

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

Reference No: 22/01986/PPP
Planning Hierarchy: Local Development
Applicant: Beaton And McMurchy Architects Ltd
Proposal: Site for the erection of dwellinghouse
Site Address: Land North of Lynburn, Rowan Road, Oban

DECISION ROUTE

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

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

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission in principle be granted subject to the satisfactory conclusion of a section 75 agreement, and the conditions and reasons appended to this report.

(C) CONSULTATIONS:

Argyll and Bute Council - Roads Authority

Report dated 14.11.2022 advising of a deferred decision until the applicant demonstrates that the required improvements to the private road can be achieved within land in the control of the applicant. The applicant subsequently submitted a Transportation Advisory Note and a further response was received from the Roads Authority via email dated 03.02.2023, advising of no further comment to make. The applicant submitted a Road Improvement Proposals plan, and following further consultation, the Roads Authority responded in a report dated 12.10.2023, with a recommendation of refusal, stating that the required upgrade at the junction with the

public road as well as the footpath requirement at its connection with the public road cannot be achieved due to the physical constraints within the private road corridor. Following the submission of amended drawings from the applicant, detailing the proposed upgrade of the private road at its junction with the public road and the scheme for the private road improvements, the Roads Authority were re-consulted and, in a response dated 09.02.2024, advised of no objections subject to conditions.

Scottish Water

Letter dated 18.10.2023 advising of no objections to the application and confirming that there is sufficient capacity in the Water Treatment Works and the Waste Water Treatment Works to service the proposed development. Scottish Water further advised that further investigations may be required once a formal application had been submitted to Scottish Water.

Transport Scotland

Response dated 24.10.2023 advising of no objections to the application. Further email responses, dated 25.10.2022 and 31.10.2022, were received, providing additional comment.

Local Biodiversity Officer

Response dated 17.04.2023 advising of no objections subject to conditions to secure the provision of a bird survey and a landscaping scheme prior to the commencement of development.

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

(D) HISTORY:

99/01006/OUT

Proposed dwelling

Appeal refused on 17.02.2000

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 18.04.2023.

(F) REPRESENTATIONS:

(i) Representations received from:

25 objections, 2 representations and 2 expressions of support have been received to the application.

OBJECTIONS

Mr Colin Crawford, Cairnmore, Rowan Road, Oban, PA34 5TY (24.10.2022)

Mr William Ronald McNiven, Carron, Rowan Road, Oban, PA34 5TQ (25.10.2022)

Derek Crooks, Belmont, Rowan Road, Oban, PA34 5TY – by email only (27.10.2022)

Mr Gordon McNiven, Toriskay, Rowan Road, Oban, PA34 5TY (28.10.2022)

Graham Fraser, Whinbank, Rowan Road, Oban, PA34 5TY – by email only (31.10.2022 & 06.11.2023)
Graham Anderson, Rowanhill, Rowan Road, Oban – by email only (01.11.2022)
Mrs Anne Schofield, High Acres, Rowan Road, Oban, PA34 5TY (01.11.2022 and 26.01.2024)
Philip Wilson, Laroach, Rowan Road, Oban – by email only (01.11.2022)
Caroline Wilson, Laroach, Rowan Road, Oban – by email only (01.11.2022)
David Gray, The Rowans, Dunollie Road, Oban, PA34 5TX – by email only (01.11.2022)
Pamela Gray, The Rowans, Dunollie Road, Oban, PA34 5TX – by email only (01.11.2022)
Frank Walton, Mossilee, Rowan Road, Oban, PA34 5TY – by email only (01.11.2022 & 30.11.2023)
Keith Johnston, Chelan, Rowan Road, Oban, PA34 5TY – by email only (02.11.2022)
Mrs Jennifer S Andreee, Ste Agathe, Rowan Road, Oban – by email only (02.11.2022)
Anne M Fraser, Whinbank, Rowan Road, Oban, PA34 5TY – by email only (01.11.2022)
Mr Caroline McNiven, Carron, Rowan Road, Oban, PA34 5TQ (04.11.2022)
Mrs Theresa Bain, Lynburn, Rowan Road, Oban, PA34 5TY (07.11.2022)
Mrs Elizabeth Crawford, Cairnmore, Rowan Road, Oban, PA34 5TY (07.11.2022)
Miss Emma Beaton, 7B Millpark Terrace, Soroba Road, Oban, PA34 4JH (07.11.2022)
Mr Jude Bain, Lynburn, Rowan Road, Oban, PA34 5TY (07.11.2022 & 27.11.2023)
Mr Peter Bain, Lynburn, Rowan Road, Oban, PA34 5TY (07.11.2022 & 27.11.2023)
Allan Macaskill, 5 Ferryfield Road, Connel, PA37 1SR – by email only (03.11.2022)

REPRESENTATIONS

Allan Macaskill, 5 Ferryfield Road, Connel, PA37 1SR – by email only (07.03.2023)
Colin Crawford, Cairnmore, Rowan Road, Oban, PA34 5TY – by email only (16.10.2023)

SUPPORT

Mr Tom Kennedy, 39 Pulpit Drive, Oban, PA34 4LE (31.10.2022)
Councillor Jim Lynch – by email only (08.02.2024)

(ii) Summary of issues raised:

OBJECTION

Private access road

- Development on this site was previously refused and the appeal was upheld. There has been no upgrade since this time. The road is steep, twists sharply, is restricted in width, is unlit and has poor visibility.
- The road is in poor condition and construction vehicles will cause more damage. The additional usage would cause expensive repairs to be required and paid for by current residents.
- There is no option to widen the road, or add passing places, pavements and street lights. This could become a health and safety issue.

- The junction where the private road meets the public road is at maximum capacity and has poor visibility.
- The road is shared by both vehicles and pedestrians. There are no refuge areas for pedestrians or adequate turning areas for service vehicles. HGVs have to reverse the full length of the road.
- The road has become busier with tourists and there have been recent near miss incidents. Pedestrians are forced to stand on uneven grass verges.
- The increase in traffic for both construction or by the addition of a new dwellinghouse would be detrimental to the road, road users, and is a safety concern.
- Modern cars and vehicles are wider and the opportunity for vehicles to pass each other is restricted.
- The road is already under pressure from the volume of traffic.
- The development would be contrary to the supplementary guidance relating to private accesses.
- The private road has already reached and exceeded its safe capacity.
- The applicant has no control over the adjoining land and therefore cannot carry out any improvements to the standard of the road.
- Any increase in the number of dwellinghouses served by the road would be unacceptable without commensurate improvements.
- All residents have responsibility for maintaining the private road and have not been approached by the applicant to seek agreement.
- The submitted plans indicate a further notional house plot, making three at least three possible new development sites.
- The drawings of the proposed roads improvements are inaccurate and misrepresentative, showing roadway and passing places on driveways.
- The proposed turning area will create an additional hazard as it would sit where two roads spur, on a blind rise.
- The splitting of the existing property is not designed to build only one additional property. Additional dwellinghouses would significantly increase dangers for residents and lead to significant costs for residents having to take shared responsibility for the road.

Officer Comment: *The Council's Roads Authority deferred their decision on the application until it could be demonstrated, in plan form, whether or not the required improvements to the private access could be achieved within land in the control of the applicant.*

The applicant sought to evidence that the existing road network serving the proposed development site would not have an unacceptably adverse or severe effect on highway safety. The Council's Roads Authority did not seek to provide further comment on the additional submitted information. Following the submission of a scheme of road improvement proposals by the applicant, the Council's Roads Authority were re-consulted and recommended refusal as the required upgrade to the junction of the private road, as well as the footpath requirement, at its connection with the public road could not be achieved due to the physical constraints within the private road corridor. The applicant subsequently submitted a revised plan illustrating the required upgrades at the junction of the private road with the public road, as per Operational Services Drawing SD08/002a. Whilst this would be reliant on land under the ownership of a third party, a Section 75 Agreement would secure the required land to facilitate the necessary upgrades within the private road corridor. The Area Roads Authority, in a final response dated 09.02.2024, advised of no objections to the proposed development, subject to appropriate conditions to secure the necessary upgrades to the private access at its junction with the public road, and to secure the appropriate commensurate improvements to the private access road.

This application seeks consent for planning permission in principle for a single dwellinghouse. The agent has confirmed that the proposed notional house plot refers to the site the subject of this current application. Each planning application is assessed on its own merits, taking into account relevant policies and supplementary guidance. Any application which would further intensify the use of the access would be assessed in line with relevant policies and supplementary guidance.

Water supply and drainage

- Water pressure is poor and further demand will worsen this. The sewage system is not up to current standards, with problems of blockages and bursts, causing health hazards. Further pressure on the sewage system and runoff water will cause additional problems.
- The sewage system for the properties is routed through neighbouring properties. The infrastructure is not sufficient to cope with the existing properties let alone an increase.
- Properties would have to incur the expense of installing water pumps.

Officer Comment: *Scottish Water have been consulted on the application and raised no objection to the proposed development, confirming that the proposed development would be serviced by the Tullich Water Treatment Works. Notwithstanding this, a suitable condition would secure authorisation from Scottish Water for connection to the public water supply prior to the commencement of development at the site.*

Access onto the A85

- Access onto the A85 can be difficult for traffic turning into Rowan Road.

- The access onto the A85 is where two steep hills join at right angles. The A85 is one of the major trunk roads and the access is at the point of entry to Oban, serving local residents, the island populations, and tourists.
- It is not possible for two average sized cars to pass at the junction of Rowan Road with the A85 trunk road. This causes obstruction on the A85, presenting a dangerous hazard.
- It is difficult for pedestrians to cross the main road as it is very exposed.

Officer Comment: *Transport Scotland have been consulted on the application and, within their consultation response, advised of no objections to the application. At the request of the Planning Authority, Transport Scotland submitted additional comments on the proposed development, acknowledging that whilst the existing junction with the trunk road does not meet current standards, Transport Scotland considered that the existing junction is of an acceptable standard to be able to cope with the additional trips associated with a single additional property, in addition to the existing use of the junction. Transport Scotland highlight that the assessment and consultation response relate solely to the implications of the application in terms of the A85 trunk road.*

Proposed Use

- The information submitted with the application does not specify whether the application relates to a dwelling for commercial letting purposes. This would not be in keeping with the established residential area.
- The amenity of the neighbouring properties would be adversely impacted and house values would decrease if it was to be more than one family in residence.

Officer Comment: *The proposal the subject of this planning application is seeking to secure planning permission in principle for the erection of a dwellinghouse. The Planning Authority is satisfied that the proposed site has the potential to successfully accommodate one suitably sited, scaled and designed dwellinghouse which would relate to the settlement pattern of the surrounding area. It is considered that subject to suitable siting and design, there would be no adverse impact upon neighbour amenity.*

Suitability of the Site

- There is a chance of land slippage resulting from digging into the hill to facilitate the proposed development.

Officer Comment: *The site the subject of the application is sloping in nature. The Planning Authority sought additional information from the applicant to address concerns relating to the sloping site levels. The additional information submitted with the application indicates a dwellinghouse that would be set into the slope of the plot, designed to address the sloping nature of the site without the need for excessive underbuilding or excavation works.*

REPRESENTATION

Access

- The Transportation Advisory Note does not address the comments made by the Road Engineer of Argyll and Bute Council. The report does not show how the required improvements can be achieved within land in the control of the applicant.
- Other applications have had to provide additional passing places before consent was given.
- The plans show an additional notional house plot.
- The submitted roads details are inaccurate. The private section of the road is 2.6 metres in width except where householders have extended tarmac into their grounds.
- The proposed widening and footpath provision would extend into residents grounds and cover the existing drainage culvert.
- The area shown as a turning area is a section of access.
- The proposed new turning area and footpath would be sited upon an area of ground which hosts water pumps for three dwellinghouses.

Officer Comment: Officer Comment: *The Council's Roads Authority deferred their decision on the application until it could be demonstrated, in plan form, whether the required improvements to the private access could be achieved within land in the control of the applicant.*

The applicant sought to evidence that the existing road network serving the proposed development site would not have an unacceptably adverse or severe effect on highway safety. The Council's Roads Authority did not seek to provide further comment on the additional submitted information. Following the submission of a scheme of road improvement proposals by the applicant, the Council's Roads Authority were re-consulted and recommended refusal as the required upgrade to the junction of the private road, as well as the footpath requirement, at its connection with the public road could not be achieved due to the physical constraints within the private road corridor. The applicant subsequently submitted a revised plan illustrating the required upgrades at the junction of the private road with the public road, as per Operational Services Drawing SD09/002a. Whilst this would be reliant on land under the ownership of a third party, a Section 75 Agreement would secure the required land to facilitate the necessary upgrades within the private road corridor. In a final response dated 09.02.2024, the Council's Roads Authority advised of no objections subject to conditions.

This application seeks consent for planning permission in principle for a single dwellinghouse. The agent has confirmed that the proposed notional house plot refers to the site the subject of this current application. Each planning application is assessed on its own merits, taking into account relevant policies and supplementary guidance. Any application which would further intensify the use of the access would be assessed in line with relevant policies and supplementary guidance.

SUPPORT

- Additional housing is needed within Oban.

Officer Comment: *The expression of support is noted by the Planning Authority.*

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Impact Assessment Report: Yes No

(ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994: Yes No

(iii) A Design or Design/Access statement: Yes No

A Supporting Statement has been submitted with the application.

At the request of the Planning Authority, a Statement of Compliance with NPF4 has also been submitted.

(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: Yes No

A Transportation Advisory Note has been submitted with the application.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No A Section 75 Agreement is required to secure an area of land from a third party within the private road corridor at the junction with the public road. The Section 75 Agreement is required to ensure that the required upgrades to the private access road at its junction with the public road can be achieved within land under the control of the applicant.

In the event that a S75 Agreement is not concluded within 3 months from the date of PPSL determination then the reason for refusing planning permission shall be cited as follows:

NPF4 Policy 13 as underpinned by Local Development Policy LDP 11 and supplementary guidance SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015, and Policy 37 of the proposed Local Development Plan 2, state that further development that utilises an existing private road will only be accepted if that access is either safe and appropriate in its current form or else is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development and that takes into account the current access issues (informed by an assessment of usage); and the applicant can: secure ownership of the private road to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; or demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority

The existing access onto the public road is substandard. The proposed development would result in the intensification in vehicular use of a substandard private access where, in the absence of a S75 being concluded, it has not been demonstrated that the private access is capable of the minimum requirement for commensurate improvements appropriate to the scale and nature of the proposed development on land under the ownership or otherwise within the control of the applicant.

In this regard, the proposal is considered contrary to the provisions of NPF4 Policy 13 as underpinned by Policy LDP 11 and supplementary SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015, and Policy 37 of the proposed Local Development Plan 2.

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

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

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

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 2 – Climate Mitigation and Adaption

NPF4 Policy 3 – Biodiversity

NPF4 Policy 4 – Natural Places

NPF4 Policy 5 – Soils

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

NPF4 Policy 12 – Zero Waste

NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place

NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 16 – Quality Homes

NPF4 Policy 17 – Rural Homes

NPF4 Policy 18 – Infrastructure First

NPF4 Policy 22 – Flood Risk and Water Management

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

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

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

Natural Environment

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

SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 14 – Landscape

General Housing Development

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

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

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

Addressing Climate Change

SG LDP Sust Check – Sustainability Checklist

Transport (Including Core Paths)

SG LDP TRAN 2 – Development and Public Transport Accessibility

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

SG LDP TRAN 5 – Off-site Highway Improvements
SG LDP TRAN 6 – Vehicle Parking Provision

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

- Third Party Representations
- Consultation Responses
- Planning History
- Argyll and Bute Sustainable Design Guidance, 2006
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)
- [ABC draft Technical Note – Argyll and Bute Windows \(April 2018\)](#)

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

Spatial and Settlement Strategy

Policy 01 – Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

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

Connected Places

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes
Policy 36 – New Private Accesses
Policy 37 – Development Utilising an Existing Private Access or Existing Private Road
Policy 39 – Construction Standards for Private Accesses
Policy 40 – Vehicle Parking Provision
Policy 41 – Off Site Highway Improvements

Sustainable Communities

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

Homes for People

Policy 66 – New Residential Development on Non-Allocated Housing Sites within Settlement Areas

High Quality Environment

Policy 73 – Development Impact on Habitats, Species and Biodiversity

Policy 79 – Protection of Soil and Peat Resources

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

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

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

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

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

Whilst there has been considerable objection raised, primarily from residents in the immediate locality of the development, it is noted that the representations relate largely to the suitability of the access to serve the proposed development; the Officer's recommendation is aligned with both the consultation responses from Transport Scotland and from the Council's Roads Authority and as such it is not considered that a pre-determination hearing would add significant value to the decision making process.

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

- None

(P)(ii) Soils

[Agricultural Land Classification:](#)

Unclassified Land

[Peatland/Carbon Rich Soils Classification:](#)

- Class 1
- Class 2
- Class 3
- N/A

[Peat Depth Classification:](#)

N/A

Does the development relate to croft land?

Yes No

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

Yes No N/A

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

Yes No N/A

(P)(iii) Woodland

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

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

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

Status of Land within the Application Brownfield
 Brownfield Reclaimed by Nature
 Greenfield

ABC LDP 2015 Settlement Strategy
LDP DM 1

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

ABC LDP 2015 Allocations/PDAs/AFAs etc:

N/A

ABC pLDP2 Settlement Strategy

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

ABC pLDP2 Allocations/PDAs/AFAs etc:

N/A

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

The proposal the subject of this planning application is seeking to secure planning permission in principle for the erection of a dwellinghouse.

In terms of the Settlement Strategy set out in the adopted LDP, the application site is situated within the defined Main Town Settlement Zone of Oban where Policies LDP STRAT 1 and LDP DM 1 give general encouragement, up to and including large scale, on appropriate sites. These main policy considerations are underpinned by the supplementary guidance contained in SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

The application site comprises an irregular plot of sloping land situated off the private road which extends from Rowan Road. The application site lies within an existing cluster of dwellinghouses, bounded to the south by the property of 'Lynburn', with the properties of 'Toriskay' and 'Carron' bounding the site to the north and northwest. The existing private road bounds the site to the southeast. The property of 'Neaveton' adjoins the western boundary of the site. The site is currently vacant rough ground, vegetated with bracken, grass species and regenerated trees.

The proposal is seeking to secure planning permission in principle for the erection of a dwellinghouse at the site and the formation of a vehicular access. The application has been submitted with indicative details of the footprint of the dwelling and its siting within the plot. The purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

The Planning Authority is satisfied that the proposed site has the potential to successfully accommodate one suitably sited and designed dwellinghouse within the defined settlement zone of Oban which would relate to the settlement pattern of the surrounding area.

Whilst the site is within the defined settlement zone of Oban where Policy LDP DM 1 and supplementary guidance SG LDP HOU 1 of the adopted 'Argyll and Bute Local Development Plan' 2015 give encouragement to housing developments, this is on the basis that there is no unacceptable environmental, servicing or access impact.

Access to the site forms a critical part of this application for planning permission in principle and whilst the engineering/construction details of any such access might be subject to a further application for approval of details pursuant to any planning permission in principle, the fundamental suitability (or otherwise) of the proposed means of access is a matter which must be resolved at this stage.

During the processing of the application, the Council's Roads Authority initially deferred their decision until such a time that the applicant submitted further information to demonstrate, in plan form, whether the required improvements to the private access could be achieved within land in the control of the applicant. The applicant subsequently submitted a Transportation Advisory Note, stating that the site access and approach roads would provide a safe and suitable access to serve the proposed development site. The Council's Roads Authority were re-consulted on the application following the submission of the additional information and provided no further comment. The applicant submitted a scheme of road improvement proposals, and following a further consultation, the Council's Roads Authority recommended refusal as the required upgrade to the junction of the private road, as well as the footpath requirement, at its connection with the public road could not be achieved due to the physical constraints within the private road corridor. The applicant subsequently submitted a revised plan illustrating the required upgrades at the junction of the private road with the public road, to the specification as set out within Operational Services Drawing SD08/002a. Whilst the required upgrades would be reliant upon a section of land under the ownership of a third party, a Section 75 Agreement would secure the required land to facilitate the necessary upgrades within the private road corridor. The Council's Roads Authority were re-consulted on the amended access proposals and in a final response, advised of no objections subject to conditions.

The proposal has 25 objections, 2 representations and 2 expressions of support. The main thrust of the objections relate to the access and associated safety issues.

Accordingly, the site could successfully accommodate a suitably sited and designed dwellinghouse, and it has been demonstrated that, subject to the necessary Section 75 Agreement, the required upgrades to the private road could be undertaken within land under the control of the applicant and it is therefore recommended that the application be approved.

A full report is provided in Appendix A.

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

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

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

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

N/A

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

Author of Report: Emma Shaw **Date:** 09.02.2024

Reviewing Officer: Peter Bain **Date:**

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/01986/PPP

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. PPP – Matters Requiring AMSC Submission

Plans and particulars of the matters specified in Conditions 3, 4, 5, 7, 8 and 9 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).

2. PPP - Approved Details

The development shall be implemented in accordance with the details specified on the application form dated 30.09.2022 supporting information and, the approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Site Plan & Section	2034 02	B	13.10.2022
Site & Location Plans	2034 03	B	13.10.2022
Cross Sections	2034 04		01.12.2022
Site & Location Plans Road Improvements Proposals	2034 07	A	06.02.2024
Junction Site Plan as Proposed	2034 11		06.02.2024

Reason: To accord with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

3. Timescale to be Agreed for Completion

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

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

4. **Vehicular Access, Parking and Turning**

Pursuant to Condition 1 – no development shall commence until plans and particulars of the means of vehicular access and parking/turning arrangements to serve the development have been submitted to and approved by the Planning Authority. Such details shall incorporate:

- i) The upgrade of the existing access at the connection with the public road in accordance with the Council's Roads Standard Detail Drawing SD08/002a with visibility splays measuring 2.4 metres to point X by 25 metres to point Y;
- ii) The provision of a parking and turning area in accordance with the requirements of Policy LDP 11 and Supplementary Guidance SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015;
- iii) The provision of a footway to be provided over the total length of the private road;
- iv) A road carriageway with a minimum width of 3 metres;
- v) The provision of passing places in accordance with Operational Services Drawing 08/003a at locations approximately 50m, 90m and 180m from the junction with the public road;
- vi) The provision of a turning head in accordance with Figure 18 of The Roads Development Guide to be provided at the location where the private road separates to serve the dwellings leading to 'Toriskay' and the dwellings leading to 'High Acres' / 'Rowan Hill', with a bin storage area to the rear of the turning head;
- vii) The provision of street lighting ducting to be installed from the junction with the public road to the location where the private road separates to serve the dwellings leading to 'Toriskay' and the dwellings leading to 'High Acres' / 'Rowan Hill';

Prior to work starting on site, the approved scheme of works shall be completed, and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 0.6m above the road carriageway at point Y and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

Note to applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.

5. **PPP – Availability of Connection to Public Water Supply**

Pursuant to Condition 1 - no development shall commence on site until authorisation has been given by Scottish Water for connection to the public water supply. Confirmation of authorisation to connect shall be provided in writing to the Planning Authority before commencement of development.

Reason: To ensure that the development is adequately served by a public water supply.

Note to Applicant:

- In the event that a public water supply connection cannot be obtained an alternative private water supply would constitute a material amendment requiring the submission of a further planning application.

6. Sustainable Drainage System

Notwithstanding the provisions of Condition 2, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

Note to Applicant:

- Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk .

7. Design and Finishes

Pursuant to Condition 1 – no development shall commence until plans and particulars of the site layout, design and external finishes of the dwellinghouse has been submitted to and approved by the Planning Authority. These details shall incorporate:

- i) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
- ii) A statement addressing how the proposed development has been designed to be consistent with the six qualities of successful places, as defined within Policy 14 of NPF4;
- iii) Local vernacular design;
- iv) Maximum of one and three quarter storey in design;
- v) Rectangular footprint with traditional gable ends;
- vi) Symmetrically pitched roof angled between 35 and 42 degrees finished in natural slate or good quality artificial slate;

- vii) External walls finished in white wet dash roughcast, white smooth render, natural stone, timber cladding or a mixture of these finishes;
- viii) Details of finished ground floor levels relative to an identifiable fixed datum located outwith the application site, along with details of the existing and proposed site levels shown in the form of section drawings, contour plans, site level surveys, or a combination of these;
- ix) Windows with a vertical emphasis; and
- x) Details of an area within the application site for the placement of refuse/recycling bins.

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 surroundings.

8. Landscaping and Biodiversity Enhancement

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 include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels;
- iv) Proposed hard and soft landscape works; and
- v) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

The development shall not be occupied until such time as the physical biodiversity enhancement measures (bird nesting boxes, 'swift bricks', wildlife ponds, bat and insect boxes, hedgehog homes etc), the boundary treatment, surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

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

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

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

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

9. **Pre-commencement Survey**

Pursuant to Condition 1 - no development or other work shall be carried out on the site until a pre-commencement survey for the presence of nesting birds has been carried out by an appropriately qualified person and has been submitted for the written approval of the Planning Authority. In circumstances where species of interest are identified as being present, or at risk from construction works, the survey shall further provide suggested avoidance and or mitigation measures, including timing constraints, to address such presence or risk. The development shall be implemented in accordance with the measures identified in the duly approved scheme.

Reason: In order to establish that the circumstances of the site have not changed significantly between approval and implementation of the development for the purpose of protecting natural heritage assets in the interest of nature conservation.

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	22/01986/PPP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Introduction

1.1. The proposal the subject of this application is seeking to secure planning permission in principle for the erection of a dwellinghouse.

2. Location of Proposed Development

2.1. The application site comprises an irregular plot of land situated off the private road which extends from Rowan Road within the Main Town Settlement Zone of Oban.

The site is located amongst a cluster of existing dwellinghouses, bounded to the south by the property of 'Lynbrun'. The properties of 'Toriskay' and 'Carron' bound the site to the north and northwest. The existing private road bounds the site to the southeast. The property of 'Neaveton' adjoins the western boundary of the site.

The site is currently vacant, sloping rough ground, vegetated with bracken, grass species and regenerated trees.

3. Settlement Strategy

3.1. In terms of the Settlement Strategy set out in the adopted LDP, the application site is situated within the defined Main Town Settlement Zone of Oban where Policies LDP STRAT 1 and LDP DM 1 give general encouragement, up to and including large scale, on appropriate sites. These main policy considerations are underpinned by the supplementary guidance contained SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

In terms of the proposed Local Development Plan 2, the site is identified as being within a 'Settlement Area' where Policy 01 provides general encouragement to development where the proposal is considered acceptable in relation to the overall land supply for the proposed use; is compatible with surrounding uses; is of an appropriate scale and fit for the size of the settlement; respects the character and appearance of the surrounding townscape; and complies with all relevant Local Development Plan 2 policies. In this instance, the proposal for planning permission in principle for a single dwellinghouse is on a site which is of an appropriate scale and fit for the settlement. The scale, siting and indicative design of a dwellinghouse on the site would not raise any issues with regard to Policy 01 in terms of compatibility, and the proposed access would respect the context of the site and the surrounding uses, where it has been demonstrated that the required commensurate improvements can be achieved on land under the control of the applicant.

In order to address the determining issues, the key considerations in this application are:

- 3.1.1. Compliance with the Development Plan and other relevant planning policy.
- 3.1.2. Suitability of an existing private access regime to serve the development.
- 3.1.3. Any other material considerations.

4. Proposal

- 4.1. The proposal is seeking to secure planning permission in principle for the erection of a dwellinghouse at the site. The application has been submitted with indicative details of the footprint and design of the dwellinghouse and its siting within the plot. The purpose of this application is to establish the principle of development with the matters of layout and design to be addressed by way of future application(s) for approval of matters specified in conditions.

The Indicative plans submitted with the application show a dwellinghouse with a modest footprint set into the slope of the plot with the parking and turning area to be sited between the proposed dwellinghouse and the private access road.

5. Compliance with National Policy

5.1. NPF4 Policy 1 – Tackling the Climate and Nature Crises

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4.

Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

In this case, given the small scale nature of the development proposed and its alignment with all other relevant policies in NPF4 and those supporting policies in the Local Development Plan, it is considered that the development proposed would be in accordance with the broad aims of NPF4 Policy 1 as underpinned by Local Development Plan Policies STRAT 1, LDP DM 1 and the adopted Sustainability Checklist.

5.2. NPF4 Policy 2 – Climate, Mitigation and Adaption

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

Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. It is noted that the provisions of the Settlement Strategy set out within Policy LDP DM 1 of the Argyll and Bute Local Development Plan 2015 promotes sustainable levels of growth by steering significant development to our Main Towns and Settlements. Rural growth is supported through identification of Key Rural Settlements and safeguards more sensitive and vulnerable areas within its various countryside designations.

It is considered that the proposed development would be consistent with Policy 2 of NPF4 having had due regard to the specifics of the development proposed and to the overarching planning policy strategy outlined within the adopted Local Development Plan, notably policies STRAT 1, LDP DM 1, LDP 10, the adopted Sustainability Checklist, and Policies 04 and 09 of the proposed Local Development Plan 2.

5.3. NPF4 Policy 3 – Biodiversity

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

In the case of the development proposed by this application, it is considered that there are no issues of compliance with NPF4 Policy 3. The Council's Biodiversity Officer has been consulted on the application due to the presence of vegetation across the site. The Council's Biodiversity Officer advised that the site is covered by bracken, grass species and regenerated trees. As a result of the vegetation present, it would be necessary to attach a condition requiring the provision of a pre-commencement bird survey to be submitted by way of future application(s) for approval of matters specified in conditions. No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and whilst no specific proposals for biodiversity improvements have been submitted it is considered that adequate and proportionate measures for biodiversity enhancement and protection could be delivered by planning condition.

Subject to such conditions, the proposed development is considered to be in compliance with NPF4 Policy 3 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 1, and Policy 73 of the proposed Local Development Plan 2.

5.4. NPF4 Policy 4 – Natural Places

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

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

The proposed development is therefore considered to be in accordance with NPF4 Policy 4 as underpinned by Local Development Plan Policy LDP 3 and supplementary guidance SG LDP ENV 1.

5.5. NPF4 Policy 5 – Soils

NPF4 Policy 5 seeks to protect carbon-rich soils, to restore peatlands and to minimise disturbance to soils from development.

The development proposed by the current planning permission in principle application seeks to develop a sloping area of vacant, rough ground. The site has no agricultural land classification and is not within an identified area of peatland, carbon-rich soils or priority peatland habitat.

The development proposed is therefore considered to be in accordance with NPF4 Policy 5 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 11, and Policy 79 of the proposed Local Development Plan 2.

5.6. NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings

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

Whilst the development proposed by this planning application is on a greenfield site, it is within the Main Town Settlement Zone of Oban where Policies LDP STRAT 1 and LDP DM 1 give general encouragement, up to and including large scale, on appropriate sites. These main policy considerations are underpinned by the supplementary guidance contained within SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

With regard to the proposed Local Development Plan 2, the site lies within the Settlement Area, where development is supported subject to the proposal being compatible with the surrounding uses and being of an appropriate scale and fit for the settlement within which it is to be sited. It is considered that the proposed siting of the dwellinghouse would integrate appropriately with the character and appearance of the wider surroundings in terms of layout, siting, pattern of development, and plot density.

Policy 9(b) of NPF4 aligns with the settlement strategy of the Local Development Plan and the current development proposal raises no issue of conflict.

5.7. NPF4 Policy 12 – Zero Waste

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

The development the subject of this planning application seeks to establish the principle of a new single dwellinghouse. Whilst this is a development likely to generate waste when operational, it would benefit from regular waste uplifts by the Council and will be expected to comply with our adopted and enforced recycling and reuse strategy.

In this regard, the proposed development is considered to be in compliance with NPF 4 Policy 12(c) as underpinned by Local Development Plan Policy LDP 10, supplementary guidance SG LDP SERV 5(b), and Policy 63 of the proposed Local Development Plan 2.

5.8. NPF4 Policy 13 – Sustainable Transport

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

The application proposes to utilise the existing private access road which is situated off the UC001 Rowan Road. The access to Rowan Road is situated off the A85 trunk road.

Transport Scotland have been consulted on the application, and within their consultation response, advised of no objections to the application. At the request of the Planning Authority, Transport Scotland submitted additional comments on the proposed development, acknowledging that whilst the existing junction of Rowan Road with the A85 trunk road does not meet current standards, Transport Scotland considered that the existing junction is of an acceptable standard to be able to cope with the additional trips associated with a single additional property, in addition to the existing use of the junction.

Transport Scotland highlight that the assessment and consultation response relates solely to the implications of the application in terms of the A85 trunk road.

Policy LDP 11 and supplementary guidance SG LDP TRAN 4 of the adopted 'Argyll and Bute Local Development Plan' 2015, along with Policy 37 of the proposed Local Development Plan 2, state that further development that utilises an existing private road will only be accepted if:

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

The primary objective of the above policy and supplementary guidance is the safety of all road users including pedestrian, cycle and motorised vehicles, achieved within a well-designed street environment.

Access to the site forms a critical part of this application for planning permission in principle and whilst the engineering/construction details of any such access might be subject to a further application for approval of details pursuant to any planning permission in principle, the fundamental suitability (or otherwise) of the proposed means of access is a matter which must be resolved at this stage.

During the processing of the application, the Council's Roads Authority initially deferred their decision until such a time that the applicant submitted further information to demonstrate, in plan form, that the required improvements to the private road could be achieved within land in the control of the applicant. The applicant subsequently submitted a Transportation Advisory Note, stating that the site access and approach roads would provide a safe and suitable access to serve the proposed development site. The Council's Roads Authority were re-consulted on the application following the submission of the additional information and provided no further comment. The applicant submitted two subsequent schemes of road improvement proposals, and following a further consultation, the Council's Roads Authority recommended refusal as the required upgrade to the junction of the private road, as well as the footpath requirement, at its connection with the public road could not be achieved due to the physical constraints within the private road corridor. The applicant subsequently submitted a revised plan illustrating the required upgrades at the junction of the private road with the public road, to the specification as set out within Operational Services Drawing SD08/002a. Whilst the required upgrades would be reliant upon a section of land under the ownership of a third party, a Section 75 Agreement would secure the required land to facilitate the necessary upgrades within the private road corridor.

The Transportation Advisory Note submitted by the applicant originally sought to provide comment on the suitability of the surrounding road network to provide access to and from the proposed development site. This additional information sought to evidence that the proposed development, utilising the existing access to the site, would not have an unacceptably adverse or severe effect on highway safety. The Council's Roads Authority were consulted on the additional information submitted by the applicant and provided no further comment. Subsequently, the applicant submitted a scheme of road improvements proposals. This first of such drawings stated that the private access road at its existing

junction with the UC001 Rowan Road already achieved the geometry of the Operational Services Drawing Number SD08/002a. The road improvement proposals included the provision of two passing places, and the provision of a section of a 1 metre wide footway. Following this, further additional road improvement proposals were submitted by the applicant. This drawing also stated that the private access road at its existing junction with the UC001 Rowan Road already achieved the geometry of the Operational Services Drawing Number SD08/002a. The road improvement proposals included the provision of three passing places, the provision of a 2 metre wide footway (except for a 13 metre section at the junction of the private road with the public road), the provision of a turning head and bin storage area, a carriageway width of 3 metres, a section of street lighting, as well as a parking and turning area within the site boundary and a system of surface water drainage. Following a further consultation, the Council's Roads Authority have recommended refusal as the required upgrade to the junction of the private road, as well as the footpath requirement, at its connection with the public road could not be achieved due to the physical constraints within the private road corridor. Subsequently, the applicant submitted a revised plan illustrating the required upgrades at the junction of the private road with the public road, to the specification as set out within Operational Services Drawing SD08/002a. Whilst the required upgrades would be reliant upon a section of land under the ownership of a third party, a Section 75 Agreement would secure the required land to facilitate the necessary upgrades within the private road corridor. The information submitted has satisfactorily demonstrated that, subject to the aforementioned Section 75 Agreement, the access at the junction of the private road with the public road can be upgraded to the required standard in conjunction with the provision of a suitable footway.

It is a key requirement for private roads, where they join the public road network, to provide for adequate visibility splays to be maintained, and to be constructed in such a manner to not cause undue safety issues.

In this instance, the latest consultation response received from the Council's Roads Authority advised of no objections subject to the required upgrade works to the junction of the existing private road at the connection with the public road in accordance with Operational Services Drawing Number SD08/002a and subject to the associated access improvement works within the private road corridor. The information submitted with the application has adequately demonstrated that, subject to a legal agreement to secure the required land, the required upgrade to the private road at its junction with the public road could be undertaken within land under the control of the applicant. The junction of the private road with the public road would be upgraded within the private road corridor in such a way that it would allow for sufficient pedestrian refuge provision at this point of the private road.

In situations where development aims to utilise an existing private road, as is the case of the development proposed within this application, the proposed development requires an informed assessment of the issues related to the proposed additional development and the current situation on the private road, to include any capacity for improvement. In this instance, the Council's Roads Authority reviewed the existing access conditions, the scale and nature of the proposed development, and the scale and nature of the existing development served by the private road. The applicant is proposing a range of improvements to the private access road, and it has been satisfactorily demonstrated that, subject to a Section 75 Agreement, the required upgrade to the private access road at the junction with the public road could be upgraded within land under the control of the applicant. It has therefore been demonstrated that the private access road is capable of the required commensurate improvements on land under the control of the applicant.

In this regard the proposal is considered to be in accordance with the provisions of NPF4 Policy 13 as underpinned by Local Development Plan Policy LDP 11,

supplementary guidance SG LDP TRAN 4, and Policy 37 of the proposed Local Development Plan 2.

5.9. NPF4 Policy 14 – Design, Quality and Place

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

As this application seeks planning permission in principle, only limited indicative details have been submitted regarding the proposed dwellinghouse. The indicative details submitted show a dwellinghouse with a modest footprint set back into the plot, respecting the established settlement pattern and plot density that characterises this part of Oban. The indicative site sections show a one and three quarter storey dwellinghouse that would incorporate traditional features including dual-pitched roofs and gable ends, and would be finished with render and slate roof tiles. The siting of an appropriately scaled dwellinghouse at the site would accord with the settlement pattern, reflecting the existing plot densities, and would have no adverse impact on the wider townscape character of the area.

The Planning Authority is satisfied that the proposed site has the potential to successfully accommodate a suitably sited and designed dwellinghouse within the defined settlement zone of Oban which would relate to the settlement pattern of the surrounding area.

It is considered that the necessary future application for the approval of the details of the proposed development would be expected to comply with the 'place principle' as set out in NPF4 Policy 14 and planning conditions attached to the permission in principle would ensure that the development would be designed to an appropriate standard. In this regard, the development the subject of this planning application is considered to be in accordance with the broad aims of NPF4 Policy 14 as underpinned by Local Development Policy LDP 9, supplementary guidance SG LDP Sustainable Siting and Design Principles, and Local Development Plan 2 Policies 05, 08 and 10.

5.10. NPF4 Policy 15 – Local Living and 20 Minute Neighbourhoods

NPF4 Policy 15 seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home.

In terms of the adopted settlement strategy, the site of the proposed development is within the Main Town Settlement Zone of Oban where Policies LDP STRAT 1 and LDP DM 1 give general encouragement, up to and including large scale, on appropriate sites. These main policy considerations are underpinned by the supplementary guidance contained SG LDP HOU 1 and SG LDP ENV 14 which offer further support to appropriate scales of residential development where such development would have no significant adverse impact upon the character of the landscape and where there is no unacceptable environmental, servicing or access impact.

It is considered that the small scale nature of the proposed development and its setting within the settlement of Oban would reasonably comply with Policy 15 of NPF4 given the existing dispersed geographical scale of the wider environment within which the development is to be located, and given its compliance with the existing settlement pattern and the level and quality of interconnectivity of the proposed development with the surrounding area where people can reasonably

meet the majority of their daily needs within a reasonable distance of their home. This is underpinned by the broad settlement strategy policy contained within Policies LDP DM 1, LDP 8, LDP 10 and LDP 11 of the Local Development Plan.

5.11. NPF4 Policy 16 – Quality Homes

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

NPF4 Policy 16 supports development proposals for new homes that improve choice, including at Policy 16(c) 'self-provided homes'. It is considered that this application to establish the principle of a single dwelling would accord with the broad policy aims of NPF4 Policy 16 and would be in a location underpinned by the adopted settlement strategy policies. The need in Policy 16(f) to ensure that development proposals for an agreed timescale for build-out will be covered through the use of a planning condition.

Whilst the development proposed by this planning application is on land not actively allocated for housing in the LDP, it would wholly accord with the adopted settlement strategy and would accord with the principles of 'local living' and '20 minute neighbourhoods'.

The proposed development is therefore deemed consistent with NPF4 Policy 16 as underpinned by Local Development Plan Policies LDP DM 1 and LDP 8 and supplementary guidance SG LDP HOU 1, and Policy 66 of the proposed Local Development Plan 2.

5.12. NPF4 Policy 17 – Rural Homes

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

The development the subject of this planning application is located within a defined 'remote rural area' where Policy 17(c) offers support where such proposals:

- i) Support and sustain existing fragile communities;
- ii) Support identified local housing outcomes; and
- iii) Are suitable in terms of location, access and environmental impact.

The proposed development seeks the introduction of a single dwellinghouse which would accord with the Council's key planning policies aims of supporting and sustaining fragile rural communities by contributing to actions to reverse our falling rural populations and supporting the local economy.

The development proposed would accord with the policy aims of Policy 17 and would comply with the specific policy requirements of NPF4 Policy 17(c) as underpinned by LDP Policies LDP DM 1, supplementary guidance SG LDP HOU 1, and Policy 66 of the proposed Local Development Plan 2.

5.13. NPF4 Policy 18 – Infrastructure First

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

The development the subject of this planning application proposes a connection to the public water supply network and public drainage network. Scottish Water have been consulted on the application and raised no objection to the application, confirming that the development would be serviced by the Oban Waste Water Treatment Works. Scottish Water advised that further investigations may be required once a formal application had been made to Scottish Water.

The proposal is considered to be consistent with the broad aims of NPF4 Policy 18 as underpinned by Local Development Plan Policy LDP 11.

5.14. NPF4 Policy 22 – Flood Risk and Water Management

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

The development the subject of this planning application proposes a connection to the public water supply network and public drainage network. Scottish Water have been consulted on the application and raised no objection to the application, confirming that the development would be serviced by the Tullich Water Treatment Works. Scottish Water advised that further investigations may be required once a formal application had been made to Scottish Water.

Representations received on the application raise concern regarding the impact of the proposed development upon the water supply to the neighbouring residential properties. In this instance, a suitable condition is therefore required to secure authorisation from Scottish Water for connection to the public water supply.

Subject to the inclusion of such a condition, the proposal is considered to be consistent with the broad aims of NPF4 Policy 22 as underpinned by Local Development Plan Policy LDP 11.

6. Other Considerations

6.1. Public Representation

The application has been subject to 25 objections, 2 representations and 2 expressions of support.

The determining factor in the assessment of this application is whether the development of the site the subject of this application with a dwellinghouse is consistent with the provisions of the adopted National Planning Policy as underpinned by the LDP and whether the issues raised by third parties raise material considerations of sufficient significance to withhold planning permission.

In this instance, as detailed above, there is a clear requirement set out in LDP Policy 11 and supplementary guidance SG LDP TRAN 4 of the adopted Local Development Plan, and Policy 37 of the proposed development Plan 2, for development utilising an existing private road to only be acceptable where the access is capable of commensurate improvements and where such improvements can be made within land under the control of the applicant. In this instance, the applicant is proposing a range of improvements to the existing private road, and it has been satisfactorily demonstrated that, subject to a Section 75 Agreement to secure the required land, the upgrade requirements, being the upgrade to the private road at the junction with the public road, would be achievable on land under the control of the applicant. The private road at its junction with the public road would be suitably upgraded and provision made for commensurate improvements such

that the proposed development would meet the aims of LDP Policy LDP 11 and supplementary guidance SG LDP TRAN 4, which seek to prioritise the safety of all road users.

7. Conclusion

- 7.1. Subject to the required Section 75 Agreement and appropriate conditions to secure the necessary upgrade to the existing private road at the junction with the public road and the associated commensurate improvements to the existing private access, the proposal is considered to be consistent with the provisions of the adopted National Policy as underpinned by the LDP with the issues raised by third parties not amounting to material planning considerations that have not been addressed through the processing of the planning application. Accordingly, the application is recommended for approval subject to conditions.