

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the ARGYLLSHIRE GATHERING HALLS, BREADALBANE STREET,
OBAN, PA34 5NZ on WEDNESDAY, 26 JUNE 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Lorna Douglas	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Alastair Redman
Councillor George Freeman	Councillor Sandy Taylor
Councillor Donald MacMillan	Councillor Richard Trail
Councillor Roderick McCuish	

Attending: Charles Reppke, Head of Governance and Law
Tim Williams, Area Team Leader, Oban, Lorn and the Isles - Planning
Fiona Scott, Planning Officer – Planning
Frank Beaton, TSL Ltd – Applicant
Andy Knight, TSL Ltd – Applicant
Robert Forbes, TSL Ltd – Applicant
Stuart Watson, Traffic and Development Manager – Consultee
James Jackson, Traffic and Development Officer – Consultee
Marina Curran-Colthart, Local Biodiversity Officer – Consultee
Keith Miller, Oban Community Council - Consultee
William McKillop – Objector
Derek Pretswell, on behalf of Andrew Cooper – Objector
Alfred MacKenzie – Objector
Councillor Jim Lynch - Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rory Colville, Robin Currie, Mary-Jean Devon and Graeme Archibald Hardie.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

**3. TSL LTD: SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT: SITE AT
LONAN DRIVE, OBAN (REF: 18/02720/PPP)**

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Head of Governance and Law to identify all those present who wished to speak.

PLANNING

Tim Williams presented the application on behalf of the Head of Planning, Housing and Regulatory Services. A summary of his presentation is detailed below:

The matter that Members will consider today at this pre-determination hearing is an application seeking planning permission in principal in order to establish a general 'green light approval' for a potential future residential development upon a well-

contained site of approximately 1.75 hectares, situated within the clearly defined, long-established and formally adopted extended Main Town settlement of Oban. Key planning policies LDP DM 1, LDP 8 and associated supplementary guidance SG LDP HOU 1 offer a general presumption in support of up to 'large scale' residential development upon appropriate sites in order to promote the sustainable economic growth of our town, to secure an appropriate housing supply to meet the varied socio-economic needs of our population, and to support key national and local planning policy aims, not least to reverse population decline.

The site has a ten year history of previous planning permissions for residential development and associated road infrastructure. The principal of residential development upon the site the subject of this current planning application and its adjacent land was granted by elected Members in March 2010 following a discretionary local hearing similar to this one. This permission was reaffirmed in November 2012 and was the subject of a detailed planning permission for the access and internal road layout granted the year before.

These permissions expired in November 2015 and this very recent history of both detailed and 'in principal' planning permission must be afforded substantial material weight in the consideration and determination of the very similar planning application before Members today.

The site is situated within a long-established residential area on the periphery of the Main Town of Oban, the localised extent of which is shown by the pink shading on the slide. The hatched areas to the top of the slide are Open Space Protection Areas associated with the Soroba development and the Oban High School sports pitches. The site is accessed from the end of Lonan Drive beyond which it opens out to form a well-contained small glen with steeply sloping wooded valley sides to the north and a more gently sloping periphery to the south and south-east. The site is bounded along its eastern boundary by the established residential development of Nant Drive. To the west and north west the proposed development site adjoins the steeply sloping and wooded valley side with an area of elevated and undeveloped plateau beyond and then sloping down steeply to meet McCaig Road and the residential development of Soroba. Due north of the proposed development site is Feochan Gardens which is a small residential spur off Nant Drive and due south of the application site lies the residential developments of Etive Gardens, Creran Gardens, Lonan Drive and Orchy Gardens. This existing residential development appears to be predominantly privately owned individual detached and semi-detached homes which are largely single storey in design.

Members will have observed from our site inspection earlier that the proposed development site is so well contained, both by its topography and existing mature vegetation that the existing residential development rarely makes its presence felt. The development site is limited primarily to the valley floor with the substantial undeveloped sloping and elevated wooded land due north and west, and existing residential development to the south and east.

Although this current application is simply for planning permission in principal only, indicative details of a possible potential future residential development have been provided by the Applicant's architect, Mr Beaton. Whilst it is important to stress that any planning permission which might arise from this application would simply consist of a consent to establish the broad principal of residential development within the identified site, the submitted indicative details are helpful as they demonstrate the

Applicant's potential future aspirations for the site and, specifically, that those aspirations have been carefully and sympathetically considered; even at this initial stage.

These submitted details indicate a potential future development restricted to areas of the valley floor, below the level of the existing path where it climbs towards the northern part of the site to meet with Feochan Gardens; avoiding the wooded valley sides; and with a considerable separation distance between existing and proposed residential development.

These indicative details suggest a relatively low density development of 44 residential units comprising a mix of flats and semi-detached dwellinghouses arranged in 12 development blocks along a simple curvilinear spine road. These indicative details suggest that the development could be a mix of single storey, two storey and three storey properties.

In terms of the 'scales of development' as published within the adopted Local Development Plan, such a development would, if approved following the proper consideration of a future, detailed planning application, constitute 'large scale' development (i.e. a development exceeding 30 dwelling units) as supported within the Main Towns by planning policy.

Any residential development of 20 units or more would be required to provide 12 square metres of casual public open space per unit and 6 square metres of equipped play space per unit. The indicative details indicate how this might be provided. Any residential development of 8 units or more is required by planning policy to secure a minimum of 25% of the development as affordable housing. Whilst such provision would be secured through a planning condition attached to any permission, the Applicant has stated that it is his intention that 100% of the development be affordable and that it be provided and secured through a registered social landlord. Whilst the submitted indicative details suggest that a future residential development of this site could include some three storey flatted development, detailed sections of the site have been provided which show how such a development could be contained by the existing valley sides such that it would have no materially harmful visual impact.

Such a development would likely require some localised cut and fill to the existing site topography but the submitted indicative details demonstrate that this is likely to be achievable without and material harm to the landscape, its character, its mature trees or its biodiversity. Notwithstanding this, any such proposal would be required to be carefully scrutinised through the submission of a future detailed planning application.

Access into the site is from Lonan Drive. This access is capable of being provided to a safe adoptable standard and whilst its carriageway width would be restricted to a 3.7 metre wide carriageway width with a 2 metre wide footpath on one side for a distance of some 18.6 metres as a short section of single-lane 'give and take', there is clear achievable forward visibility in both directions and this constitutes a wholly acceptable form of 'traffic calming' at the entrance to the development and is similar in that respect to many existing residential roads and is in accordance with both local and national roads engineering guidelines.

In addition, Members should note that this access point is exactly the same as that granted planning permission in principal to serve a residential development in 2010, again at the end of 2012, and was considered and approved in detail when a full planning permission for an access and associated residential road infrastructure was granted in November 2011. This access point was considered acceptable then and I submit that it remains acceptable now.

Referring to a slide which shows an indicative engineering drawing of the proposed access point and whilst it is largely illustrative, it is useful in that it indicates that there is sufficient width at this point to provide a short section of 'give and take' traffic calming; that the ground is relatively flat across its width and that any necessary underground services: water supply, electricity, telecoms etc, can be routed below the proposed pedestrian footpath and that access to the existing main underground sewer can be achieved.

At this point a series of slides were shown of a series of recent photographs of the site.

Mr Williams then continued with his presentation as follows:

There have been no objections from consultees on technical matters:

- The Area Roads Authority have no objection subject to appropriate technical specification, to be secured through planning conditions and subject to a future application for Road Construction Consent.
- Scottish Water have advised of no objection to the proposal to connect the residential development to the main public water supply or to the existing main public sewer, subject to sufficient capacity being available prior to the commencement of development.
- The development complies with SEPA's standing advice, it not being within any defined flood risk area or involving any private wastewater systems, and the Council's Flood Risk Manager has commented that the site is capable of being developed to an appropriate standard with respect to potential surface water flooding and subject to a detailed drainage assessment to be submitted and fully assessed at detailed planning stage.
- The Council's Biodiversity Officer has raised no objection subject to safeguarding conditions.
- The Council's Access Officer has confirmed that whilst the existing footpath route through the site is a defined 'Core Path' which provides a valuable link to local services, this path is capable of being maintained both during and after any development, either within its current position or through either a temporary or permanent Diversion Order with the path to be secured and maintained by planning condition and statute.

This application has, however, generated objections from 58 persons, some of whom have provided more than one representation, plus a written objection by Oban Community Council as a consultee.

These representations are summarised and addressed within the published report of handling and the supplementary report of handling. Whilst the objections raised refer to a long list of diverse issues, I intend to briefly discuss three of the more pertinent topic matters here:

Impact on Wildlife

Concerns have been raised regarding the potential impact of any residential development upon wildlife and habitat, including birds, bats, red squirrel, pine martin, badgers and trees to name but a few.

These concerns are important. But they aren't new. – Similar concerns were raised when a residential development involving a substantially larger site area was proposed in 2008. The issues were carefully addressed at that time with no objection being raised by the Council's Biodiversity Officer. A detailed professional ecological assessment of the site was undertaken in 2009 with a professional bat survey carried out in 2010. These surveys concluded that the proposed development would not result in any materially harmful impacts upon wildlife or habitat. Planning permission in principal was granted for this development following a discretionary hearing.

These matters were again considered in November 2011 and again in November 2012 with no objections having been raised by the Council's Biodiversity Officer on either occasion and both planning applications subsequently being granted. This current planning application involves a substantially smaller area than that considered previously and avoids areas of mature trees and particularly dense vegetation.

It is therefore considered appropriate that planning permission in principal be granted subject to planning conditions seeking to require updated ecological surveys, habitat assessments and the controlled eradication and disposal of invasive, non-native plant species.

Loss of Open Green Space

There can be no doubt that the application site forms part of an attractive and extensive area of existing open space. However, this land does not form part of any existing Open Space Protection Area and, therefore, can be afforded no statutory protection. This land is in private ownership and it lies within the designated and adopted extended settlement boundary for Oban where both national and local planning policy would seek to promote appropriate forms of residential development upon acceptable sites.

This site has previously been assessed as acceptable for residential development. It was determined to be so under the provisions of the then Argyll and Bute Local Plan 2009, the key planning policies of which were, for all intents and purposes, the same as those within the current adopted local development plan. The decision to grant planning permission at that time was taken following a discretionary local hearing not that long ago. Indeed, the Hearing panel at that time contained several faces here today.

Notwithstanding that, the Planning Authority recognises the importance of our open green spaces and that is why current planning policy seeks to make appropriate and adequate provision to secure both equipped and non-equipped public open space through residential developments which meet a specific threshold. It is likely that any residential development within this site would exceed that threshold and the indicative plans submitted by the Applicant demonstrate how these open spaces might be provided.

In addition, the Planning Authority has undertaken to review the substantial area of land located between the currently proposed development site and McCaig Road off to the west for possible inclusion within the forthcoming local development plan as a statutory Open Space Protection Area.

Traffic and Access Issues

Upon review of the representations received, I suspect that this may be the key issue for us here today.

Local Development Plan policy LDP 11 and associated supplementary guidance SG LDP TRAN 4 and SG LDP TRAN 6 requires that developments are served by safe and appropriate standards of access and parking.

This accords with the key aims of the national Scottish Planning Policy and Scotland's National Transport Strategy.

It is generally accepted that large scale residential development should be served by a new road of an adoptable standard. There is, however, no prescribed minimum standard for what may constitute an adoptable road. Whilst guidance is available to interested parties, the key tests appear to be somewhat subjective and based upon the professional judgement of the Council as Roads Authority, with safety and an appropriate standard of engineering appearing to be the primary considerations. It is hoped that the Council's Roads Manager, who is with us today, will expand on this in due course.

In the case of the current application, the Roads Manager has confirmed that the proposed development can be served by a safe and well-engineered road which is capable of being adopted by the Council subject to an application for Road Construction Consent under the Roads (Scotland) Act 1984.

There is no necessity for the new development road serving this site to consist entirely of a two lane carriageway with a footpath to either (or both) sides. Indeed, such an arrangement would be contrary to current best practise in terms of road design and appropriate placemaking.

The Scottish Government's publication 'Designing Streets' 2010 operates upon the central premise that, and I quote, "Good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context". Designing Streets, which is a fundamental national policy, does not, therefore, support a standards-based methodology to road design but instead requires a design-led approach.

This design-led approach seeks to promote a development ethos that considers place before movement and it does this by introducing character and flexibility through varying road and footpath surfacing materials and traffic calming measures to secure safe environments by reducing vehicle speeds through the introduction of, amongst other things, reduced carriageway widths, shared surfaces and 'give and take' traffic flows such as the one proposed here.

This approach is echoed within the National Roads Development Guide which is a detailed and extensive document formed by a wide project steering group which

comprises representatives of 28 of the 32 unitary local authorities within Scotland and for which representatives of Argyll and Bute Council continue to play a key role. Similarly, the Council's adopted Sustainable Design Guide for Larger Housing Developments (September 2006) states that developments should aim to balance the needs of cars and people; to create places rather than road networks; and that developments should discourage speeding by design through appropriate traffic calming measures, including the incorporation of features such as gateways, different surface materials and narrowing of roads themselves. The Design Guide gives an example of a 'Homezone' – a traffic-calmed street with a physical layout that limits speeds to 20 miles per hour, primarily through narrowing the internal access road at its junction with the existing public road network to provide a single carriageway 'give and take' arrangement – a promoted example of good and safe design which is almost identical to that proposed here.

The development site has been the subject of two separate traffic impact studies, one in July 2009 in support of the previously approved development and one in January 2018 in support of the current application. Both of these detailed studies conclude that the existing road network is capable of supporting the proposed development by an extension of Lonan Drive with the 2018 study concluding that:

- The site is readily accessible by established public transport networks into and out of Oban via bus stops on Nant Drive and Soroba Road;
- National Cycle Route 78 is about a mile from the site.
- Safe and satisfactory walking access is available to Oban Primary School.
- Traffic generation would be low and negligible when compared with passing traffic levels, and
- During the past five years of records (2011 to 2016), there have been no reported road traffic accidents in the immediate vicinity of the site.

The 'give and take' traffic flow arrangement proposed at the head of Lonan Drive and at the entrance to the proposed development site is an entirely safe and standard mechanism of delivering essential traffic calming measures in the dual interests of good placemaking and road safety. It is capable of adoption and has previously been approved as such here on three separate occasions, including a detailed planning permission which only expired in November 2014.

Such arrangements are entirely commonplace throughout the United Kingdom, including in Argyll and Bute where there are many similar examples, including:

- Dalriach Road in Oban, close to the Atlantis Leisure Centre;
- Creag Bhan Village in Oban, off the Glengallen Road (where there are several similar examples);
- New Parliament Place in Campbeltown, where the road has been designed specifically to narrow at the entrance to the development;
- Fernoch Crescent Lochgilphead;
- Fernoch Place, Lochgilphead;
- Duntrune Place, Lochgilphead. - And with several examples of roads narrowing to short single-lane stretches without traffic lights or other barriers to oncoming traffic at bridges and pinch points along the local arterial road network, often along 60 MPH stretches of roads and even;

- The A83 trunk road at Ardrishaig, where the barriers visible in the photo are only used occasionally when the road bridge is opened to allow access by boats into and out of the Crinan Canal.

I'm sure that for many of you this leaves an unanswered question: Why was the previous identical application submitted in 2017 (17/02815/PPP) refused on highway safety grounds whilst the current one is recommended for approval?

And the answer, of course, is it wasn't.

The assessment of planning applications is a complicated process and oftentimes a frustrating one. The truth of the matter is that shortly before the previous application was due to be reported to Members for their consideration, doubt was raised as to the ability of the development to achieve an appropriate adoptable standard access. Officers sought to clarify this with the then Area Roads Engineer and to resolve apparent inconsistencies in his assessment of the development and in our own understanding of those issues. Ultimately, it was considered that the issues raised would require additional investigation and assessment and that this could not be completed to a satisfactory standard in the very limited time left available. The decision was therefore taken by the Applicant to withdraw the application and to resubmit it in due course when the outstanding technical issues had been appropriately considered.

Whilst I accept that this is an unusual set of circumstances, it was considered to be a pragmatic decision at the time in order that a fully robust assessment of the development might be made. This decision was taken wholly with the public interest in mind.

In conclusion then, the proposed development the subject of this Hearing has been very carefully assessed against all material planning considerations. That assessment is summarised within the published Report of Handling and its brief supplementary Report, where the recommendation is that planning permission in principle be granted.

In considering this application today, I would respectfully advise Members that the relatively recent history of planning permissions at this site should form a significant material consideration which must, in my professional opinion, be afforded substantial weight.

Most of the substantive issues are the same. The general type of development proposed is the same. The proposed access is the same. The surrounding landform and existing built development is the same. The broad planning policy framework is essentially the same. And the decision was taken, following a Local Hearing, very similar to this one, by several of the same personnel.

Other than the fact that the indicative details submitted with the current application show a development which occupies a substantially smaller area of ground and is far better conceived than the approved scheme on almost every level, they are, undeniably, the same.

I ask Members to support the recommendation.

APPLICANT

Frank Beaton advised that he was an Architect in the area and has worked in Oban for the last 30 years. He further advised that he represented TSL Ltd and said that they were a successful, well established, local business with a proven track in construction and provided employment for many in the area. He said he would like to advise why this application should be supported.

He said that Mr Williams had fully explained why the proposal should be supported and rather than repeat what had been said he would be very brief and make the following points.

He advised that firstly, and most importantly, in the Council's Local Development Plan the site lay in the settlement of Oban therefore the housing proposal was wholly consistent with the Council's policy.

Secondly, he pointed out that the site had a positive planning history having been granted permissions previously. He said that although this was a planning permission in principle application they have demonstrated to Planning Officers that the development would be appropriate in its setting and would not encroach into the sloping and woodland areas.

Thirdly, he advised that the development would give much needed affordable housing to Oban. He said that finding accommodation for potential employees was a real issue.

He concluded by reiterating that the site was in the settlement of Oban; it had planning permissions previously; they have worked closely with Planning to ensure they were comfortable with the proposal; and it would provide much needed housing in the area.

Andy Knight advised that he was the Managing Director for TSL Contractors. He said that it was family business established 40 years ago. He said that he did not intend going into the detail of the application. He advised that they have pursued this project as it was the last town centre zone available for this type of development. He advised that the project was not critical to TSL and that it would not change their lives but they believed the project would meet the criteria for affordable housing which was a sector they were fairly active in. He advised that he did not think it would change the lives of many in this room today but maybe he was wrong about that. He stated that he would like to say that the people whose lives may be affected are those who did not have suitable housing in the town of Oban. He said they were likely to be young, local, working people living in sub-standard accommodation and possibly living with their parents. He said that families wanted their own place to live and that this was an aspiration of all. He said that some people had a need to live in town. He referred to the Dunbeg project. He advised that this was a great project which would provide houses but it would be outside the town. He advised that for various reasons it would not suit everyone to live outside the town. He said that Link Housing Association, who were the company development the housing in Dunbeg, seen this proposal as complimentary to Dunbeg. He advised that it would be different in nature and location and they saw it as being complimentary to Dunbeg rather than competing. He referred to a recent newspaper article in the Oban Times which detailed the pressures on businesses as it was difficult to attract staff due to a lack of suitable accommodation. He also referred to a report in the newspapers by

Lesley Riddoch about Scotland's Rural Housing in Crisis. He said that everyone would be aware of the pressure on housing and the difficulties of young people getting onto the housing ladder. He said that he believed this proposal would give people a chance in that direction.

CONSULTEES

Roads

Stuart Watson advised that Mr Williams had covered most of what he had to say but that he would like to highlight the traffic calming measures at the entrance to the site. He advised that as far as he was concerned the traffic calming layout was perfectly acceptable for this site. He pointed out that they had give and take systems on a number of areas across Argyll and Bute and he gave examples of these: the A816 which narrowed where there were 2 bridges; the A83 where the road crossed the Crinan Canal in Ardrishaig; a similar arrangement where the road crossed the canal at Cairnbaan; a 250m stretch of the A886 Cowal to Bute road. He advised that the volume of traffic into the site would be very low. He said that he was not sure if he could add much more but would be willing to answer questions. He pointed out that this was a two stage process – there was the planning process and there was Roads Construction Consent when the exact layout would be hammered out during that process. He advised that they would hammer out the details of access to the site and that there would likely be further traffic calming measures within the site such as speed bumps and chicanes etc.

Oban Community Council

Keith Miller said that he recognised only one local Member on the Committee today and that he recognised one or two faces from the application 3 years ago when, he said, the Glenshellach proposal was nodded through despite objection on a number of issues. He advised that unfortunately in the intervening years they have experienced a whole series of issues with that. He referred to flooding in the town centre of Oban and raw sewage being discharged into Oban bay. He advised there were severe visual impacts. He advised the Committee that their regard in the town in respect of their decision making was not held in high esteem. He said that the people here today would be grateful to have a sympathetic response to their legitimate and serious concerns about this application across a range of issues.

He advised that he has been in Oban for 33 years and that he lived in the south side. He referred to progressive development that has gone on in the south side and advised that he has seen the adverse consequences of that. He referred to grid locked traffic and congestion. He said that in reality the south side of the town was at capacity for development and that there was no case for further expansion, particularly when there was the first trench of 300 houses in Dunbeg and a further 300 in 2 years. He referred to 1,000 people being on the housing waiting list and suggested that the waiting list would be better served with the development in the Dunbeg corridor and to acknowledge the limitations in the south side. He advised that people were generally sympathetic that there needed to be more affordable housing but it was an important case that the existing residents, and their rights and interests, needed to be taken in greater regard than has been so far on the south side of Oban.

He advised that he was retired now but had spent 40 years working on ecological science. He said that he was not fully up to speed with technical issues that arose in building development but he did have knowledge of the linkages. He referred to the cavalier way Officers of the Council and consultees have dismissed out of hand the concerns of local people. He referred to there being no objections from consultees subject to various things being done. He said that a succession of important issues have been raised and followed through by Consultees with no objection subject to conditions. He said that people were very sceptical about that.

He advised that Oban Community Council delivered formal representation to the local authority on 6 areas of concern – wildlife, presence of invasive species, loss of local amenity and recreational open space, risk of flooding downstream, inadequacies of road access, and capacity of water supply. He said that Scottish Water were in dereliction of their responsibilities if they were happy to accept further connections. He referred to Scottish Water not being capable of managing the sewerage system they had at the moment.

Referring to a power point presentation he spoke about comparisons between the previous application approved and the current application and pointed out that the number of houses had increased. He referred to the core path and advised of concern that some of the policy provisions were not being adhered to in the way in which the application was accepted by the Access Officer.

He referred to safety and advised that the proposal of car parking, coupled with 2 lines of housing would end up with hazardous pedestrian passage for kids on the way to school. He said that the entrance had been a matter of a lot of debate and he showed a montage of what would likely happen with the mix of vehicles, children, other pedestrians. He said that this would be dangerous and unsatisfactory and needed thought out much more carefully.

He referred to congestion and showed a picture of a typical morning commute approach from McCaig's Road up to Lonan Drive. He pointed out the clutter of cars that had to be coped with on the way to the school campus.

He referred to the narrow access and said that you could not have a 2m high fence against a road. He advised that there was already a 2m high fence at that location.

He said he felt that the flooding issue had been made light of. He advised that due to the loss of permeability into the ground flooding was quite a live issue. He said that the Soroba burn was considered to be one of the main contributors to flooding into the town and that this needed to be taken more seriously and addressed. He advised that this issue had not been given sufficient weight by the developers and their advisers.

He pointed out that Lonan Drive, along with Morvern hill fed into a 10 inch sewer pipe. He advised that before Scottish Water consents to any further connections they should invest in capital to stop further combined connections. He said that the developers were well aware that the mains water from Tulloch Treatment Station ran through the site. He pointed out that the mains had burst and flooded property on at least 2 occasions. He said the pipe would need realigned to make it compatible with the development.

He said the appearance of the development would not be in keeping with the local vernacular. He advised that it would be incompatible with what was there at the moment. He said that it would be far easier to integrate housing of a similar nature. He advised that multi story buildings would be seen as incompatible and inconsistent and should be avoided.

He referred to open space protection and advised that Planning needed to consider green infrastructure.

In conclusion, he advised that the Community Council have been distressed at the cavalier and unprofessional attitude taken about the adverse impacts of this development. He said that there had been a failure to properly address the adverse impacts. He advised that there was no sign of a precautionary principle being adopted by this Committee. He said the precautionary principle needed to be primary. He said the Committee had a tendency to nod through subject to things that may or may not be done once outline consent was approved. He advised that this was not good enough. He said that people were entitled to see that their concerns were being addressed robustly. He advised that if there were issues or problems it would be far better to say 'no'. He encouraged the Committee to say 'no' until the issues raised had been properly addressed and then to have it brought back later. He advised that it was the Community Council's view that the Committee would not be delivering its duty to the people in the south side of Oban if they allowed this particular development to go through when there were so many unresolved issues. He advised that there were local concerns as well as wider concerns for Oban. He advised that they felt strongly that they needed to be heard. He said that the community in the south of Oban had been ignored the last time and that they were steamrollered in with the last phase at Glenshellach. He said that they felt they were being steamrollered again. He advised that they had a strong and heartfelt interest in what they had at the moment was what they wanted. He said that housing needs needed to be met somewhere else as the south of Oban was over developed. He referred again to the gridlock and congestion. He encouraged the Committee to say enough was enough and to look further afield to meet expansion for Oban.

OBJECTORS

William McKillop advised that he was quite passionate about the development and the impact it would have locally. He advised that he had concerns about the access and road safety. He referred to changes made since past applications and that he had consulted with Mr Watson through emails regarding the recommendation to approve by Roads. He said that the layout of the road was shown as a give and take system of traffic calming. He advised that he could find nowhere in legislation that give and take traffic calming could be used due to a lack of real estate into the site. He said the only reason he could find was for safety issues in order to reduce speed. He advised that the previous application was withdrawn very close to the date for the public meeting. He said it was strange as it had been so close to the public meeting but it had become clear when the consultee response from Roads was revised following receipt of the scale drawing for drainage on the site. It was said that the entrance to the site was too narrow to be brought up to adoptable standards and that Roads would have had to refuse planning permission unless the Applicant could obtain the land required for roads construction.

He referred to comment about fencing and advised that the fence in question was his fence and that it had been constructed some time ago after a long process of stuff being cut down etc. He advised that someone had complained that the fence was too high and so he had applied for retrospective planning permission which was granted for a 2m high fence. He said that it was his belief that you could not build a 2m fence beside a road. He advised that he had asked Roads the question why roads could be built next to a 2m high fence but you could not build a 2m high fence next to a road. He advised that he had spoken to Mr Watson and that he had received different answers from different people.

He referred to the recommendation for approval by Mr Watson subject to a condition regarding the clearing of scrub etc south east of the proposed development. He said that he did not believe that this condition could be met as this area was not the property of the Applicant. He said that it belonged to the owners of houses at Creran Gardens. He said that he had been advised that Roads could adopt responsibility up to any fence or wall. He asked if residents applied to put up a fence similar to his would they be refused? He advised that if a fence was there it would not be possible to adhere to the condition. He said that in general the access was very narrow and he could not see how it could be done safely. He added that he hoped that on the Committee's visit to the site today they would have seen how quiet and peaceful the valley was and how it should remain like that.

Derek Pretswell spoke on behalf of Andrew Cooper. He commended all the speakers for their contributions, including Planning. He intimated that on paper the proposal looked great but for him this development was about real time traffic congestion. He referred to traffic calming measures and said you did not need traffic calming measures, you needed driver calming measures. He advised that Oban was a one street town and that they had enough problems at the moment without adding to that congestion. He advised that last year he spent money replacing the suspension on his car because of the state of the roads. He advised that the amount of traffic would serve to increase problems. He stated that Nant Drive was a disgrace and needed sorted. He referred to children and pointed out that the school was on their door step. He said there were a lot of children walking around there and that there were a lot of drivers frustrated with nose to tail traffic. He advised that this was a good development but in the wrong place and that he believed everyone felt the same about that. He referred to lots of pieces of paperwork referring to similar projects that have been approved. He referred to the approval at Glenshellach and referred to the problems that have been created with flooding. He referred to talk of the wildlife and said that it had value as it slowed the rate of water down through the eco system. He said it was bad enough that it would be destroyed but it would also exacerbate the problem. He referred to bats and said he would like to see the environmental reports. He advised that this whole area was a foraging area for bats and that they were protected by law. He referred to it being said that there were all these planning rules that had to be adhered to. He asked the Committee not to dismiss the weight of community feeling in the room today. He asked the Committee to look at the turnout and said that this was testimony to the strong feeling of the affect this development would have on the lives of people. He asked the Committee to give weight to the people here and not to legislation.

Alfred McKenzie advised that all his questions had been answered and that he had nothing further to add.

Councillor Jim Lynch advised that he has worked closely with a lot of the residents on this. He advised that he strongly supported the building of social housing but he felt they needed to be built in the right place. He asked the Committee to look at the cause and effect. He pointed out that traffic through Oban fed in from 3 separate areas and feared what would happen by adding another development into the area. He referred to traffic calming and said that the proposal would build a community which would be sold a short, narrow access. He referred to complaints he has received about low water pressure and the discolouration of the water at the moment. He pointed out that Scottish Water have said they cannot guarantee a supply and said that this needed to be looked at. He advised of biodiversity being important and said that surveys needed to be done across the whole year. He advised that another important issue was the need for green space when building communities. He said that bit of land was everyone's and that was why there had been objections. He said that this would be a good development somewhere else. He advised that the traffic was terrible. He said that he agreed with the point Mr Pretswell made that everyone had put a lot of work into this project and that there was a need to respect their views. He thanked everyone for taking the time off work in order to come and speak.

MEMBERS' QUESTIONS

Councillor Trail referred to quite a bit being said about flooding. He referred to the Glenshellach development and asked Planning if they could comment in response to what had been said. Mr Williams advised that the key thing to say was that this site was not designated as a flood risk area. He said there had been no need to consult with SEPA because there was no flood risk. He confirmed that they had consulted with the Council's Flood Risk Assessor and would consult with him again at the detailed stage. He advised that the Flood Risk Assessor had raised no objection subject to a detailed drainage strategy plan to come at the detailed stage. He said there were no flooding issues expected there.

Councillor McCuish advised that he had two questions and that the first was for Mr Watson. He referred to the traffic impact study completed in 2009 and asked Mr Watson if he would agree that traffic had increased significantly since that study had been done. He also referred to the other study done in January 2018 and asked if the month of January would give a true reflection of traffic in Oban. Mr Watson acknowledged that traffic was increasing and that Oban was a busy town and a growing town just like Helensburgh. He referred to an Infrastructure Group working to secure additional routes and roads into Oban. In terms of studies, he said he was not aware of the one done in 2009. He acknowledged that Oban had grown since then. Referring to the 2018 study he said there were only a few months in a year that this could be carried out.

Councillor McCuish asked Mr Williams if the application was approved would this mean the site was at its capacity. Mr Williams advised that would not necessarily be so. He advised that it would depend on what came forward at the detailed planning application stage. He referred to the indicative layout which was okay now that development was limited to the valley floor. He said that the valley floor had a physical limit to it.

Councillor Redman referred to the site visit where it was mentioned that very few trees would need to be cut back to make room for the houses and the road. He advised that he would assume that a lot of felling would need to go on somewhere.

Mr Williams replied that there was no tree felling currently taking place that he was aware of. He advised that mainly the trees were limited to the steeply sloping sides which would not be affected by the development as this would be limited to the valley floor. He said that there were some less mature trees and vegetation on the valley floor and that some of these would have to go. He advised that they would work hard with the developers to ensure that any trees that can be retained or replaced elsewhere.

Councillor Redman advised that the entrance point to the site seemed dense with trees and asked if they would need to be felled. Mr Williams confirmed that there would be no felling of trees at the access point.

Councillor Douglas advised that she had two questions, the first being to Mr McKillop. She asked Mr McKillop to clarify what he had said about road traffic calming. Mr McKillop advised that on the slides showing the traffic calming there were pavements on both sides of the road but on the plan it only showed one pavement and this was because of the physical space available. He said the traffic calming was not being put there to slow traffic down it was being put there because of the physical space.

Councillor Douglas asked Mr Watson if it was correct to say that traffic calming was normally about speed and not about getting in and out safely to a place. Mr Watson advised that in recent years access into developments has been narrowed and that it depended on where you were. He referred to the 300 housing development at Dunbeg and advised that there were no defined footpaths there and that it would be shared space. He said that it was all about traffic management at the access which could include ramping up and narrowing. He said that this was an engineering system and that there was no requirement to have 2 footways.

Councillor Douglas sought and received clarification from Mr Watson that the narrow section would be a single lane and that the single lane would reduce speed. He advised that beyond that there would be additional traffic calming measures put in the site to reduce speed. He confirmed that traffic calming was about reducing speed and about access.

Councillor Douglas referred to concerns about the capacity of the sewerage system and water etc and concerns about the south side being over developed, putting systems under strain. She referred to concerns that putting 40 plus units could add to that or contribute to further congestion. She sought clarification on that from Planning. Mr Williams advised that as this was a planning permission in principle application there was no detail about that at this stage. He confirmed that they had consulted with Scottish Water who have confirmed they have the current capacity for water support. He advised that they have said they could not confirm the capacity of the waste water treatment network but did not object to the development. It is thought that there would be capacity here but it could not be confirmed at this stage. Scottish Water have advised the developer to submit a pre development enquiry to them prior to development on the site. If the application is approved today and Scottish Water subsequently say their system is not capable with dealing with this development then the development would not go ahead. He advised that this was not something to be concerned with at this stage. He advised that if it had been something to be concerned about then Scottish Water would have raised it.

Councillor McCuish sought and received confirmation from the Applicant that apart from the usual planning adverts they had not engaged with the community out with that.

Councillor McCuish sought and received confirmation from Mr Watson that in the Road's submission they have said that they would prefer a limit of 50 units on the site.

Councillor Forrest said that her question was for the Biodiversity Officer as people had raised a lot of questions about the wildlife there. She advised that at the site visit today she had counted 2 different types of bee and 3 different types of butterfly. She asked what species were there, what tests would be carried out and what measures would be taken to mitigate any impacts. Mrs Curran-Colthart advised that in terms of biodiversity an ecology study was done in 2010 and that this had been an indicative study. She advised that if this application was approved and a further detailed application came forward then studies would have to be a lot more detailed. She referred to bats and other protected species such as red squirrels. She said the importance of butterflies and bees would also be taken account during any habitat and survey work and that this would be carried out at the optimum time of the year. She advised that the encouragement of the growing of not just ornamental gardens but also fruit etc. could also be factored in, in terms of the future development.

Councillor Moffat advised that she had only been a Councillor for 2 years and therefore had not been involved in this particular area before and had not been involved in planning permission in principle cases. She said that she was feeling a bit uncomfortable as it seemed to her that they were looking at a skeleton, the bones of a project, and nothing else. She said that she felt they needed more information to make any decision on anything. She commented that statutory consultees were saying this proposal was fine but 'X' needed to be done. She asked if this was the normal amount of information given in a planning permission in principle case. Mr Williams said that what had been provided for this application was far more than what was normally received. He said that a planning permission in principle application could be nothing more than a red line around a development. He advised that it was a 2 stage process, with the first stage looking to see if the principle of any form of development was acceptable. He advised that all other things were dealt with at the detailed application stage. He said that as the principle was acceptable before then it had to be acceptable now.

Councillor Freeman commented that he was surprised by the amount of detail in front of the Committee considering it was an application in principle. He sought and received confirmation from Mr Williams that all applications were required to be assessed against the provisions of the Local Development Plan and other material considerations. Mr Williams confirmed that this application was in accordance with the provisions of the Local Development Plan.

Councillor Freeman referred to access and the core path network. He said that it was his understanding that if alterations were required to be made to the core path network this would require an application if this proposal was approved today. He asked if there was a detailed application, would there need to be a separate application for an alternation to the core path. Mr Williams explained that the current application was recommended for approval subject to a planning condition about any deviance or alteration to the core path. So yes, any detailed application would have to show the details of the core path diversion. In addition, he advised that any core

path diversion would be subject to its own legislation. He advised that effectively both would run alongside each other.

Councillor Freeman asked if the detailed application would come to Committee or could the Committee determine that any application relating to that site should come to the Committee for consideration. Mr Williams advised that whether or not any future application came to the Committee would depend on the scheme of delegation and the amount of public interest. If enough interest was generated then it would be considered by the Committee.

Councillor Freeman asked if Officers could confirm if there was not that level of objection and it fell under delegated powers, could the Members still determine that they wished any detailed application to come to Committee. Mr Williams said yes but they would need to do that at the time and not now. Mr Reppke advised that if the Committee expressed a view now that would be informative for Officers when the detailed application came in.

Councillor Taylor said it was obvious to him that this was a high value area that was valued by the community as an open space and that the Planners also supported that as they were looking for the wider area to be recognised in the future Local Development Plan as an OSPA. He asked if this would limit future development. Mr Williams advised that the Applicant owned a significantly larger area of land than what was in the current application. He said a lot of that land consisted of woodland and embankments. He advised that the high land would have value if retained as an open space and that they were working with the Applicant to ensure that some sort of protection could be given but he could not give an assurance that would happen.

Councillor Kinniburgh referred to Mr Miller speaking on behalf of Oban Community Council and he asked what survey work they had done to come to their view today. Mr Miller advised that a lot of people had taken an interest in the local community when the application emerged. Apart from one survey that was undertaken yesterday which was very much about the ecology, it was all about observations, raising interest in the area and people walking there. He advised that they had held public meetings and that Oban Community Council had the application on their agenda twice at their monthly meetings. He advised that people had come forward and raised concerns about the wildlife and the landscape.

Councillor Kinniburgh asked Mr Miller where most of the objection had come from. Mr Miller said that the majority came from the people living within 1 km of the proposed development. He advised that he was not saying there were no objections across the town as there was a mix of people from different parts of the town at the Community Council and all were unanimous in the need for protection of the land and the need for a line to be drawn under any further development.

Councillor Kinniburgh asked if any support was expressed at the public meetings. Mr Miller replied that there was none at all. He said there was support in principle for more social housing but the issue was it needed to be of the right type and in the right place. He advised that Lonan Drive was not considered appropriate for the reasons given today.

Councillor Kinniburgh sought clarification on the issue about the 2m fence. Mr Watson advised that from a roads perspective they had no issue with fences beside a road unless they caused sightline issues and in this case the fence did not. He

advised that the height of a fence was a planning issue. Mr Williams advised that you can build a 2m high fence at the side of a road if you have planning permission to do so and it was acceptable. He confirmed that this fence was assessed and deemed acceptable. It was confirmed that a 1m high fence would fall within permitted development rights but a fence of 2.5m would need an application for planning permission and as long as it met the planning policies it would be acceptable.

Councillor Kinniburgh sought clarification on traffic calming measures. Mr Watson referred to the old Strathclyde Design Guide and advised that a lot of the principles of that had been taken from there when looking at the design of streets and spaces. He advised that a give and take system could be used within a site as well as at the entrance to a site and he referred to the examples that had been given by Mr Williams in his presentation.

Councillor Kinniburgh sought and received confirmation that there would be no designated roads nor pathways at Dunbeg and that it would all be shared space with cyclists, pedestrians and vehicles all using the same space. Mr Watson said this was a fairly new concept for Argyll but it was used extensively elsewhere. He said that how it worked tied in with how the buildings were laid out as well. He advised that this was acceptable across the UK.

Councillor Kinniburgh sought and received confirmation from Mr Williams that the Committee were here today to determine whether or not the site was capable of development and that it was his professional opinion that it was. He confirmed that at this stage the details and how it would be served were not being looked at. He advised that it was important to have recognition of what statutory consultees said as they would flag up issues. It was confirmed that what the statutory consultees were saying at this point was the principle of the development was okay but it would still need further examination in the future and when the planning permission application came in the development would be looked at in more detail.

Councillor Freeman sought and received confirmation from Mr Williams that the previous permissions granted for this site were a material consideration and that they must be afforded considerable weight. Mr Williams confirmed that all the permissions had expired unimplemented so if this application was refused then the Applicant would not be able to progress on the back of the previous permissions but they should be given consideration in the determination of this application.

Councillor Freeman said that he was well aware from recent issues that Community Councils needed to avoid any potential for challenge and that a Community Council had to reflect the views of the community. He sought clarification from Mr Miller on when they considered this application. Mr Miller advised that the Community Council meet the last Monday of every month and that the application was on the agenda 2 or 3 months ago. He said that it was only last month when the decision was made to make a representation but they had already had discussions about it and it was agreed that they were against it and wanted to mobilise. He confirmed that a formal letter of objection was submitted by the deadline. He confirmed that the letter was based on a meeting of the Community Council.

Councillor Freeman referred to a survey only being carried out yesterday and asked if he was correct to say that the Community Council's objection was not based on

that survey. Mr Miller advised that the objection was based on the casual observations by a number of people who used the area and not on the survey.

Councillor Freeman sought assurance that the views of the Community Council reflected the views of the whole Community Council area and not just a small area. Mr Miller advised that he was confident that they had openly discussed the issue at their meetings and that the meetings were quorate with minutes published on their website. He advised that there may not have been very many members of the community there but it was unanimous that there were concerns about the proposal and that there was no dissent as far as he was aware.

Councillor Kinniburgh asked Mr Miller how the Community Council had consulted with the community. Mr Miller advised that they had a public meeting 18 months ago and that around 100 people had turned out. He said that this was when the proposals first emerged and that thereafter it was discussed at other Community Council meetings.

Councillor McCuish sought and received confirmation from Mr Watson that the guidance in the old Strathclyde document had been incorporated into other National Roads Design Guidance. He advised that there were countless roads design documents including ones specific to bridges.

Councillor McCuish asked if Mr Watson could have a gold star entrance what would he be looking for. Mr Watson advised that it would depend on where it was and the setting. He said that it was considered broadly across areas that you would want casual narrowing to control speeds along with other traffic calming measures.

Councillor Kinniburgh referred to the grid lock of traffic and the pictures provided by Mr Miller of McCaig Road. He asked at what times that grid lock occurred. Mr Miller advised that this normally happened during the morning rush hour between 8.30 and 9.15 am when people were going to work and doing the school runs. He advised that mid-afternoon between 3 and 5.30 pm was also very busy during the week. He said that there was less trouble at the weekends. He advised that most of the grid lock occurred coming down Oban from the Lochgilphead side. He said it was particularly congested here and did not happen to the same extent at the other side of the town. He referred to the volume of traffic coming from the Glenshellach area. He pointed out that the hospital, school and emergency services were all located on the south side and there was concern that if there was an incident at the north end the emergency services would not be able to get through. Mr Miller advised that not every day was horrendous but it was very much worse in the summer when you had tourists coming into and out of Oban and not being sure of where they were going.

The Chair ruled, and the Committee agreed to adjourn the meeting at 12.40 pm for lunch.

The Committee reconvened at 1.30 pm.

SUMMING UP

Planning

A summary of the summing up by Tim Williams is detailed below:

We are here today to debate difficult issues; to air free and often frank opinion and to ensure transparency and openness within the democratic process.

It is good to see so many of you here today, and it clearly shows the considerable weight of feeling.

We have discussed and debated a large variety of issues but there are a few matters which have been raised that I feel require a brief response from the planning authority.

Mr Miller from the Oban Community Council stated that Members and officers have previously 'noddled through' development; that members and officers are not held in high esteem by the community; that public concerns are often 'dismissed out of hand'; that the proposed access arrangements are 'half-baked'; and that the consultees have shown a 'woeful and cavalier attitude'.

However, he later admitted under questioning by Cllr Freeman that he has based these assessments upon 'casual observation' only.

In reality, this development has been carefully assessed by professional, experienced officers dedicated to a working life of public service. To suggest otherwise and to use such derogatory terms in a public forum frankly beggars belief and I'm sure Member's will draw their own conclusions.

Mr McKillop stated that, in his opinion, the give and take access system is only being proposed due to a lack of space. Similarly, Cllr McCuish asked Mr Watson what his 'golden ticket' access standard would be if the site were not constrained in width at its access point.

The answer to this question is that, irrespective of any reduced site width at this point, the give and take traffic calming measure is likely to be the preferred option, even if the width of the site at this point were wider.

Mr McKillop referred to a roads condition referring to a need to clear scrub growth from land south east of Lonan Drive. He stated that this cannot be achieved because this land is in private ownership.

Firstly, this is not a condition forming part of the current recommendation. – It would form part of a subsequent application for Road Construction Consent (RCC) under the Roads (Scotland) Act (RSA). Secondly, this land forms part of the existing highway verge and is within the confines of the public highway. The RSA affords access to the highway for maintenance and improvement at all times, irrespective of ownership.

Mr Pretswell, on behalf of Mr Cooper, raised no new issues. I did, however, enjoy his footballing analogy.

Councillor Lynch stated that, "this is everybody's piece of land". Unfortunately, however, it isn't. It is land in private ownership and has a longstanding history of approved development.

The assessment of applications for planning permission can be difficult and may, on occasion, lead to a decision that may be unpalatable to many.

My responsibility here today is to act not as an individual but to be the mouthpiece for long-established planning principles enshrined within a national and local planning policy and legislative framework. In this respect, I act solely as the voice of the planning authority in this matter.

The key issue in the determination of this planning application is whether or not the principal of residential development within this site is appropriate given the opportunities and constraints afforded by national and local planning policy and having had due regard to all material planning considerations.

I must advise you that in my considered professional experience the development before Members today is wholly in accordance with planning policy – just as it was in 2010, 2011 and 2012 and through to the expiry of those planning permissions approximately three and a half years ago.

The future of our economy and the health, welfare and security of the people who live, attend school, work or are retired in Argyll and Bute depends, to a fundamental extent, upon the continued delivery of appropriate, sustainable development. This Council recognises that one of the key challenges we face is “an urgent need to reverse static or falling populations in some of our Main Towns and Key Settlements by making them better places to live, particularly for economically active families.” One of the central visions of the Planning Authority is that we might achieve this by delivering our housing needs in places where people want to live. By offering a wide range of housing choice in places with modernised essential services and infrastructure and to thereby meet the need for high quality, energy efficient and affordable housing in the right locations to support our economic competitiveness, social justice and sustainable development obligations.

If we can do this together then we might take a few steps closer to ensuring that a decent home is within the reach of every household.

I urge Members to move the recommendation and approve the principle of this development in accordance with the published Report of Handling.

Applicant

Andy Knight advised that he would like to expand and sum up on three minor points. Firstly, he said that he would like to expand on his response to Councillor McCuish regarding consultation with the community. He confirmed that they did not consult at this stage but, moving to the next stage of the process, if this application was approved, they would undertake to consult with the community at the point when preparing to submit their detailed application. He suggested that would be through the Community Council so that people could give their views on the further design of the development.

Secondly, he referred to talk about the access and narrowing of the access and whether or not this was a viable way to enter a site. He advised that he was on site yesterday at Lochdon, Isle of Mull for the same client. He said that the access onto that site had a wide bellmouth which narrowed to 3 metres then widened to 6 metres. He advised that this was a shared surface across the width. He advised there were no constraints in terms of land and that the reason for the narrowness was for traffic calming to ensure vehicles travelled slowly into the site.

Thirdly, he advised that as this was an application in principle there would still be a lot for them to do if this was passed today. He confirmed that a lot of what they would be doing from here would almost be the start of the process. He advised that there would be a lot of liaison with everyone in this room and that it would ultimately come back to the Council for approval. He said that they were closer to the start of the process rather than the end.

Consultees

Roads

Stuart Watson advised that it was his opinion that the layout of the access was acceptable and that a pragmatic and logical approach had been taken. He advised that in respect of control of the road corridor the Roads Authority took at least 1m from the edge and usually 2m and in the absence of a boundary this would go to a fence line. He advised that the principal of the layout was generally okay and that it was when the detailed application came forward that they would hammer out the nuts and bolts of it.

Oban Community Council

Keith Miller advised that he fully stood by everything he had said despite Mr Williams' challenge to that. He advised that his comment about a casual observation was about the wildlife survey and not about how previous applications were handled or the way in which the Committee handled its affairs. He advised that the Community Council remained vexed at the suggestion there had been some underhand mechanism going on and orchestrated campaigning and that the views of the Community Council were not the views of the whole community. He said that no one had expressed an interest other than the one he had delivered today. He advised that the Committee should be safeguarding the public interest of the local residents affected by the hostile development and that they should not be acting as rubber stampers for the Scottish Government's agenda for social housing if it ended up in the wrong place. He asked the Committee to do the right thing in respect of development in the south side of Oban. He referred to the number of years of trouble and problems with other developments there which continued to cause annoyance. He advised that they felt it would be a travesty to allow these things to be introduced into the settled lives of the people living and thriving in Oban. He said they were not looking to display nimbyism but felt there was a better alternative to deliver the Scottish Government's agenda for affordable housing.

Objectors

William McKillop referred to the Planning Officer advising of the historic approvals for planning permission in principle at this site. He said that this was indeed the case but nothing had become of it. He advised that previously the proposal was for 23 or 24 houses and that this would be a far greater development in terms of density. He referred to the previous application that had been withdrawn last year on advice as it was going to be recommended for refusal due to its inadequate access. He pointed out that the Committee had seen the site, had seen the fences and seen the narrowness of the access. He stated that it was totally inappropriate. He referred to the condition about fences and the clearing of verges. He said that his neighbours had been talking about building a fence. He stated that if they went ahead and built a 1m high fence then between there and the pumping station then no grounds would

be able to be cleared as the condition recommended. He referred to the email response to him from Mr Watson regarding his question about the traffic calming situation and layout. He advised that in the planning application priority should be given to traffic in Lonan Drive entering the site. He referred to the chicanes shown in the plans and to priority traffic shown as coming out of the site. He advised that the reply he received from Mr Watson was baffling. He advised that this was an inappropriate proposal and in principle it was just not right.

As Pretswell had to leave the meeting, Andrew Cooper reiterated what colleagues and friends had said. He referred to no mention of possible health issues. He advised that the development would be in a cauldron and that the houses would be low energy. He questioned where the fumes would go and advised that there would not be much sunlight.

Alfred MacKenzie advised that all his questions had been answered and that he had nothing further to add.

Councillor Lynch confirmed that he had nothing further to add but would like to commend the Council Officers and developers for their professional conduct.

Everyone confirmed that they had received a fair hearing.

DEBATE

Councillor Trail advised that the Committee were sometimes faced with a divided community with people having differing viewpoints. He said he did not think that was the case today and in front of the Committee was a fairly united stance. He referred to Mr Pretswell asking the Committee to consider disregarding the law and going with the community. He said that you could not ask the Committee to choose which laws they wished to abide by and those they wished to ignore. He noted that some people have said that this was the right development but in the wrong place. He pointed out that the application before the Committee was the one that had to be determined. He confirmed that he agreed that this was the right development and that it was his opinion that the place was perfectly acceptable. He referred to people raising the issue of safety and he confirmed that an assessment had to be made on whether this was a reasonably safe access road as all roads were dangerous. He advised that he had no problem in agreeing with the Planning Officer's recommendation to approve this application

Councillor McCuish confirmed that at the appropriate time he would be moving a Motion to contradict the recommendation from the Planning Officer.

Councillor Douglas said that she had concerns but took on board what Councillor Trail had said. She agreed that the Committee could only go with what was in front of them. She referred to this being an application for planning permission in principle and questioned whether or not the proposal would succeed. She advised that from what she had heard she was not convinced that it would succeed. She pointed out that there were no details at this stage and said that there were a lot of ifs, buts and maybes and that it was not clearly defined. She said again she was not sure if the Applicants would succeed with this proposal.

Councillor Freeman referred to it being said earlier that there was only one local Member on the Committee and that the Committee were not held in high esteem in

Oban. He advised that the Committee faced criticism wherever they held hearings that the local Members were in the minority and that was a fact across Argyll and Bute. He advised that the Committee had to consider planning applications based on the adopted Local Development Plan and that was a major factor. He stated that the Committee did not take decisions on the basis of trying to be popular and that if they did there would be very few major developments actually approved. He referred to the concerns he had raised about how the Community Council had raised its objection. He advised that it was his understanding that the Community Council discussed this application at a meeting in February and that there were only 5 members of the public in attendance at that meeting. He said that it was difficult for him to accept that the Community Council's views reflected the wider community of the Oban Community Council area. He advised given that the principal of housing on the site had long been established and that the current Local Development Plan supported it, he suggested that any proposal to go against the Local Plan and the Officer's recommendation would mean that the developer would have a strong case for appeal to the Scottish Government. He advised that if this happened he believed that the application would probably end up being approved at that level. He confirmed that based on all the information he had heard today he would be supporting the Officer's recommendation to approve the application.

Councillor Taylor referred to taking account of designated guidance. He advised that as part of the planning system the Local Plan determined what should go where. He pointed out that in the Local Development Plan this site was designated for housing. He also referred to its positive planning history and commented that he believed the current design was better than what had come before. He advised that as the Roads Engineer was satisfied with the arrangements for access and, for his own interest, the protection of Open Space going forward was being looked at, he was minded to say this was an appropriate development for the site. He said that he had some misgivings in the course of some of the questions asked and would reserve his final opinion until he had heard Councillor McCuish's Motion.

Councillor Moffat advised that she was not hugely comfortable with this. She referred to the huge amount of work that had been put in not only by the members of the public but also by the Officers, the Applicant and statutory bodies. She said that it was always the case that not everyone would win no matter how hard a case was presented. She advised that she was not minded to go ahead with this but would like to say that if it was approved then it should come back to the Committee at the detailed stage for consideration. She said that she would not like to see it go through under delegated powers. She advised that it was a huge burden to the Committee to see all this animosity against the proposal and having heard all that was said it was very difficult to walk that narrow and neutral path. She advised that at the moment she felt disinclined to support the proposal but if approved would not like to see it go forward without the detail coming back to the Committee.

Councillor Kinniburgh addressed the points made by the Community Council. He advised that at no time did he suggest or feel that it was suggested that the Community Council had reached its conclusion by underhand measures. He advised that if his view was correct, attendance today, showed they represented the community within the immediate vicinity of the application site and what was put forward by the Community Council today was representative of that community. He also advised of his support of the Planning Officers. He confirmed that he has been involved in Planning since he became a Councillor in 2007 and that he had attended the hearing in 2010 which had been talked about earlier. He advised that he believed

this was one of the first hearings carried out by the PPSL Committee as previous to 2009 planning applications were decided by Area Committees. He confirmed that he has always believed the Council's Officers have acted professionally and gave reports and advice to the Committee for them to scrutinise and question on how Officers reached a decision. He advised that the way a planning application was reviewed it was first assessed and then a report was prepared by a Planning Officer. This report was then passed to another Planning Officer in order to review the assessment and from there it was passed to the Head of Planning who would review and have the final say before signing off the report. He advised that he has always found the manner in which an Officer acted whether in favour or against an application was professional in coming to their decision at the end of the day. He advised that to hear it said that their professional judgement was half baked was astonishing. He confirmed that taking into consideration what was before the Committee today and he personally having sat on the hearing in 2010, he believed that the proposal before the Committee today was better than the proposal put forward in 2010. He pointed out that this proposed development would not encroach on the hillside like it did before. Coming to his conclusion he advised that everyone needed to realise that this application was for planning permission in principle and that this was not the time to be assessing whether the sewage will be accommodated or whether the houses laid out in the indicative plan were in the correct place or providing the right type of accommodation. He advised that this all came later in the planning system when, and if, a detailed application came in if this application was approved. He said that he thought that needed to be borne in mind. He acknowledged that there may be some valid arguments made today about sewage and flooding but this was not the place to be deciding on these issues today as this would come later. He pointed out that these issues were covered by condition in respect of this application and that they would be fully assessed should an application come in the future on the back of this planning permission in principle application if approved today.

Motion

To agree to approve planning permission in principle subject to the conditions and reasons set out in the report of handling and to request Planning Officers not to exercise their delegated powers should a detailed application come in future and that this should come back to the PPSL Committee for consideration.

Moved by Councillor David Kinniburgh, seconded by Councillor George Freeman.

Amendment

I move that this application be refused on road safety grounds given that the conditions proposed by Roads services will not address the very real community concerns about road safety, given the narrowness of the road at points along the proposed access, the unusual use of traffic calming measures to permit a new development and the intensity of traffic already using the existing public road network which would be exacerbated to an unacceptable degree if development were to be allowed to take place on the proposed site. It is considered that the conditions proposed 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. The proposals are therefore considered contrary to LDP policy LDP11 and SG LDP Tran 4 in that they do not meet primary

objectives of meeting the safety of all road users including pedestrians, cycle and motorised vehicles.

Moved by Councillor Roderick McCuish, seconded by Councillor Lorna Douglas.

On there being an equality of votes the Chair gave his casting vote in favour of the Motion and the Committee ruled accordingly.

DECISION

The Committee agreed to grant planning permission in principle subject to the following conditions and reasons and requested Planning Officers not to exercise their delegated powers should a detailed application come in future and that this should come back to the PPSL Committee for consideration:

General

1. 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: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Note to Applicant:

- This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
- Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 within the time limits specified in Section 59 of the Act.
- Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.

- The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.

The applicant should note the advice contained in the attached consultation response from Scottish Water and the Councils Access Officer and should contact them direct to discuss the issues raised.

2. The development shall be implemented in accordance with the details specified on the application form dated 18/12/18 and the approved drawing reference numbers Plan 1 of 5 to Plan 5 of 5, unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

Note to Applicant

It should be noted that the indicative layout submitted in support of the application does not form part of the approval, it is solely for indicative purposes only.

Roads, Access and Parking

3. 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.

4. 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.

Land Drainage

5. 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 4th Edition.

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

Design and Finishes

6. 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 the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
 - iii) 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.

7. Pursuant to Condition 1 – no development shall commence until full details of proposed earthworks to include existing and proposed levels including all finished ground, road and dwelling floor levels and any area of infill proposed have been submitted to and approved by the Council as Planning Authority.

Reason: In the interest of visual amenity.

Landscaping, Tree Surveys and Japanese Knotweed

8. 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 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.

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

9. 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;
 - iv) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
 - v) 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. 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.

Affordable Housing

11. 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.

Wildlife Surveys

12. 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.

Peat Survey

13. 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.

Open Space/Play Areas

14. 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.

Core Path

15. 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 Access Officer should be fully considered in the preparation of the details for the provision of the Core Path within the development.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 1 April 2019 and supplementary report number 1 dated 16 April 2019, submitted)