

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services  
Director: Nigel Stewart



Kilmory, Lochgilphead, PA31 8RT  
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DX 599700 LOCHGILPHEAD  
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19 January 2010

## NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **TUESDAY, 26 JANUARY 2010** at **2:00 PM**, which you are requested to attend.

Nigel Stewart  
Director of Corporate Services

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: SITE SOUTH OF DARLA, GLENCRUITTEN, OBAN**
  - (a) Notice of Review and Supporting Documentation (Pages 1 - 16)
  - (b) Responses by Interested Parties (Pages 17 - 36)
  - (c) Applicant/Agent Response to Comments from Interested Parties (Pages 37 - 42)

## LOCAL REVIEW BOARD

Councillor Daniel Kelly (Chair)  
Councillor Donald MacMillan

Councillor Bruce Marshall

Contact: Melissa Stewart

Tel. No. 01546 604331

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Ref:  
AB1

**ARGYLL AND BUTE COUNCIL**  
WWW.ARGYLL-BUTE.GOV.UK/\*\*

OFFICIAL USE

4/12/09

Date Received

## NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8  
of the Town and Country Planning (Scotland) Act 1997 and the Town and  
Country Planning (Schemes of Delegation and Local Review Procedures  
(Scotland) Regulations 2008

**Important** – Please read the notes on how to complete this form and use  
Block Capitals. Further information is available on the Council's Website.  
You should, if you wish, seek advice from a Professional Advisor on how to  
complete this form.

<b>(1) APPLICANT FOR REVIEW</b>	
Name	Lindon Properties Ltd
Address	Raschoille
	Glenshellach Road
	Oban
Postcode	PA34 4PP
Tel. No.	07777690075
Email	iandougall@westhighlandestates.co.uk

<b>(2) AGENT (if any)</b>	
Name	
Address	
Postcode	
Tel. No.	
Email	

(3) Do you wish correspondence to be sent to you  or your agent

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

Site South of Darla, Glencruitten, Oban.

(6) Description of Proposal

**Site for the erection of 3no dwelling houses**

(7)

Please set out the detailed reasons for requesting the review:-

See attached...Reasons For Appeal

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

(8) Please indicate which of the following procedures you would prefer:-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (**Note 3 copies of each of the documents referred to in the schedule below must be attached**):

No.	Detail
1	Plans...see attached
2	Refusal Decision Notice...see attached
3	Supporting Statement...see attached
4	Roads Engineer...see attached
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached?  (Please tick to confirm)

Submitted by  
(Please Sign)

*Ian Dougall*

Dated

03/12/09

**Important Notes for Guidance**

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review **UNLESS** further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – [www.argyll-bute.gov.uk/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604331 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk) or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604331 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

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**For official use only**

Date form issued

Issued by (please sign)

**REASONS FOR APPEAL**

THE REFUSAL NOTICE REASONING IS UNCLEAR AND NOT DIRECTLY RELEVANT TO THE DEVELOPMENT.

THE REFUSAL NOTICE REASONING DOES NOT REFLECT THE BEST INTERPRETATION OF COUNCIL PLANNING PRINCIPALS AND POLICIES.

.....  
THE REFUSAL NOTICE WE ARE APPEALING IS SUPPORTED BY TWO ATTACHED REASONS.

REASON 1

1 The Adopted Argyll and Bute Local Plan has identified this site as being part of the Oban settlement area, within which Policy PROP S1 of the approved Structure Plan provides for Development Road provision and associated housing expansion. This site lies within an Open Space Protection area through which Development Road Allocation (DRA5/6) passes, the development road is an integral component of the overall expansion of Oban. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.

THIS REASON IS UNCLEAR AND NOT DIRECTLY RELEVANT TO THE DEVELOPMENT AND FALLS SHORT OF NATIONAL GUIDANCE FOR REASONS FOR REFUSAL TO BE COMPLETE, PRECISE, SPECIFIC AND RELEVANT TO THE APPLICATION.

.....  
THIS REASON IMPLIES THAT THE DEVELOPMENT SITE WILL AFFECT THE DEVELOPMENT ROAD ALLOCATION (DRA5/6), ALTHOUGH NO DIRECT CONSULTATION WAS SOUGHT FROM THE ROADS DEPARTMENT REGARDING THE DEVELOPMENT AFFECTING THE ROAD.

THE PRINCIPAL ENGINEER ROADS DESIGN HAS CONFIRMED THERE WAS NO DIRECT CONSULTATION REGARDING THE DEVELOPMENT ROAD BECAUSE THE DEVELOPMENT ROAD IS NOT AFFECTED.

.....  
THE REASONING GOES ON TO DESCRIBE A LOSS OF PART OF THE PROTECTED AREA WITHOUT REGARD FOR A LONG TERM STRATEGY FOR THE REMAINDER OF THIS AREA.

THE DEVELOPMENT IS WITHIN THE OPEN SPACE PROTECTION AREA AS DESCRIBED AND WILL CONTINUE TO BE CONTROLLED BY THE POLICY COVERING THIS CONTROLLED AREA.

.....  
THE REASONING CONCLUDES WITH DESCRIBING THE AREA AS AN INTEGRAL PART OF THE WIDER PLANNING AREA A RECOGNISED EXPANSION OPPORTUNITY FOR OBAN.

THIS WIDER AREA IS CONTROLLED BY OTHER POLICIES AND NOT DIRECTLY AFFECTED BY THIS DEVELOPMENT.

REASON 2

2 The Adopted Argyll and Bute Local Plan has identified this site as being part of an open space protection area and subject to Policy LP REC2 Safeguarding of Recreational Land And Important Open Spaces. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.

THE FIRST PART OF REASONING DESCRIBES THE DEVELOPMENT SITE AS BEING PART OF THE OPEN SPACE PROTECTION AREA AND SUBJECT TO POLICY LP REC 2 SAFEGUARDING OF RECREATIONAL LAND AND IMPORTANT OPEN SPACES.

THE POLICY IN QUESTION "POLICY LP REC 2" IS IN TWO PARTS.

PART "A" OF THE POLICY STATES THERE IS A PRESUMPTION AGAINST DEVELOPMENT.

PART "B" OF THE POLICY STATES THAT...  
PLAYING FIELDS, SPORTS PITCHES AND SAFEGUARDED  
OPEN SPACE PROTECTION AREAS SHALL NOT BE BUILT ON EXCEPT  
WHERE:

THE RETENTION OR ENHANCEMENT OF THE FACILITY CAN BEST BE ACHIEVED BY THE REDEVELOPMENT OF PART OF THE SITE WHICH WILL NOT COMPROMISE ITS SPORTING POTENTIAL AND ITS AMENITY VALUE.

POLICY LP REC 2 IS SPECIFICLY WORDED TO PROTECT AND SUSTAIN OPEN SPACE PROTECTION AREAS AND THE FACILITIES INSIDE THEM.

THIS ACTUAL OPEN SPACE PROTECTION AREA WAS CREATED TO PROTECT THE GOLF COURSE FACILITY.

THE GOLF COURSE IS THE FACILITY BEING PROTECTED AND THE GOLF COURSE IS OFFERED SUSTAINABILTY THROUGH DEVELOPMENT WITHIN THE POLICY.

OUR DEVELOPMENT SUPPORTS THE RETENTION AND ENHANCEMENT OF THE GOLF COURSE, THE GOLF CLUB, THE "FACILITY" THE POLICY IS THERE TO SUPPORT AND AS SUCH THIS DEVELOPMENT IS COMPLIANT WITH POLICY.

I SHOULD ADD THAT OUR SUPPORT FOR RETENTION OF THE FACILITY IS NOT JUST AN ABSTRACT MATTER.

THE GOLF CLUB THE CUSTODIANS OF THIS VALUED HISTORICAL COMMUNITY FACILITY ARE UNDER THREAT OF FAILURE DUE TO THE ECONOMIC TURMOIL PREVAILING TODAY.

.....



THE FINAL PART OF "POLICY LP REC 2" IS AGAIN IN TWO PARTS AND GOES ON TO SAY...

THERE SHOULD BE NO LOSS OF AMENITY AND ALTERNATIVE PROVISION OF EQUAL COMMUNITY BENEFIT AND ACCESSIBILITY WOULD BE MADE AVAILABLE.

THE DEVELOPMENT AREA AT PRESENT OFFERS NO MEANINGFULL AMENITY TO THE FACILITY BEING PROTECTED BY THE POLICY AND AS SUCH NO AMENITY IS LOST.

THE COMPLETED DEVELOPMENT WILL DELIVER ENHANCED AMENITY TO THE AREA THE GOLF CLUB LIKING THE FINISHED DEVELOPMENT MORE TO GLENEAGLES THAN GLENCRUITTEN.

THE PROPOSED DEVELOPMENT AREA IN ITS PRESENT FORM ACTUALLY DETRACTS FROM THE GENERAL AMENITY OF THE AREA.

.....  
THE SECOND PART OF THIS FINAL PART OF "POLICY LP REC2" GOES ON TO SAY...

AND THERE IS A CLEAR LONG TERM EXCESS OF PITCHES, PLAYING FIELDS AND PUBLIC OPEN SPACE IN THE WIDER AREA, TAKING INTO ACCOUNT LONG TERM STRATEGY AND RECREATIONAL AND AMENITY VALUE.

THE DEVELOPMENT PROPOSAL IS NOT ONLY CONSISTENT WITH POLICY BUT IT ALSO DELIVERS THE GOLF CLUB IMMEDIATE CRUCIAL FINANCIAL SUPPORT FROM A TEN YEAR MEMBERSHIP PROGRAM PAID UP FRONT AND FURTHER SUPPORT FOR A YOUTH DEVELOPMENT PROGRAM COVERING THE SAME PERIOD.

.....  
THE FINAL PART OF REASON 2 IS A REPEAT OF THE FINAL PART OF REASON 1

THIS WIDER AREA IS CONTROLLED BY OTHER POLICIES AND NOT DIRECTLY AFFECTED BY THIS DEVELOPMENT.

.....  
IN CONCLUSION

POLICY LP REC 2 BEING THE SOLE POLICY SUPPORTING REFUSAL AND WITH NO OTHER POLICIES OFFERED FOR NONCOMPLIANCE WE ARE COMPLIANT WITH ALL POLICIES EFFECTING THE DEVELOPMENT AND AS SUCH APROVAL SHOULD BE GRANTED.

## Supporting Statement

### Background

The development site lies West of Glencruitten Golf Club clubhouse and forms part of the larger development site in the ownership of Lindon Properties.

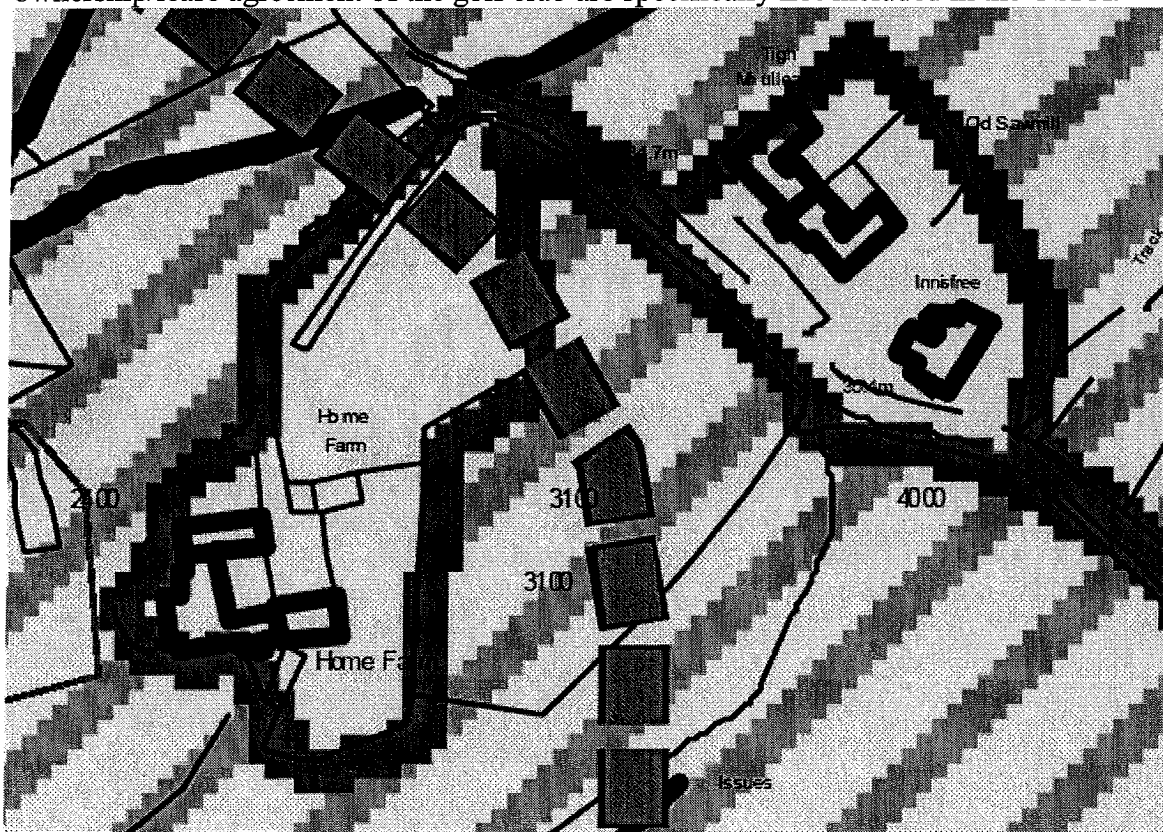
The development site was first made available as a potential development opportunity when the site was sold by Glencruitten Estates as surplus to the requirements of the tenants, Glencruitten Golf Club, in June 2001. Two houses have been built which were completed in December 05 with the remaining site to be developed subject to planning.

In 2003 formal representations were made to Argyll and Bute Planning Department for the site's inclusion in the new local plan.

Having lost touch with the lengthy new local plan process and missed the cut-off date 15<sup>th</sup> July 2005 for objections our site was included in the Open Space Protection Area (OSPA) although it is out with the ownership of the Golf Club and their lease agreement.

Representations since made to the planning department started 24<sup>th</sup> January 2006 have failed to change the situation and correct what I believe to be a simple error made by the planning department, they thought our site was part of the golf course.

Two other areas (below) within the wider golf course grounds but out with ownership/lease agreement of the golf club are specifically **not** included in the OSPA.



Given the location of this proposed development it will not offer any threat to the wider golf course area now or in the future given its position in the margins of the OSPA.

The open aspect site layout and provision for a new tee will enhance the golf course area adjacent to the development site.

### Conclusion

Argyll and Bute Planning department have stated that...

***“The site was specifically included within the OSPA in the Finalised Draft Local Plan as it is considered to represent part of the wider golf course landscape which is considered worthy of protection from development.”***

The Golf Club's support for this development and the other two areas in the wider golf course not being included in the OSPA gives little weight to this statement.

It is generally accepted that golf courses and residential development go hand in hand in the modern world. The council's emerging/new local plan reflects the view that the Golf Club being only tenants will see no benefit from development and views development as a threat to the club's existence and ultimately the golf course/OSPA.

Declining Golf Club members and the resulting financial implications are possibly the greater threat to the future existence of the golf club and golf course than the sensitive development proposed.

I submit that it has been proven worldwide that it is possible for sensitive residential development to happily coexist alongside any golf course wishing to survive and prosper. A development such as this should be supported as the blue print for the future of Glencruitten Golf Club and Oban's golf course.

This development will seek to enhance membership by marketing the five properties (two already built) with 10 year memberships and aim to further advance the membership with support for a youth development program for the same 10 year period.

Glencruitten Golf Club's current situation has only been aggravated by the current global financial crisis, increasing the membership is crucial, our support will be the equivalent of 100 new members overnight or if used to support a membership recruitment drive could bring in over 200 badly needed new members.

I believe that if the Golf Club is not supported and allowed to flounder the OSPA will cease to exist lost to large scale development. This development will only enhance the OSPA.

As a local developer we are committed to supporting a sustainable golf course for future generations. Well thought out sensitive development will secure the golf course's future. I can't help but think that if the Golf Club owned the golf course grounds then the planning designation applied would have been less restrictive, allowing sensitive development to support a sustainable, more financially secure Golf Club.

The planning department's position of protecting the golf course is understandable, it is also understandable that minor departures from the newly adopted local plan at this early stage may not sit well with the planning department, however, this should not be to the detriment of well thought out sensitive developments which will help secure and enhance the golf course without impacting on the playing of golf or the wider OSPA.

From a business perspective if this development does not go ahead it will leave the Golf Club more dependent on charitable funding.

The most recent Golf Club accounts show an operating loss of £16,000 a situation that is unlikely to improve by cutting off potential revenue and sponsorship partners.

----- Original Message -----

From: "Ward, Peter" <[Peter.Ward@argyll-bute.gov.uk](mailto:Peter.Ward@argyll-bute.gov.uk)>  
To: "Ian Dougall" <[iandougall@westhighlandstates.co.uk](mailto:iandougall@westhighlandstates.co.uk)>  
Sent: Wednesday, December 02, 2009 9:21 AM  
Subject: RE: Planning Application 09/1260/PPP

Ian

There was no direct consultation regarding the development road because the development road is not affected

Peter

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)**  
**(SCOTLAND) REGULATIONS 2008**

**REFUSAL OF PLANNING PERMISSION IN PRINCIPLE**

**REFERENCE NUMBER: 09/01260/PPP**

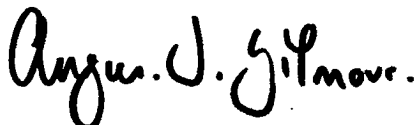
**Lindon Properties Limited**  
**Beaton And McMurchy Architects**  
**The Studio**  
**Tigh Na Glais**  
**Taynuilt**  
**Argyll**  
**PA35 1JW**

I refer to your application dated 21st August 2009 for planning permission in principle under the above mentioned Act and Regulations in respect of the following development:

**Site for the erection of 3no dwelling houses at Site South Of Darla Glencruitten Oban Argyll  
And Bute**

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

Dated: 28 October 2009



Angus J. Gilmour  
Head of Planning

**REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 09/01260/PPP**

- 1 The Adopted Argyll and Bute Local Plan has identified this site as being part of the Oban settlement area, within which Policy PROP S1 of the approved Structure Plan provides for Development Road provision and associated housing expansion. This site lies within an Open Space Protection area through which Development Road Allocation (DRA5/6) passes, the development road is an integral component of the overall expansion of Oban. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.
- 2 The Adopted Argyll and Bute Local Plan has identified this site as being part of an open space protection area and subject to Policy LP REC2 Safeguarding of Recreational Land And Important Open Spaces. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.
3. For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 31/08/09 and the refused drawing reference numbers Location Plan 1:1250 and 0601/10C Outline Proposals scale 1:500.

**NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 09/01260/PPP**

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of review should be addressed to the Director of Corporate Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.
  
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).



**APPENDIX TO DECISION REFUSAL NOTICE**

Appendix relative to application **09/01260/PPP**

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

**No**

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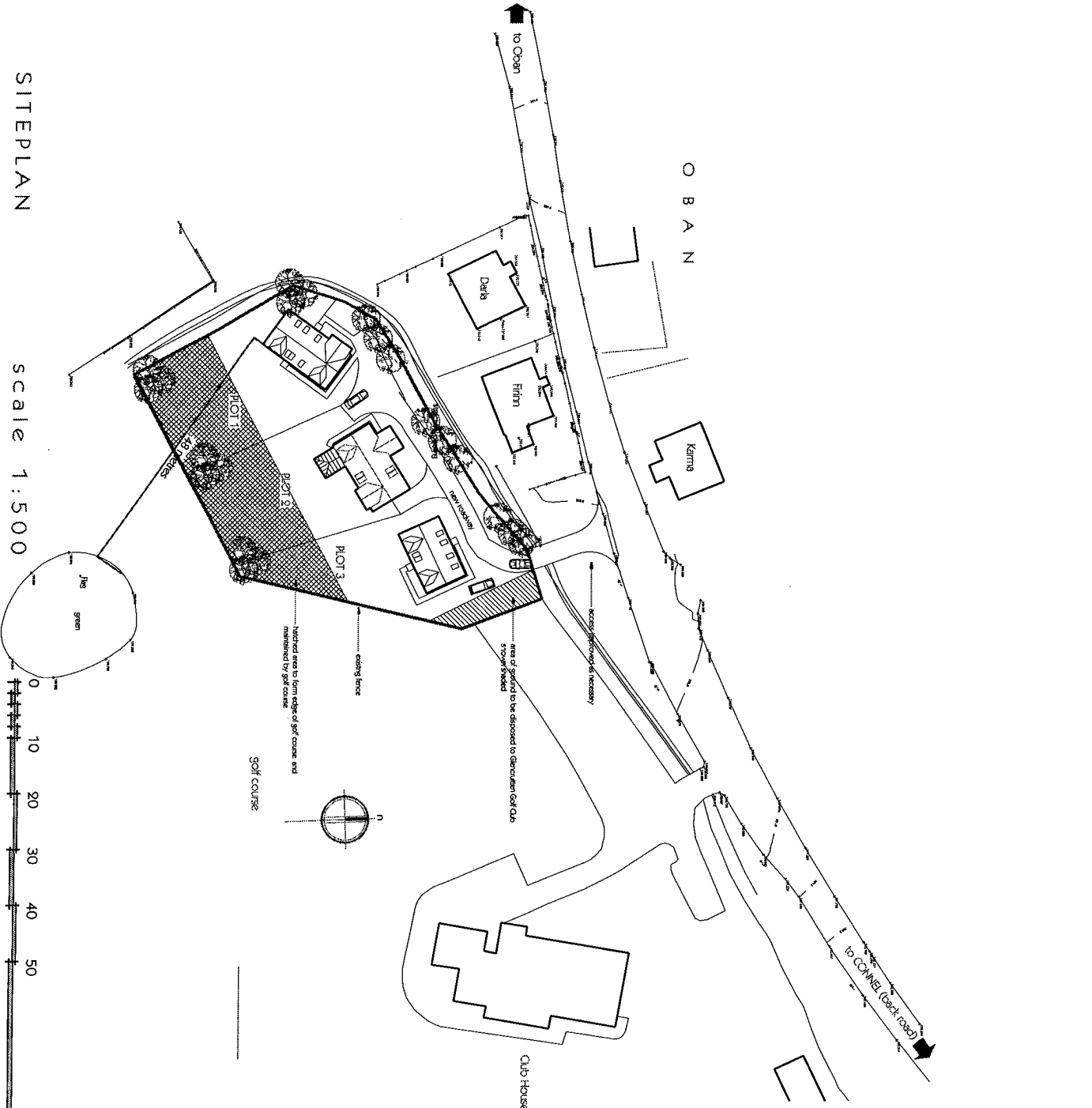
- (B)** Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

**No**

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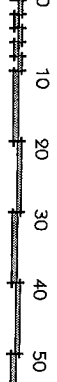
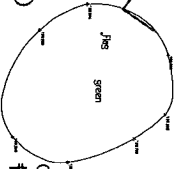
- (C)** The reason why planning permission has been refused.

- 1 The Adopted Argyll and Bute Local Plan has identified this site as being part of the Oban settlement area, within which Policy PROP S1 of the approved Structure Plan provides for Development Road provision and associated housing expansion. This site lies within an Open Space Protection area through which Development Road Allocation (DRA5/6) passes. The development road is an integral component of the overall expansion of Oban. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.
- 2 The Adopted Argyll and Bute Local Plan has identified this site as being part of an open space protection area and subject to Policy LP REC2 Safeguarding of Recreational Land And Important Open Spaces. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.
3. For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 31/08/09 and the refused drawing reference numbers Location Plan 1:1250 and 0601/10C Outline Proposals scale 1:500.

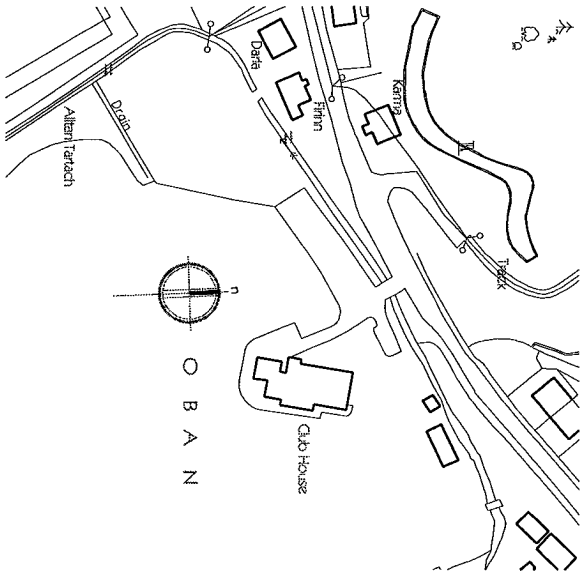


SITEPLAN

scale 1:500



scale in metres



location plan 1:1250

Client:

LINDON PROPERTIES LTD

Project:

PROPOSED HOUSING DEVELOPMENT AT GLENCRUITTEN, OBAN, ARGYLE

Drawings SITE PLAN

OUTLINE PROPOSALS

Drawn by: RB	Date: oct 06
Drawing Scale: 1:500	
CAD filename:	

Beaton + McMurphy

High na glic, tarraile, argyl, pa35 1lw architects  
tel - 01846 823350 fax - 01846 823330 email mail@beatonmcmurphy.com

Drawing No:	0601	Revision	10	c
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**STATEMENT OF CASE**

**FOR**

**ARGYLL AND BUTE COUNCIL  
LOCAL REVIEW BODY**

**REFUSAL OF OUTLINE PLANNING  
PERMISSION FOR ERECTION OF 3  
DWELLINGHOUSES SOUTH OF DARLA,  
GLENCRUITTEN, OBAN, ARGYLL**

**APPLICATION FOR PLANNING PERMISSION IN  
PRINCIPLE REFERENCE NUMBER  
09/01260/PPP**

**15<sup>th</sup> December 2009**

## **STATEMENT OF CASE**

The planning authority is Argyll and Bute Council ('the Council'). The appellants are Lindon Properties ('the appellants').

The application for Planning Permission in Principle, reference number 09/01260/PPP, for the erection of dwellinghouses at site south of Darla, Glencruitten, Oban, Argyll ("the appeal site") was refused under delegated powers on 28 October 2009. The planning application has been appealed and is subject of referral to a Local Review Body.

### **DESCRIPTION OF SITE**

This site lies to the east of Oban at Glencruitten Road immediately west of Glencruitten Golf Club. The area is contained within an area which stretches from Mossfeild playing fields eastwards along the southern side of Glencruitten Road to include the golf course. The application site comprises an area of waste ground not used by the Golf Course. The site is heavily overgrown and shows signs of abuse with some fly tipping being apparent. The site is level and bounded to the north by an open water course and would be accessed by an improved access off Glencruitten Road. The proposal whilst seeking planning permission in principle illustrates the erection of 3 detached dwellings with open aspects south over the adjacent Golf Course.

### **SITE HISTORY**

None relevant

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

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

### **STATEMENT OF CASE**

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

- Whether the proposal complies with the Argyll and Bute Local Plan's settlement strategy. In terms of the settlement strategy, area is contained within an area allocated as an 'Open Space Protection Area' to which Policy LP REC 2 applies where there is a general presumption against development.

- “PROP SI - Oban investment and expansion potential” of the approved Structure Plan provides for Development Road provision and associated housing expansion. This area comprises a number of Development Roads Actions and also Potential Development Areas which together will cater for the phased expansion of Oban.

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

## **SAFEGUARDING OF RECREATIONAL LAND AND IMPORTANT OPEN SPACES**

Policy LP REC2 Safeguarding of Recreational Land and Important Open Spaces applies, where there is a general presumption against development in areas recognised as an Open Space Protection Area. There are certain exceptions where there would be no loss of amenity and alternative provision of equal community benefit and accessibility would be made available, and there is a clear long term excess of pitches, playing fields, and public open space in the wider area, taking into account long term strategy and recreational and amenity value.

The settlement pattern along this section of Glencruitten Road comprises residential development on the northern side of the road with frontage development only in the vicinity of the application site. Whilst there are 2 modern dwellings immediately west of the application these are the exception and also comprise frontage properties. All other development on the south side of Glencruitten Road relates to open space uses, playing field facilities or club house.

## **OBAN INVESTMENT AND EXPANSION POTENTIAL**

Although this application is not directly affected by road improvements “DRA/6 (Oban – Glencruitten Golf Course route to Soroba Road)”. The Development Roads Allocations and the Potential Development Area referred to above were all subject to objections which were heard during the Public Local Inquiry into the Local Plan. The Reporters findings into the objection to the DRA’s confirmed that the Council had approached this undertaking entirely correctly.....by reserving potential road lines in the plan.

The Reporters went further in respect of the adjacent PDA’s and stated

*“it is accepted that an element of justification for Potential Development Areas 5/4 and 5/5 rests on the line of the Oban Development Road while Potential Development Areas 5/3 and 5/7 will be contained by the Oban Relief Road.....we consider that this is an area which should be the subject of a master plan, informed by an environmental appraisal”*

The Council have agreed following the review of the Reporters findings into the Local Plan Inquiry that this should be undertaken through a Master Plan exercise.

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

It is considered that no new information has been raised in the appellants' submission. The issues raised were covered in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has been the subject of two representations, it is considered that a Hearing is not required.

### **COMMENT ON APPELLANTS' SUBMISSION**

The appellants contend that Reason 1 for refusal is unclear and not 'directly relevant' to the development. Planning Advice Note 40 Development Control states that reasons should be precise, specific and relevant.

Policy PROP S1 of the adopted Structure Plan is clear; it recognises the need for and the opportunity to allow the overall expansion of Oban. The facilities to allow this to happen, a combination of Development Roads and allied 'enabling' developments, were incorporated into the Argyll and Bute Local Plan in the form of Development Road Actions (DRA's) and Potential Development Areas (PDA's).

During the course of the Public Inquiry into objections to these elements the Reporters found that the Council were correct to reserve potential road lines in the plan but the Reporters went further in respect of the adjacent PDA's and stated that as an element of justification for Potential Development Areas rests on the line of the Oban Development Road and the Oban Relief Road the area should be the subject of a master plan, informed by an environmental appraisal. The reason for refusal did not 'imply' any direct impact upon any road line rather that the development should have regard to the wider area and therefore be part of a master plan consideration.

There are exceptions, where there would be alternative provision of equal community benefit and accessibility and there is a clear long term excess of pitches, playing fields, and public open space in the wider area. No such alternatives have been demonstrated in this case.

The "wider area" referred to in the reason for refusal is that described by the Reporters into the Inquiry to the Local Plan where the Oban Development Road and the Oban Relief Road justified Potential Development Areas as part of the overall expansion of Oban.

It is considered that Reason 1 fulfils the requirements imposed by PAN 40 as it is both specific and relevant to the areas importance as an integral part of the overall expansion opportunity of Oban.

Whilst the precision of the reason may be questioned insofar as it relates to the direct impact upon the Oban Development Road, it is made clear in the delegated report (see Appendix 1) that the site does not impact upon the road line, rather it is part of the 'wider area' for which a holistic master plan approach has been recognised as a the proper way forward.

In respect of reason 2 the appellant recognises that Policy LP REC2 is in 2 parts,

Part (A) states that there is a clear presumption against development in OSPA's;

Part (B) states that there may be exceptions to this where,

(i) "The retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site which will not compromise its sporting potential and its amenity value;"

It is accepted that given the current appearance of the site will be improved. The site is not in use by the golf course and the proposal does not impact upon the sporting potential of the site. It is considered however that the amenity value of the site is the contribution it makes to the wider OSPA. The settlement pattern along this section of Glencruitten Road comprises residential development on the northern side of the road with frontage development only in the vicinity of the application site. Whilst there are 2 modern dwellings immediately west of the application these are the exception and also comprise frontage properties, all other development on the south side of Glencruitten Road relates to open space uses, playing field facilities or club house.

(ii) "There would be no loss of amenity and alternative provision of equal community benefit and accessibility would be made available, and there is a clear long term excess of pitches, playing fields, and public open space in the wider area, taking into account long term strategy and recreational and amenity value."

There is no alternative provision of equal community benefit and accessibility being made available.

The Open Space Protection Area was not designated to protect the facility of the Golf Course but to protect the open space nature of the area in its wider sense as the OSPA extends beyond the limits of the Golf Course. The issue of protecting the Golf Course facility has been addressed in the Local Plan by the package of DRA's and PDA's referred to above which recognises that the Golf Course will be affected by the Oban Development Road but that the related PDA's allow for compensatory enabling developments.

Whilst the application is supported by the Golf Course the applicants have certified that they are the owners of the site and therefore there is no superficial connection between the application and the future of the Golf Course.

Conclusion:-

The application was refused as contrary to Policy LP REC2 within which there is a clear presumption against development where no alternative facilities are being promoted, furthermore the application was refused as contrary to Structure Plan Policy PROP S1 which identifies the area as part of the area available for the expansion of Oban and to which a number of Development Road Actions and Potential Development Areas area allocated. The Development Road is one of the Council's key strategic objectives. These RDA's and PDA's together are integral to the delivery of the Development Road. A Master Plan approach for the entire area is needed to ensure that all development proposals compliment each other; this includes the protection of the Golf Course as it will inevitably be affected.

## **CONCLUSION**

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise. The application site is located within an Open Space Protection Area, where there is a general presumption against development which would result in the loss of an amenity and where no alternative provision of equal community benefit and accessibility has been made available. Therefore the development is contrary to the provisions of PROP SI of the Approved Argyll and Bute Structure Plan 2002 and Policy LP REC2 of the Adopted Argyll and Bute Local Plan 2009. Taking account of the above, it is respectfully requested that the appeal be dismissed.



Argyll and Bute Council  
Development Services

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 09/01260/PPP

**Planning Hierarchy:** Local Development

**Applicant:** Lindon Properties Limited

**Proposal:** Site for the erection of 3 No. dwellinghouses

**Site Address:** Site South of Darla, Glencruitten, Oban, Argyll

---

**DECISION ROUTE (delete as appropriate)**

(i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997**

---

**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Erection of 3 No. dwellinghouses
- Improve/alter existing vehicular access

**(ii) Other specified operations**

- Connection to public water supply
  - Connection to public drainage system
- 

**(B) RECOMMENDATION:**

Refuse for the reasons below.

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**(C) HISTORY:**

There is no history relevant to the application site.

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**(D) CONSULTATIONS:**

Area Roads Manager

No response at time of report.

Scottish Water

Letter dated 16/09/09 – advise no objections subject to conditions.

West of Scotland Archaeology Service

Letter dated 02/10/09 – advise no known archaeological issues.

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 (1) Advert Statement, closing date 08/10/09 with 2 representations having been received.

1 email of support

1 letter of objection

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**(F) REPRESENTATIONS:**

Scott & Helen Jordan, Darla, Glencruitten Road, Oban  
Christine Roberts

**(i) Summary of issues raised**

- Open space protection area, contravenes local plan
  - Increased traffic and noise
  - Impact on natural environment
  - Light nuisance and overshadowing other property
- 

**(G) SUPPORTING INFORMATION**

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

**(i) Environmental Statement:**

**No**

**(ii) An appropriate assessment under the Conservation**

**No**

**(Natural Habitats) Regulations 1994:**

(iii) **A design or design/access statement:**

**No**

(iv) **A report on the impact of the proposed development**

**No**

**e.g. retail impact, transport impact, noise impact, flood risk,  
drainage impact etc:**

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**(H) PLANNING OBLIGATIONS**

(i) **Is a Section 75 agreement required:**

**No**

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(I) **Has a Direction been issued by Scottish Ministers in terms of**

**No**

**Regulation 30, 31 or 32:**

---

(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.**

Argyll and Bute Structure Plan 2002

STRAT SI 1 – Supports the sustainable development avoiding the loss of recreational or amenity open space adversely affecting the landscape setting of settlements.

PROP SI 1 - Oban investment and expansion potential

STRAT DC8 – Supports development which protects conserves or enhances existing landscape.

Argyll and Bute Local Plan 2009

LP ENV 1 – Requires that all development should protect, restore or where possible enhance the established character and local distinctiveness of the local landscape in terms of location and scale.

LP ENV 19 – Development shall be sited and positioned so as to pay regard to the context within which it is located.

Policy LP REC 2 Safeguarding of Recreational Land and Important Open Spaces

- (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 4/2009.**

The Town & Country Planning Act (Scotland), 1997

The Planning etc. (Scotland) Act, 2006

National Planning Framework, 2004 & Monitoring Report 2006

SPP1 The Planning System (Nov 2002)

NPPG 11 (Sport, Physical Recreation and Open Space)

SPP11: Open Space and Physical Activity 2007

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

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

- 
- (M) **Has a sustainability check list been submitted:**  
**No**

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

- (O) **Requirement for a hearing (PAN41 or other):**  
No
- 

- (P) **Assessment and summary of determining issues and material considerations**

This site lies to the east of Oban at Glencruitten Road immediately west of Glencruitten Golf Club. The area is contained within an area allocated as an 'Open Space Protection Area' which stretches from Mossfeild playing fields eastwards along the southern side of Glencruitten Road to include the golf course; the open space protection area is also defined by Oban Glasgow railway on its southern boundary.

Although this application is not directly affected by road improvements "DRA/6 (Oban – Glencruitten Golf Course route to Soroba Road)". This area forms part of wider area to which Structure Plan Policy "PROP SI 1 - Oban investment and expansion potential" applies. This area comprises a number of Development Roads Actions and also Potential Development Areas which together will cater for the phased expansion of Oban.

The Development Roads Allocations and the Potential Development Area referred to above were all subject to objections which were heard during the Public Local Inquiry into the Local Plan. The Reporters findings into the objection to the DRA's confirmed that

*"the council has approached this undertaking entirely correctly.....by reserving potential road lines in the plan"*

The Reporters went further in respect of the adjacent PDA's and stated

*"it is accepted that an element of justification for Potential Development Areas 5/4 and 5/5 rests on the line of the Oban Development Road while Potential Development Areas 5/3 and 5/7 will be contained by the Oban Relief Road.....we consider that this is an area which should be the subject of a master plan, informed by an environmental appraisal"*

This application site forms a small part of a planned extension of Oban the development of this site has to be considered in conjunction with other parts of this extension and in the context of the final roads layout for the By-pass and any possible relief road. The Council have agreed following the review of the Reporters findings into the Local Plan Inquiry that this should be undertaken through a Master Plan exercise. This proposal as submitted is premature and would prejudice the proper planning of the area.

Notwithstanding the wider issue of the development potential of the area, the settlement pattern along this section of Glencruitten Road comprises residential development on the northern side of the road with frontage development only in the vicinity of the applications site. Whilst there are 2 modern dwellings immediately west of the application these are the exception and also comprise frontage properties, all other development on the south side of Glencruitten Road relates to open space uses, playing field facilities or club house.

The application site comprises an area of waste ground not used by the Golf Course. The site is heavily overgrown and shows signs of abuse with some fly tipping being apparent. The site is level and bounded to the north by an open water course and would be accessed by an improved access off Glencruitten Road. The proposal whilst seeking planning permission in principle illustrates the erection of 3 detached dwellings with open aspects south over the adjacent the Golf Course.

If developed the site would introduce development into the open space area in a manner which would conflict with existing settlement pattern to the detriment of the overall amenity of the area and

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**(Q) Is the proposal consistent with the Development Plan:**

**No**

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**(R) Reasons why planning permission or a Planning Permission in Principle should be granted**

N/A

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

N/A

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**(T) Need for notification to Scottish Ministers or Historic Scotland:**

**No**

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**Author of Report: Andrew Swain      Date: 22 October 2009**

**Reviewing Officer: Howard Young      Date: [click here]**

**Angus Gilmour  
Head of Planning**

**REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 09/01260/PPP**

- 1 The Adopted Argyll and Bute Local Plan has identified this site as being part of the Oban settlement area, within which Policy PROP S1 of the approved Structure Plan provides for Development Road provision and associated housing expansion. This site lies within an Open Space Protection area through which Development Road Allocation (DRA5/6) passes, the development road is an integral component of the overall expansion of Oban. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.
- 2 The Adopted Argyll and Bute Local Plan has identified this site as being part of an open space protection area and subject to Policy LP REC2 Safeguarding of Recreational Land And Important Open Spaces. This application would result in the loss of part of this protected area without regard a long term strategy for the remainder of this area which is integral to the wider planning of the area as a recognised expansion opportunity for Oban.
3. For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 31/08/09 and the refused drawing reference numbers Location Plan 1:1250 and 0601/10C Outline Proposals scale 1:500.

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## GLENCRUITTEN GOLF CLUB

Glencruitten Road Oban Argyll PA34 4PU  
Telephone: 01631562868  
E-Mail: enquiries@obangolf.com  
Website: www.obangolf.com

Secretary: A G Brown  
17 Creran Gardens  
Oban Argyll PA34 4JU  
Telephone 01631564604  
E-Mail: alx2brown@aol.com

15 December 2009

Argyll & Bute Council  
Planning Services  
Lorn House  
Oban

Dear Sirs

**Application: 09/01260/PPP - Site South of Darla Glencruitten Oban**

Further to our original letter of support and having viewed the appeal and supporting documents the committee would like the appeal review body to take into consideration the use of Policy LP REC 2 and how it specifically relates to our situation.

Development as a route to sustainability is made available to us through Policy LP REC 2 but it is hard to imagine what development opportunities would be available to us should this tailored development be deemed detrimental by planners.

As tenants our own options to develop are curtailed by our lease agreement and financial position. The development as proposed has been tailored to meet our design and layout requirements and offers the opportunity to gain financial benefit and improved amenity without any of the risks or financial burdens associated with property development.

The planning gain package being made available to us from the developer in monetary terms is thirty thousand pounds, we are also being gifted an area of land for a new tee regardless of the outcome of the planning application. This level of support I am sure you will appreciate will be hugely significant to us and we are even more appreciative of this package as there has been no attempt by the developer to downsize the package given the severe down turn in house building and house sales in the town.

Open Space Protection Area status ensures through Policy LP REC 2 that any proposed development supports retention and enhancement of the golf club and golf course, as a committee we would ask the review board to agree with us that this development supports retention and enhancement of the golf club and the golf course and grant the appeal.

Yours faithfully

Graeme Kynoch  
Honorary Treasurer



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**From:** Macdonald, Donald

**Sent:** 15 December 2009 16:16

**To:** localreviewprocess

**Subject:** FW: 09/0004/LRB & 09/01260/PPP

Dear Sir/Madam, I refer to your letter of 4<sup>th</sup> December asking if I wished to make any further representation in connection with the Planning Application associated with land south of Darla, Glencruitten, Oban. Thank you for this opportunity and I wish to reiterate my support for this Planning Application in view of the inherent support it provides for the continuance of the amenity provided by Glencruitten Golf Club.

The whole thrust behind creating a Public Open Space Area in this locality as part of the new Local Plan was to protect the Golf Course and the amenity it provides to Oban and the surrounding area. The proposed small scale development of 3 houses on what is essentially an area which is badly overgrown and unsightly will greatly improve the general appearance of this part of Oban and could be considered as rounding off. The land is situated to the rear of the Golf Club car park and will have minimal effect on the Golf Course itself. At the same time the associated gain to the Club will help to secure its future on a much more sound financial footing at a time when finances are extremely difficult. The small and restricted nature of the development will have no deleterious effect on the route of the proposed Development Road - as confirmed by the Senior Roads engineer, Peter Ward. In addition, due to the naturally confined location it will have no deleterious effect on future long term large scale development proposals to which reference is made by the Planners.

It could be reasonably argued that the development should be permitted as it is covered by the rationale for the land Zoning in the first place. Alternatively, if this argument is not accepted, there do not appear to be any strong reasons for permission not being granted for this small scale development as a minor departure from the adopted Local Plan.

A number of the Councillors attended a recent seminar in Inveraray on 'Planning Reform' which was addressed by the Scottish Government's Chief Planner. I think we all agreed that it was like a breath of fresh air to hear someone in his position stating there was a need to take into account the wider public interest when arriving at Planning decisions. I would not be supporting this Application unless I thought it was in the wider public interest of the people of Oban for it to go ahead on the terms outlined. Please support this view and approve the Application. I would be happy to attend any future meeting to discuss this further if this was the wish of your Committee.

Yours sincerely,

Councillor Donald Macdonald

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**From:** SCOTT JORDAN [kilted@btinternet.com]  
**Sent:** 18 December 2009 16:38  
**To:** localreviewprocess  
**Cc:** hme.jordan@btinternet.com  
**Subject:** Appeal 09/0004/LRB - Application 09/01260/PPP

Dear Sir/Madam,

I am writing to make further representation in respect to review 09/0004/LRB - Application 09/01260/PPP.

1. In the appeal it states that Reason 1 is unclear as to why planning permission was refused. I would challenge this most vigorously as the reason was very clear and to the point that the development was within a protected area.
2. They also say that there was no consultation with the roads dept which was confirmed by email from that dept. I would have to say that the responsibility for checking these issues would lie with the developer and not the roads dept which I would think would nullify this argument.
3. I would re-iterate my objection to them building on this land as per my initial representation.
4. The fact that this application was refused on the basis of LP Rec2 (Safeguarding of Recreational land and Important Open Spaces) should be reason enough to refuse that appeal on the same grounds.
5. I find it extremely morally objectionable that in return for financial support and land being ceded to the golf course, the applicants have cited the support they now have from the golf course, when in the past this support was not forthcoming. Especially as this support is subject to non-representation and planning permission being given. The fact that they use the golf course as support for this development, given the financial incentives on offer, would make this support highly questionable.
6. I would also argue that financial support for the golf course is in no way a valid reason for approval of this application.
7. They also state that this would not restrict access to this open area. I fail to see how building 3 dwellings on this land would not restrict access.
8. The land has been left in an unmaintained state for at least 3 years in an obvious attempt to illicit a more sympathetic view from the planning dept.
9. I feel they are putting undue pressure onto planning dept by stating that they would obviously be loath to change from the local plan at this early date. I feel that planning dept should uphold the local plan as it went through extensive and exhaustive consultations before it was approved and should not be deviated from merely for financial gain for a small number of individuals. It is not the fault of the planning dept or the local council that they failed to make representations at the proper time over the classification of this land.

10. My final point is this - The fact that the land is protected under LP REC2 is enough of a reason for refusal on its own. To state directly from the previous correspondence "The site is SPECIFICALLY included under OSPA in the finalised Draft Local Plan as it is considered to represent part of the wider golf course landscape which is considered worthy of protection from development."

Yours Sincerely

Scott Jordan  
Darla  
Glencruitten Road  
Oban  
Argyll  
PA34 4PU

In the interests of clarity see below Proposal PROP SI

#### The North

2.7 In general terms, the competitive advantages of the North are associated with its continuing economic momentum and projected population growth. More specifically, there are strategic transport-related opportunities associated with its west coast location and with its road, rail, ferry and air service infrastructure. Oban, 'gateway to the isles', is an engine-room for growth but needs to expand beyond its containing landform. The road and rail corridor leading eastwards presents opportunity to compete for timber processing inward investment and to pursue timber to rail transshipment options.

2.8 Against this background, the strategic issues which should be given priority in the 'North' are as set out in Strategic Issues 1 and 2, along with Proposals PROP SI 1 and 2.

#### 2.9 Strategic Issue 1:

**The potential for a major timber processing inward investment and for road to rail transshipment in the Oban to Dalmally corridor.**

#### **PROP SI 1 - TIMBER PROCESSING INWARD INVESTMENT AND ROAD TO RAIL TRANSHIPMENT POTENTIAL**

The Argyll and Bute Local Plan shall, in liaison with Scottish Enterprise, incorporate areas of search or allocation for:

- A) A strategic 10+ hectare inward investment site for timber processing within the Oban to Dalmally road and rail corridor.
- B) Sites within the Oban to Dalmally corridor with potential for road to rail transshipment either in conjunction with or separate from A) above.

#### 2.10 Strategic Issue 2:

**Planning a significant expansion of Oban beyond its currently containing landform to meet housing and employment land requirements and to take advantage of its main trunk road and rail corridors, development road options, harbour infrastructure and potential air service development.**

#### **PROP SI 2 - OBAN INVESTMENT AND EXPANSION POTENTIAL**

A) The Argyll and Bute Local Plan shall include a settlement plan for Oban resolving options for the phased expansion of the town including:

1. housing, business and industry development on currently allocated land and also for future expansion along the trunk road and, if feasible, along the rail corridor.
2. development opportunities at Dunstaffnage.
3. development road provision which might also fulfil relief road functions.
4. an action programme to fulfil the potential of Oban Bay and the town centre, harbour and waterfront areas for marine berthing, moorings and for commercial development allied to the various harbour, ferry and fishing interests.

B) Continue to pursue developing new air services focused on Oban, potentially servicing the wider north-west coast of Scotland as well as fragile islands such as Colonsay and Coll, and continue to safeguard development options in the vicinity of Oban Airport.

2.11 Other potential investment opportunities and initiatives for the 'North' are set out in over:

The planning department have submitted great detail and justification for PDA's and DRA's, they have quoted 'the Reporters findings' and to further reinforce a position that is not being questioned they have described planning proposals as policy in the shape of PROP SI. The idea of a master plan to consider how to gel PDA's and DRA's and the future expansion of Oban may be a justified process but the relevance of all of this to a development site already controlled by adopted policy is not clear. The structure plan states 'Proposals are labelled PROP and concern projects and undertakings which Argyll and Bute Council is empowered itself to pursue'.

Are we to assume the emerging new master plan idea will override existing policies already in place for this area and are we really being asked to believe that should this development go ahead that it will somehow compromise the potential investment and expansion potential of Oban, I respectfully submit it will not and feel such a suggestion does not support constructive serious debate.

A realistic picture of the significance of the development site to the wider area and its possible affect on the investment and expansion of Oban can best be seen from the council's planning map encompassing, on one map, the development roads and wider area going from Glencruitten out to Pennyfuir and Connel.

The proposed development, as accepted by the planning department will improve the site, it is the high level of improvement to the site which enhances its contribution to the wider golf course landscape and reflects the type of development required of Policy LP REC 2, the primary policy consideration for this area.

More than half of the development site will be made up from a new tee, new maintained fairway and open aspect gardens offering meaningful amenity to the wider Open Space Protection Area (OSPA).

The planning department seem unwilling to accept that if a development does not reduce the amenity of the area there is no need for alternative provision to be made. The new development road clearly will have a significant affect on this area of the golf course which needs to be address as Policy LP REC 2 dictates, alternative provision of equal benefit has been provided the road development complies with Policy LP REC 2, if your starting position for development is the loss of amenity you have to compensate.

Alternatively my own development starts from a position of improvement and with no amenity being lost only improved, no alternative provision is required, this development is therefore compliant with Policy LP REC 2, the justification for this policy, it's aim, is to protect sports pitches and playing fields from redevelopment, there seems to be a contradiction but that contradiction is resolved in the understanding that only development that supports retention and enhancement is allowed, retention and enhancement are the overriding principals of Policy LP REC 2.

The planning department also states the OSPA was not designated to protect the golf course.

This specific OSPA is made up of recreational facilities covered by Policy LP REC 2 and is not just a random open space. The OSPA was extended to include the golf course to offer protection from a presumption of development, that presumption for development was in place as the area of the golf course was originally zoned as a PDA. The resulting change in zoning and the introduction of the recreational Policy LP REC 2 delivered a more constructive framework for those of us controlled by the policy.



When the Golf Club met with senior officials from the planning department back in February 2005 a picture was painted of the golf course protected and happily coexisting and benefiting from new housing development on the golf course, the only thing at that time and to date preventing the Golf Club from benefiting through development is the Golf Club's position as only tenants, the inclusion of this development site into the wider golf course now delivers the Golf Club benefit through development.

Previous planning department statement...

***“This site was specifically included within the boundaries of the Open Space Protection Area in the Finalised Draft Local Plan as it is considered to represent part of the wider golf course landscape which is considered worthy of protection from development. A number of objections were received to the Consultative Draft Local Plan specifically requesting that the golf course area be protected from development.***

The planning department ends their submission;

‘Whilst the application is supported by the Golf Course the applicants have certified that they are the owners of the site and therefore there is no superficial connection between the application and the future of the Golf Course.’

What is most concerning about this statement is the misleading word choice, resulting in a total lack of clarity in the following phrase; ‘there is no superficial connection between the application and the future of the Golf Course’. Does this mean the planning department are acknowledging that we do in fact have a meaningful connection or stating that there is not even the slightest connection between the application and the future of the Golf Course?

Forgive me if I appear obtuse but the fact that a crucial sentence is open to multiple interpretations is not helpful in clarifying the points trying to be made.

The future of the Golf Course and more to the point the Golf Club, are one in the same thing. The Golf Club have already stated they are in financial difficulties. Our financial support will help towards securing the Golf Club but I believe the planning department just don't get it. The country is on it's knees and up to it's neck in debt, businesses are failing people are loosing jobs with councils and other bodies having real funding issues, this is where we are in the world today with any financial support being seen as very meaningful, survival and the opportunity to develop into recovery are big issues at the moment.

The estimated spend on this project is half a million pounds with most of it being spent in the local economy.

## **Conclusion**

I appreciate the panel have a difficult decision to make with interpretation of policy crucial, in lay terms at one end of the argument, a three house development is portrayed as somehow jeopardising Oban the opportunity to expand and develop, at the other end of the argument, a development that has minimal impact and offers support to one of Oban's oldest and foremost recreational facilities.

The development site was bought after being deem surplus to requirements by the Golf Club, the Adopted Argyll and Bute Local Plan has now returned the site to what is now described as the wider golf course and it's more stringent development controls, we are where we are, I can sit back and sulk or work with the Golf Club for our mutual benefit and survival we have been thrown together we just need to get on with it, House building is my business, with others depending on me I can't afford to sit back and sulk, the Golf Club Committee has to act in the club's and the wider community's best interest in preserving the Golf Club for future generations, golf courses like any other facility, business or town has to have development as a route to sustainability, to deny it leads to stagnation and failure.

Failing to support the golf club in these difficult times will set the clock ticking towards it's possible failure with the resulting disastrous domino affect, can we really imagine the area being maintained at it's current immaculate level without the Golf Club there to do it, I think not, the golf course this specific area of the OSPA would be lost to a change in policy and large scale development.

The wider community have also to be considered from an economic perspective, the economic ripple effect this development will create may be considered small but none the less welcome in the local economy. The contributions that small businesses make to local economies is seem as crucial to the overall recovery of the national economy.

With the use of PROP SI being unclear the planning department's reliance on the interpretation of Policy LP REC 2 is pivotal in their justification for refusal.

PROP S1 described as policy in the Refusal Notice is not a policy, I believe the planning department are referring to Proposal PROP SI 2 as detailed in the extract from the Structure Plan shown on page one. This lack of clarity and the fact that this area is covered by Policy LP REC 2 is why I described Reason 1 in the Refusal Notice as unclear and not directly relevant to the development.

It is worth noting PROP SI is not mentioned at all in the Adopted Argyll and Bute Local Plan and only features in the Structure Plan which is a strategic land use plan, the land use for the development area has been defined and is controlled by Policy LP REC 2.

Policy LP REC 2, the primary policy consideration for this area is the only Policy being used in the Refusal Notification

The overriding principals of Policy LP REC 2 are to sustain and enhance which this development does and is therefore compliant with Policy LP REC 2 and deserves the panels support.

**Comments on Mr Jordan's Submission**

Mr Jordan's comments are understandable he would prefer not to have any development in front of his property. What is not understandable is why Mr Jordan changed his mind. I was previously advised by Mr Jordan that he would be supporting the development, Mr Jordan bought his house in the full knowledge that development was planned for across the burn from him.

During the meeting with Mr Jordan he spoke positively about the development as the clearing of the natural screening would improve his outlook, currently it is not possible to see through the natural growth which does screen all of the worst of the untidy aspect of the site although this screening also blocks out the open aspect of the golf course. It is not a present possible to appreciate the open aspect setting of the area from Mr Jordan's house or garden unless you use an upstairs bedroom window.

My comments on Mr Jordan's ten points...

In general, I would respectfully suggest that Mr Jordan does not fully understand planning procedures but none the less he is entitled to his opinion.

Mr Jordan and I do however agree, the site is in the OSPA and is subject to Policy LP REC 2.

It is worth noting that of the seven neighbour notices sent out to residents we have only one objection.

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