision of bat boxes, use of green roofs where appropriate, formation of naturalistic SuDS features and retention of felled tree sections. Accordingly, given that the application is seeking to establish the principle of the development, it is considered that adequate and proportionate measures for biodiversity enhancement and protection can be delivered by a condition imposed on the grant of permission.

**With conditions to secure the requirements of the Biodiversity Office and a condition to secure adequate and proportionate biodiversity enhancement and protection measures within the development, the proposal is considered to be consistent with NPF4 Policy 3 as underpinned by LDP Policies LDP 3 and SG LDP ENV 1 and Policy 73 of pLDp2.**

#### **4.4. NPF4 Policy 4 – Natural Places**

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

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 local landscape area or a site designated as a local nature conservation site or within an area identified as wild land.

Whilst the site is not within any of the aforementioned designations, it represents an informal of informal open recreation space within a wider residential development. Accordingly, during the processing of the previous application the Planning Authority negotiated to secure an indicative layout which would have the least impact on this area of valuable open space.

The Planning Authority also sought to negotiate the provision of the elevated area of land within the ownership of the applicant (shown within the site edged blue) adjoining the application site as an Open Space Protection Area (OSPA) as it was considered that the provision of this land as an OSPA would add value to the overall development by offsetting the loss of a substantial area of land which has long been enjoyed as an informal area of public open space.

However, this request was rejected by the applicant and therefore the Planning Authority entered into discussions with the Council's Development Policy Team (DPT) to investigate a mechanism for securing this area as an OSPA within the forthcoming pLDP2.

The DPT advised that the wider area adjacent to the application site had been assessed as part of the preparation for pLDP2 as it was considered that the prominent ridge in this area contributes, at a local level, to both the landscape and townscape structure and identity of Oban. On this basis the DPT proposed that the area of elevated land, outwith the application site but within the ownership of the applicant, be identified as an OSPA in pLDP2.

This elevated area of ground is designated within pLDP2 as an OSPA where built development will not be supported.

As detailed at NPF4 Policy 13 below, the site presently provides informal access through the site with a formal link with Feochan Gardens. However the application shows the

proposed access linking in to the path at Feochan Gardens retaining access through the site with the indicative plans showing that development can be achieved which protects the integrity of the path.

**The proposed development is considered to be consistent with NPF4 Policy 4 as underpinned by LDP Policies 3, SG LDP ENV 1 and SG LDP ENV 8 and Policies 06 and 73 of pLDP2.**

#### **4.5. NPF4 Policy 6 – Forestry, Woodland and Trees**

NPF4 Policy 6 seeks to protect and expand forests, woodland and trees.

Whilst the site is within an area where there is significant tree cover, the site is not located within an area of ancient woodland, nor will it result in the loss of any ancient or veteran trees. Notwithstanding this, at the request of the Biodiversity Officer, a condition is proposed on the grant of permission to secure a tree survey for the site. Such a survey will require details of proposed tree felling, tree retention and tree protection measures for the development.

**With a condition to secure a tree survey for the site, the proposal is considered to be consistent with NPF4 Policy 6 as underpinned by LDP Policies LDP 3 and SG LDP ENV 6 and Policy 77 of pLDP2.**

#### **4.6. NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings**

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.

Part (b) of Policy 9 states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

Whilst the site the subject of the application is on a greenfield site, in terms of our adopted settlement strategy, the site of the proposed residential development is within the Main Town of Oban where 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 with 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.

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

#### **4.7. NPF4 Policy 12 – Zero Waste**

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 residential development, with an indicative layout for 44 units shown. Whilst this is a development which will generate waste when operational, it will benefit from regular waste uplifts by the Council and will be expected to comply with our adopted and enforced recycling and reuse strategy.

**The proposed development aligns with NPF4 Policy 12 as underpinned by LDP Policies LDP 10 and LDP SERV 5(b) and Policy 63 of pLDP2 and the current proposal would raise no issue of conflict should permission be granted.**

#### **4.8. NPF4 Policy 13 – Sustainable Transport**

NPF4 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 application proposes to extend Lonan Drive to serve the proposed development.

This development is not considered to be a significant travel generating use or a proposal where it is considered important to monitor travel patterns resulting from the development.

The SS submitted with the application details that the application site is readily accessible to existing path and public road networks, as well as the existing public bus network. The SS details that the site offers opportunities for pedestrian access through the centre which connects into existing paths at either end and provides improved access to the undeveloped hillside. The SS states that EV charging points, cycle storage provision, pedestrian crossing points, speed control measures, footpath connection and parking arrangements will be detailed in the future application(s) for the detailed development of the site.

In their response to the application the Roads Authority raised no objection to the proposal or concern in respect of the capacity of the existing road network to accommodate the development subject to a number of conditions being imposed on any permission granted including the construction of the internal road which will require to be to adoptable standard and provision of an appropriate parking and turning area to serve the development.

During the processing of the 2017 planning application, which was withdrawn, the Roads Authority advised that they were minded to refuse permission as there was insufficient development width at the site access to safely provide a two lane 5.5 metre wide carriageway with 2 metre footways/verges either side.

However, whilst the physical circumstances of the site remain the same as the 2017 planning application, during the processing of the 2018 application, which the current proposal effectively seeks to renew, the Roads Authority advised that the design addresses and provides an acceptable roads design solution for the section of the development that cannot achieve a 7.5m road corridor. It is advised that the roads design proposed incorporates a traffic calmed area with a width restriction to the carriageway and give and take vehicular access arrangements (similar to the traffic calming detailed in S6.6.4(9) of the Roads Development Guide). The traffic calmed area at the proposed access has been designed to provide a 3.7 metre wide carriageway with a 2 metre wide

footway on one side for approximately 25 metres with the carriageway within the proposed development 5.5 metres wide with 2 metre footways either side.

The site presently provides informal access through the site with a formal link with Feochan Gardens. The application shows the proposed access linking in to the path at Feochan Gardens retaining access through the site. However, indicative plans show that development can be achieved which protects the integrity of the path. Furthermore, during the processing of the previous application, the Council's Access Officer raised no objection to the proposed development provided that the route is retained with any closure for the minimum possible time period and subject to conditions regarding the Core Path.

**With conditions to secure the requirements of the Roads Authority and the Access Officer the proposed development aligns with NPF4 Policy 13 as underpinned by LDP Policies LDP 11, SG LDP TRAN 1, SG LDP TRAN 2, SG LDP TRAN 4 and SG LDP TRAN 6 and Policies 32, 35, 36, 37, 39 and 40 of pLDP2.**

#### **4.9. NPF4 Policy 14 – Design, Quality and Place**

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'.

As detailed above, the application is seeking to establish the principle of a residential development. Whilst no specific siting or design has been submitted for assessment by the Planning Authority, the application is accompanied by an indicative layout of how 44 dwellings could be accommodated within the site. However, the purpose of the indicative plan is simply to demonstrate, to the satisfaction of the Planning Authority, that the site is capable of accommodating residential development to an appropriate standard and generally in accordance with the provision of the LDP.

In this instance, whilst the indicative plan demonstrates to the satisfaction of the Planning Authority that the site is capable of accommodating residential development, the specific detail of that development must be properly assessed through a subsequent future planning application(s) which will be expected to comply with the 'place principle' as set out in NPF4 Policy 14 and planning conditions attached to the grant of PPP will ensure that the development is designed to an appropriate standard.

**The proposed development aligns with NPF4 Policy 14 as underpinned by LDP Policies LDP 9 and SG LDP Sustainable Siting and Design Principles and Policies 05, 08, 09 and 10 of pLDP2 and the current proposal would raise no issue of conflict should permission be granted.**

#### **4.10. NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods**

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 residential development is within the Main Town of Oban where 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 with 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 scale of the proposed development, and its location, would reasonably comply with Policy 15 of NPF4 given the existing geographical scale of the environment within which the development is to be located, and given its compliance with the existing settlement pattern and the level and quality of interconnectivity 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.

**The proposed development aligns with NPF4 Policy 15 as underpinned by the broad settlement strategy policy contained within LDP Policies LDP DM 1, LDP 8, LDP 10 and LDP 11 of the LDP and Policy 02 of pLDP2 and the current proposal would raise no issue of conflict should permission be granted.**

### **NPF4 Policy 16 – Quality Homes**

NPF4 Policy 16 supports development proposals which encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities.

Policy 16(a) supports development proposals for new homes on land allocated for housing in LDPs. Whilst the site the subject of the application is on a greenfield site, in terms of our adopted settlement strategy, the site of the proposed residential development is within the Main Town of Oban where 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 with 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 this application to establish the principle of a residential development 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 need in Policy 16(e) to make provision for 25% affordable homes within developments will be secured through a condition imposed on the grant of permission.

The need in Policy 16(f)(i) to ensure that development proposals for an agreed timescale for build-out will 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' consistent with the requirements of Policy 16(f)(ii).

With regards to Policy 16(f)(iii), the proposal represents a scale of development which is afforded support through the settlement strategy set out in the adopted LDP. Given that the proposal does not represent a major development, it is considered to represent an opportunity for smaller scale development within the defined settlement boundary of Oban, consistent with the requirements of Policy 16 (f)iii.

**The proposed development aligns with NPF4 Policy 16 as underpinned by LDP Policies LDP DM 1, LDP 8 and SG LDP HOU 1 and Policy 02 of pLDP2 and the current proposal would raise no issue of conflict should permission be granted.**

#### **4.11. NPF4 Policy 18 – Infrastructure First**

NPF4 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

The application indicates water and drainage supplies to serve the proposed development via connection to the public systems in the control of Scottish Water. In their response to the application Scottish Water raised no objection to the proposed development but advised that further investigations may be required once formal applications for connection to their infrastructure are submitted to them for consideration. Scottish Water further advised that, according to their records, the development proposals impact on existing Scottish Water assets and that any conflict with assets identified may be subject to restrictions on proximity of construction. Accordingly, should permission be granted, an informative will be added to the grant of PPP advising the applicant to contact Scottish Water to discuss connection to their infrastructure.

**The proposed development aligns with NPF4 Policy 18 as underpinned by LDP Policies LDP 11 and Policies 04, 05 and 08 of pLDP2 and the current proposal would raise no issue of conflict should permission be granted.**

#### **4.12. NPF4 Policy 21 – Play, Recreation and Sport**

NPF4 Policy 21 seeks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport.

Part (d) of NPF4 Policy 21 seeks that development proposals which are likely to be occupied or used by children and young people will be supported where they incorporate well-designed, good quality provision for play, recreation, and relaxation that is proportionate to the scale and nature of the development and existing provision in the area.

As detailed above, the application is seeking to establish the principle of a residential development with the indicative layout submitted showing how the site could accommodate 44 dwellings and the associated casual and equipped open space. However the specific detail of the casual and equipped open space will be properly assessed through a subsequent future planning application(s).

**With a condition to secure the details of the areas of communal open space and equipped play area(s) the proposed development aligns with NPF4 Policy 21 as underpinned by LDP Policies LDP 8, SG LDP HOU 3 and Policy 68 of pLDP2 and the current proposal would raise no issue of conflict should permission be granted.**

#### **4.13. NPF4 Policy 22 – Flood Risk and Water Management**

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

As detailed above the development proposes connection to the public water supply to which Scottish Water has not objected to. With regards to the management of rain and surface water at the site, in their response to the application, the Council's flooding advisors, JBA, raised no objection to the proposed development subject to conditions

being imposed on the grant of permission to ensure that a detailed drainage assessment is undertaken and that the surface water drainage system for the site is designed in accordance with CIRIA C753 and Sewers for Scotland 4<sup>th</sup> Edition.

**The proposed development aligns with NPF4 Policy 22 as underpinned by LDP Policies LDP 10 and SG LDP SERV 2 and Policy 61 of pLDP2 and the current proposal would raise no issue of conflict should permission be granted.**

## **5. Public Representation**

5.1. The application has been subject to 77 objections from 66 households, one representation and an objection from the Oban Community Council.

It is not considered that the objections raise any complex or technical issues that have not been addressed in the current Report of Handling.

The objections submitted to this application do not raise any new matters to those which were raised and considered during the processing of the previous application.

## **6. Conclusion**

6.1. The principle of development on this site has been established by the granting of PPP 18/02720/PPP.

Whilst this permission has expired, it is still considered to represent a material consideration in the current proposal which effectively seeks to renew the previous permission.

Through the granting of the previous PPP, the Planning Authority was satisfied that the indicative plan successfully demonstrated that the site is appropriate for residential development. However, whilst the indicative plan demonstrates to the satisfaction of the Planning Authority that the site is capable of accommodating residential development, the specific detail of that development must be properly assessed through a subsequent future planning application(s).

No objections have been received from consultees with regards to the proposed infrastructure to serve the proposed development.

There has been no change in the circumstances of the site, infrastructure and planning policy since the previous permission was granted and it is recommended that a further PPP is granted subject to the conditions contained within this report.

<b>COMMITTEE REPORT</b>	
<b>APPENDIX B – RELATIVE TO APPLICATION NUMBER:</b>	<b>23/00376/PPP</b>
<b>LIST OF CONTRIBUTORS</b>	

<b>OBJECTION</b>		
<b>Contributor Name</b>	<b>Contributor Address</b>	<b>Date Received</b>
Donna Robertson	By e-mail only	13/03/23
Rebecca Horne	By e-mail only	13/03/23
Finlay Mackay	By e-mail only	13/03/23
Mr Scott Hetherington	33 Nant Drive, Oban, PA34 4LA	14/03/23
Mrs Helen Hetherington	33 Nant Drive, Oban, PA34 4LA	14/03/23
Kenneth Devine	7 Creran Gardens, Oban, PA34 4JU	14/03/23
Helen Jackson	By e-mail only	14/03/23
Mrs Maree Neilson	23 Nant Drive, Oban, PA34 4LA	15/03/23
Miss Susan Robinson	56 Nant Drive, Oban, PA34 4LA	15/03/23
Mrs Elizabeth MacLeod	59 Nant Drive, Oban, PA34 4LA	15/03/23
Mr Keith Miller	Tigh a Ghlinne, Glenshellach Road, Oban, PA34 4PP	15/03/23
Mr A. MacKenzie	53 Nant Drive, Oban, PA34 4LA	16/03/23
Morvan Rokitta	By e-mail only	16/03/23
Mr Alister Jackson	11 Lonan Drive, Oban, PA34 4NN	16/03/23
Ms Francesca Bichard	40 Nant Drive, Oban, PA34 4LA	17/03/23
Sarah Kerr	6 Etive Gardens, Oban, PA34 4JP	17/03/23
Mr C.E. Morrison	3 Creran Gardens, Oban, PA34 4JU	17/03/23
Julie Didcock	By e-mail only	17/03/23
Mrs Patricia Mottrison	3 Creran Gardens, Oban, PA34 4JU	19/03/23
Mr Robert MacCallum	4 Etive Gardens, Oban, PA34 4JP	19/03/23
Mrs E. MacKenzie	By e-mail only	18/03/23
Mrs Kirsteen Gillespie	31 Nant Drive, Oban, PA34 4LA	20/03/23
Mr F. MacKenzie	29 Nant Drive, Oban, PA34 4LA	20/03/23
Mrs M. MacKenzie	29 Nant Drive, Oban, PA34 4LA	20/03/23
Mrs E. MacKinnon	11 Coe Gardens, Oban, PA34 4JT	21/03/23
Mr Robert MacKinnon	11 Coe Gardens, Oban, PA34 4JT	21/03/23
Mrs Lesley McKerracher	75 Nant Drive, Oban, PA34 4NL	21/03/23
Mrs Sandra Payne-Russell	3 Feochan Gardens, Oban, PA34 4NJ	21/03/23 & 16/08/23
Mrs V. Mair	21 Nant Drive, Oban, PA34 4LA	21/03/23
Mr Iain Grant	27 Nant Drive, Oban, PA34 4LA	21/03/23
Mrs Chrissie Grant	27 Nant Drive, Oban, PA34 4LA	21/03/23
Mr Eric Smith	70 Nant Drive, Oban, PA34 4NL	21/03/23
Mrs Helen Smith	5 Etive Gardens, Oban, PA34 4JP	22/03/23
Miss Heather Whittaker	12 Lawe Road, Oban, PA34 4NW	22/03/23
Mr Iain MacFarlane Brown	25 Nant Drive, Oban, PA34 4LA	23/03/23
Margaret Melville	2 Etive Gardens, Oban, PA34 4JP	23/03/23
Ann Buchanan	Strathaird, Connel, PA37 1PH	24/03/23
David MacMillan	49 Nant Drive, Oban, PA34 4NL	24/03/23

Jean Sutherland	9 Creran Gardens, Oban, PA34 4JU	27/03/23
Elsbeth Norris	Feochan Gardens, Oban	27/03/23
Robert McDonald	By e-mail only	27/03/23
Mr J. Cook	17 Creran Gardens, Oban, PA34 4JU	27/03/23
Kenneth Moncrieff	108 Nant Drive, Oban, PA34 4NL	28/03/23 & 17/08/23
Alice Johnston	By e-mail only	28/03/23
Mr Colin Cooper	1 Lonan Drive, Oban, PA34 4NN	29/03/23 & 23/08/23
Mrs Mundi Cooper	1 Lonan Drive, Oban, PA34 4NN	29/03/23 & 23/08/23
Mr Andrew MacDougall	14 Etive Gardens, Oban, PA34 4JP	29/03/23
Mr James Muir	1 Creran Gardens, Oban, PA34 4JU	29/03/23
Mrs Jennifer Miller	Tigh a Ghlinne, Glenshellach Road, Oban, PA34 4PP	29/03/23
Mrs R. Russell	23 Lonan Drive, Oban, PA34 4NN	29/03/23
Dr M.S. Kelly	Soroba Farm Cottage, Oban, PA3 4SB	29/03/23
Tommy Johnson	6 Creran Gardens, Oban	29/03/23
Eamonn Arthur	19 Lonan Drive, Oban, PA34 4NN	29/03/23
Maureen Arthur	19 Lonan Drive, Oban, PA34 4NN	29/03/23
Mrs Catriona Reid	17 Coe Gardens, Oban, PA34 4JT	30/03/23
Miss Katherine Reid	17 Coe Gardens, Oban, PA34 4JT	30/03/23
Mr Ian MacKechnie	17 Orchy Gardens, Oban, PA34 4JR	30/03/23
Mr William McKillop	13 Creran Gardens, Oban, PA34 4JU	30/03/23, 15/08/23
Mrs A. Owens	5 Feochan Gardens, Oban, PA34 4NJ	30/03/23
Marri Malloy	7 Orchy Gardens, Oban	30/03/23
Mrs Nina Graham	10 Lawe Road, Oban, PA34 4NW	31/03/23
Ms Fiona MacDougall	Tigh na Drochaid, Soroba Road, Oban, PA34 4JJ	31/03/23
Ms Claire Smalley	Whinhurst, Glenshellach Road, Oban, PA34 4PP	31/03/23
Derek Pretswell	7 Etive Gardens, Oban, PA34 4JP	31/03/23
Laura May	By e-mail only	31/03/23
Mr Craig MacMillan	25 Lonan Drive, Oban, PA34 4NN	31/03/23
Mrs Leah MacMillan	25 Lonan Drive, Oban, PA34 4NN	31/03/23
Lindsay Nicholson	By e-mail only	03/04/23
Mrs Patricia Galbraith	37 Nant Drive, Oban, PA34 4NL	03/04/23
Freddy Morrison	19 Creran Gardens, Oban, PA34 4JU	03/04/23
Brenda Morrison	19 Creran Gardens, Oban, PA34 4JU	03/04/23
Aileen Cameron	By e-mail only	03/04/23
Brian MacKechnie	1 Coe Gardens, Oban, PA34 4JT	03/04/23
Mrs Carol Burnside	45 Nant Drive, Oban, PA34 4NL	03/04/23
Dr Robert Batty	6 Coe Gardens, Oban, PA34 4JT	04/04/23
Mrs Margaret Batty	6 Coe Gardens, Oban, PA34 4JT	04/04/23
A. Cooper	9 Feochan Gardens, Oban, PA34 4NJ	16/08/23

## REPRESENTATION

Contributor Name	Contributor Address	Date Received
------------------	---------------------	---------------

Oban District Access Panel	By e-mail only	13/03/23
----------------------------	----------------	----------