

Perth and Kinross Council
Planning & Development Management Committee – 21 October 2020
Report of Handling by Head of Planning and Development (Report No. 20/193)

PROPOSAL: Erection of 159 dwellinghouses with associated roads, drainage and landscaping

LOCATION: Land to the north of A912 at Oudenarde, Bridge of Earn, Perthshire

Ref. No: [16/02156/AMM](#)

Ward No: P9- Almond and Earn

Summary

This report provides an update on the Approval of Matters Specified by Condition (AMSC) application for a residential development of 159 dwellinghouses at Oudenarde, Bridge of Earn, which was previously considered and agreed to be approved by this Committee's predecessor on 18 October 2017.

However, before the related decision notice was issued, the applicant expressed concern about a condition requested by Transport Scotland and the process was paused. Subsequently a follow-up report, seeking to amend the terms of the earlier Committee decision, was programmed to be presented to a subsequent Committee on 17 January 2018. Transport Scotland objected to the proposed deletion of the condition and therefore Scottish Government notified PKC on 16 January 2018 that they wished to call-in the application. As such the application was removed from the agenda to be considered the following day.

In the intervening years the original Planning Permission in Principle (PPP) has been modified and the issues leading to the Transport Scotland objection have also been resolved, such that they no longer object. As a result, the Scottish Government have returned the application back to Perth & Kinross Council for determination.

Overall, this proposal remains consistent with the Development Plan and approved masterplan and is recommended for approval, subject to conditions. The original report has been updated as set out below.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Planning Permission in Principle (02/01482/OUT) was granted in September 2016 for a residential, commercial and industrial development with associated school provision, open space and landscaping was ultimately approved. Several other related permissions have also been approved. These include approvals for 150 affordable houses split between two approvals in 2005 and 2008 (05/00410/FUL and [08/01458/FUL](#)) which represent Phase 1 of the 'Oudenarde Village' development, to the north of the railway line and accessed via Clayton Road. To date, 112 of these affordable homes have been completed by Hillcrest Housing Association. Other permissions associated to

roads and other infrastructure are also in place, being approved in advance of the S75 agreement for the PPP being concluded. A detailed planning history is set out in the 'Site History' section below.

- 2 A previous iteration of this AMSC application was considered by this Committee at its meeting on 18 October 2017 ([Report Number 17/338](#)), where members resolved to approve the application. A copy of that Report is appended for information (Appendix 1). However, prior to the decision notice being issued the applicant expressed concern regarding the condition requested by Transport Scotland requiring traffic mitigation measures (which by verbal update at the meeting was recommended to be attached by officers). As the PPP approval had not provided for traffic mitigation the applicant challenged the Council's ability to include such a condition as part of the AMSC approval. Following dialogue with numerous parties, including Legal Services, officers sought to present an amended position to the 17 January 2018 Planning and Development Management Committee ([Report 18/5](#)), which proposed to delete the previously considered condition. A copy of this Report is appended for information (Appendix 2).
- 3 However, this proposed approach resulted in an objection from Transport Scotland and a Direction was issued by the Scottish Government on 16 January 2018 calling-in the application. The application was subsequently forwarded to the Scottish Government's Planning and Environmental Appeals Division (DPEA).
- 4 During the call-in period, some 2.5 years, procedural notices were issued by the appointed DPEA Reporter requiring action by both the applicant and the Council. These resulted in extensive dialogue between the applicant, the Council and Transport Scotland. This cumulated in updated transport modelling being undertaken, clarifying the traffic impacts arising from the development and allowing identification of appropriate mitigation on the local and Trunk Road networks. These measures were then agreed by the applicant and PKC, then endorsed by Transport Scotland. Following this agreement and to facilitate the new roads mitigation measures, Perth & Kinross Council promoted an order under the Town and Country Planning (Scotland) Act 1997 to modify the PPP (02/01482/IPM) issued in 2016. This Modification Order was advertised by the Council on 18 May 2020 and following no objection by any person, it was approved by the Scottish Government in July 2020. The Order modifies the terms and conditions of the original PPP, addressing the transport matters raised by Transport Scotland (modified Conditions 6 and 7) and clarifying the terms by which all related AMSC applications are bound (Condition 1), as well as establishing the maximum extent of development (Condition 5). A copy of the Modification Order is appended for information (Appendix 3). It should however be noted that the associated S75 remains unaltered or affected by the modification.
- 5 Following this Order, Transport Scotland withdrew their objection to the AMSC application. The Scottish Government then issued a further Direction on 10 August 2020, revoking the call-in of the AMSC application and confirming no further action would be taken by them. This AMSC application was therefore remitted back to Perth & Kinross Council to determine.

- 6 Appendices 1 and 2 provide the context and description of the proposal. However, it is considered necessary to clarify these matters below, given the passage of time since the application was last considered in October 2017.
- 7 The application site comprises an area of relatively level ground between the A912 to the south; the Edinburgh-Perth railway line to the north; the A90(T) to the west, with Bridge of Earn beyond; whilst to the east is undeveloped land largely in agricultural use. The A912 road has been upgraded to facilitate the development of land either side and includes a roundabout to provide access to areas to both its north and south.
- 8 Oudenarde (including the proposed site) is identified in TAYplan as a strategic development area. Related to this, it is allocated (site H15) in the Perth and Kinross Local Development Plan 2 (LDP2) 2019 for mixed use development, with an indicative residential number of 1,600 dwellings.
- 9 This AMSC application represents the first permission being sought under the amended PPP and represents 'Phase 2' of the development overall (after the aforementioned affordable housing). Permission is sought jointly by two developers (Taylor Wimpey and GS Brown) for 159 dwellinghouses, ranging from 2-5 bedroom in size, and for associated landscaping and infrastructure immediately north-east of the roundabout on the A912. The proposed mix of housing is as follows.

Taylor Wimpey – all over 2 floors:

2 bedroom – 24 units
3 bedroom – 48 units
4 bedroom – 57 units
5 bedroom – 8 units

GS Brown – bungalows:

3 bedroom – 22 units

- 10 The proposal includes a landscape buffer in the southern area, adjacent to the A912, and another along the eastern boundary. Cycling and walking routes would run through these landscape buffers, connecting with the wider Oudenarde site and beyond, including Bridge of Earn. Within the eastern landscape buffer, a play area is also proposed.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 11 During the Scottish Government call-in of the application, the DPEA screened the proposal and found that an EIA was not required, and this position is accepted by the Council.

PRE-APPLICATION PROCESS

- 12 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is a Matters Specified by Condition application related to a Planning Permission in Principle a pre-

application consultation (PAC) is not required at this stage of the planning process. It is also important to note that the PPP was submitted long before the Act required developers to undertake any pre-application consultation.

NATIONAL POLICY AND GUIDANCE

- 13 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 14 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 15 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

- 16 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: paragraphs 24 - 35
- Placemaking: paragraphs 36 – 57
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

- 17 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning

- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Streets 2010

- 18 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

Creating Places 2013

- 19 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

National Roads Development Guide 2014

- 20 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

DEVELOPMENT PLAN

- 21 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

TAYplan Strategic Development Plan 2016-2036

- 22 TAYPlan sets out a vision for the region in 2036 and what must occur to bring about change to achieve this vision. The vision as set out states that:

"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."

- 23 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 4: Homes
- Policy 6: Developer Contributions
- Policy 8: Green Networks
- Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2 (2019) (LDP2)

- 24 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 25 The application site forms part of a larger (123ha) allocation (H15 in LDP 2 for a mixed-use development (residential and employment). The Site-Specific Developer Requirements for Oudenarde includes the following:
- Implementation of approved Masterplan.
 - Subject to strategic transport appraisal (involving Transport Scotland), a new railway station may be required as part of the development.
 - Investigation of provision of a heat network using renewable or low carbon energy sources.
- 26 The principal relevant policies of LDP2 are, in summary:
- Policy 1: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 14: Open Space Retention and Provision
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 23: Delivery of Development Sites
 - Policy 24: Maintaining an Effective Housing Land Supply
 - Policy 25: Housing Mix
 - Policy 26: Scheduled Monuments and Archaeology
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 40: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 42: Green Infrastructure
 - Policy 52: New Development and Flooding
 - Policy 53: Water Environment and Drainage
 - Policy 54: Health and Safety Consultation Zones
 - Policy 56: Noise Pollution

- Policy 57: Air Quality
- Policy 58: Contaminated Land
- Policy 60: Transport Standards and Accessibility Requirements:

Supplementary Guidance

- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
- PKC Placemaking Supplementary Guidance July 2020
- Developer Contributions and Affordable Housing Supplementary Guidance July 2020.

SITE HISTORY

27 The following planning history is relevant:

- **00/00573/OUT** Proposed new settlement development including residential, commercial and industrial development with associated roads, school provision, open space and landscaping. Application Withdrawn December 2001.
- **01/01822/OUT** Formation of residential commercial and industrial development with associated school provision, open space and landscaping (in outline). Appeal on non-determination August 2002 but was withdrawn by the applicant.
- **02/01482/IPM** Formation of residential, commercial and industrial development with associated school provision, open space and landscaping (In Principle). Application approved by Development Management Committee September 2002. An update on the proposal with a revised Heads of Terms was presented to Development Management Committee in November 2012. The Section 75 legal agreement was concluded September 2016 and decision notice issued September 2016. A Modification Order was submitted to the Scottish Government in May 2020 and was subsequently adopted in July 2020.
- **05/00410/FUL** Erection of 75 affordable dwellinghouses. Application approved by Development Management Committee September 2005.
- **06/01881/FUL** Erection of 193 dwellinghouses with associated roads, open space, landscaping and other ancillary works. Pending decision but will be withdrawn should 16/02156/AMM be approved.
- **07/00401/FUL** Construction of a Road Bridge over railway at Oudenarde. Approved under delegated powers March 2007.
- **07/01791/FUL** Erection of a new primary school with community facilities including parking and access road. Approved under delegated powers August 2008.
- **08/00582/FUL** Formation of roads and associated infrastructure for associated residential development (partly in retrospect). Approved under delegated powers May 2008.

- [08/00610/OUT](#) Outline application for (a) an opportunity site for a Travel Lodge and other uses falling within classes 3, 7 and 8 and (b) a Business Park for Classes 1, 4, 5 and 6 at Brickhall Farm, Bridge of Earn. Approved by Development Management Committee February 2009.
- [08/01458/FUL](#) Erection of 75 affordable dwellinghouses with associated road access and landscaping. Approved by Development Management Committee December 2008.
- [08/01815/MOD](#) Modification of existing consent (08/00582/FUL) for formation of roads and associated infrastructure. Approved under delegated powers October 2008.
- [08/02298/FUL](#) Formation of roads and associated infrastructure. Approved under delegated powers December 2008.
- [08/02303/FUL](#) Formation of roads and infrastructure for associated residential development. Approved under delegated powers December 2008.
- [10/01411/FLL](#) Modification of consent (08/00610/OUT) to delete conditions 11 and 12, modify planning conditions 13, 14, 15 and 16 and add conditions 2 and 3 as per Transport Scotland consultation. Approved under delegated powers November 2010.
- [14/00268/FLL](#) Modification to existing planning permission (08/00582/FUL) to form an additional arm on roundabout and installation of feature on roundabout. Approved under delegated powers April 2014.

CONSULTATIONS

28 As part of the planning application process the following bodies were consulted:

External

- 29 **Transport Scotland:** No objection, following the transport modelling exercise and Modification Order of 02/01482/IPM.
- 30 **Historic Environment Scotland (HES):** No objection.
- 31 **Scottish Environmental Protection Agency (SEPA):** No objection.
- 32 **Scottish Water:** No response received.
- 33 **Shell UK Limited:** No objection.
- 34 **British Petroleum (BP):** No objection.
- 35 **Network Rail:** No objection.

36 **Perth and Kinross Heritage Trust (PKHT):** No objection but advise that the site may have some archaeological potential and development will require monitoring.

37 **Earn Community Council:** No response received.

Internal

38 **Transport Planning:** No objection.

39 **Structures and Flooding:** No objection.

40 **Biodiversity Officer:** No objection, subject to conditional controls.

41 **Community Greenspace:** No objection.

42 **Waste Services:** No objection.

43 **Developer Contributions Officer:** Notes planning permission 02/01482/IPM and that the associated S75 legal agreement establishes the developer contribution requirements and sets out time scales. Advises that S75 also applies to this proposal.

REPRESENTATIONS

44 One representation has been received, which asked if walking and cycling connectivity with Bridge of Earn can be improved through this proposal. This issue is discussed in the 'Appraisal' section below.

ADDITIONAL STATEMENTS

45	Screening Opinion	Undertaken: EIA not required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact	SUDs Modelling; Habitat Survey; Landscaping Plans and Supporting Landscape Statement; Transport Modelling

APPRAISAL

Policy

46 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. Since the application was presented to the October 2017 Planning and Development Management Committee there has been a Development Plan change, with the adoption of TAYplan 2016-2036 (October

2017) and LDP2 (November 2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, the terms of the PPP and matters raised in consultation responses.

Principle

- 47 Notwithstanding the changes to the Development Plan since the application was last considered, the principle of residential development is well established through the Tier 1 Settlement status in TAYplan and the allocation as Site H15 in LDP2 (and the previous Local Development Plan). Furthermore, the PPP (02/01482/IPM) approved in 2016, and modified in July 2020, provides a permission for 25 years from the original approval date; until September 2041. A first phase development of 150 affordable units has already been consented, with 112 completed and occupied to the northwest.
- 48 The principle of residential development is thus established. It is, however, necessary to undertake an assessment of the detail of this proposal.

Transport and Access

Trunk Road

- 49 As highlighted, Transport Scotland expressed concerns of the potential impact on trunk road infrastructure and road safety. This resulted in the Scottish Government calling-in this application in January 2018.
- 50 During that call-in extensive discussions and further procedures were undertaken by the applicant, Perth and Kinross Council and Transport Scotland. This involved new transport modelling being undertaken by the Council and then by the applicant to assess the impact of the development on the adjacent M90 north and south bound slip roads and the geometry of the northbound merge.
- 51 The modelling exercise concluded that signalised junctions on the A912 road, rather than previously considered roundabouts, would provide a safer, more effective and up-to-date design solution for the slip roads. The signalised junctions will also assist with a safer footpath and cycling connection between the site and Bridge of Earn. Transport Scotland agree with this position and the design of the junctions.
- 52 The PPP, as modified, incorporates conditions 6 and 7 (of the Modification Order) which relate to the phased delivery of the off-site road improvements; with modifications to the M90/A912 priority-controlled interchange prior to the completion of the 348th residential dwelling and modification to the existing M90 / A912 northbound merging arrangement prior to the completion of the 848th dwelling. The detailed scheme for both requirements were submitted and endorsed as part of the modification process. As stated, the modified PPP addresses Transport Scotland's concerns, and they no longer object. The proposal, subject to the PPP modified conditions, therefore is not considered to

have any adverse impact on the Trunk Road network and is compliant with LDP2 Policy 60 – Transport Standards and Accessibility Requirements.

Local Road Network

- 53 Transport Planning have reviewed the proposal, including the transport modelling exercise. They are satisfied that the local network can accommodate the generated traffic and there are acceptable sustainable travel options available in the vicinity to ensure compliance with LDP2 Policy 60 – Transport Standards and Accessibility Requirements. Condition 2 and 3 will ensure the works are completed to the required standards.

Internal Road and Parking

- 54 The internal road layout was previously approved and is largely built out on-site. In terms of car parking the developers have provided in-curtilage parking down the sides of houses at the key access points to the site to help reduce the visual dominance of cars. In other areas there is landscaping proposed to help screen areas of car parking and some properties have car parking within the rear garden areas. The intent to integrate parking, as per Government Policy, Designing Streets, appears to be generally undertaken and is considered acceptable.
- 55 A Construction Traffic Management Plan (CTMP) will be required prior to the commencement of development and this will tie in with a maintenance agreement for the existing public road which will deal with any liability in respect of abnormal deterioration caused by the construction traffic (Condition 15).
- 56 Overall, the proposal therefore complies with LDP2 Policy 60; as the trunk and local transport network can accommodate the proposed level traffic generation with minimal impact and mitigation at this stage and the road design and layout within the site is acceptable.

Density, Design and Layout

- 57 Through Creating Places 2013, the Scottish Government signalled the importance they attach to achieving improvements in the design and quality of new development and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process, with it being important at all scales of development.
- 58 Further Designing Streets, published in 2010 by the Scottish Government, suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
- 59 In terms of site layout, permeability of places is a crucial component of good street design. Whilst internal permeability is important, any development should also be properly connected with adjacent areas. A development with poor links to the surrounding area creates an enclave which encourages movement to

and from it by car rather than by other modes. In this case, the proposal includes three vehicular and up to 24 pedestrian/cyclist access points and is thereby considered to be a highly permeable and well-connected site, within the approved Oudenarde masterplan area and also the wider locality, including Bridge of Earn. In terms of cycling and pedestrian connection, it will link up with both existing networks and future infrastructure required to be delivered by the Section 75 legal agreement. The proposal therefore accords with the National Roads Development Guide 2014 and LDP2 Policy 60 Transport Standards and Accessibility Requirements.

- 60 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. In this context buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. As such, the proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. Much of the site contains shared surfaces that help achieve a sense of place and provides several linkages to ensure the site is extremely permeable for all modes of transport especially pedestrians and cyclists with existing and future path connections to Bridge of Earn. The proposal is in line with PAN 77 - Designing Safer Places and LDP2 Policy 1 - Placemaking.
- 61 The proposal consists of two-storey detached, semi-detached, terraced and single storey properties and provide a good mix of open market housing to a wide variety of potential purchasers. This will ensure the proposal complies with LDP2 Policy 25 - Housing Mix.
- 62 In terms of materials, an acceptable palette of materials is proposed. Taylor Wimpey proposes a range of exterior wall colours and materials from white and buff render to yellow and red brick, whilst all their roof tiles will be slate grey in colour. GS Brown's main finishes of white roughcast render, yellow facing brick and base course, and slate grey roof tiles. This will deliver a reasonably consistent design approach with the nearby affordable housing development by Hillcrest Housing Association and will help integrate the development into the locale.
- 63 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of each other. As a result of the site's location at the edge of a settlement, it is considered that the proposed density is acceptable and is in line with the approved masterplan.
- 64 Overall, this phase is in line with the approved masterplan, phasing plan and S75 legal agreement associated with the PPP. The proposal will provide a good mix of open market housing within a well-designed place that complies with the LDP2 policies and Supplementary Guidance on Placemaking.

Drainage and Flooding

- 65 The site is not located within a recorded area of flood risk. However, as the site topography is flat and predominantly clay, a Drainage Strategy was submitted,

including an assessment of the 200-year return period including 20% for climate change.

- 66 Drainage calculations show that the site is not at risk of surface flooding, but that other undeveloped phases of the wider Oudenarde site were at such risk. Evidence has been provided confirming attenuation within the surface water design of the undeveloped phases of Oudenarde can mitigate this flood risk.
- 67 The Flooding team are content that the current proposal is not at risk of flooding and during the development of future phases additional storage can be accommodated within a suitably designed SUDS scheme.
- 68 The Scottish Environment Protection Agency (SEPA) also confirm there will be no adverse impact on flooding or drainage capacity in the area. The proposal therefore complies with LDP2 Policy 52 – New Development and Flooding and Policy 53 – Water Environment and Drainage.

Open Space and Recreation Provision

- 69 The approved masterplan for the wider allocation looks to provide a wide range of open space, play area and sports pitches to meet the needs of the existing and future residents.
- 70 Landscape buffers are proposed to the southern boundary and western boundaries. Within the eastern open space area and boundary landscape buffer, a play area is proposed, consistent with the approved masterplan. Although Community Greenspace comment that they would prefer to see the play area in a more central position within the current application site.
- 71 However, the proposed play area location is consistent with the approved masterplan and will, in time, be located centrally within this part of Oudenarde, as there is to be another residential phase immediately east and it would then benefit from natural surveillance.
- 72 It is considered that the location of proposed open space and play area is acceptable and will benefit future residents in the area. Detailed design of the play area will need to be agreed (Condition 6). The proposal complies with LDP2 Policy 14 – Open Space Retention and Provision.

Residential Amenity

Overlooking

- 73 All of the residential units will maintain an acceptable level of separation which negates any potential overlooking between dwellings.

Overshadowing, loss of sunlight and daylight.

- 74 The Building Research Establishment (BRE) document '*Site Layout Planning for Daylight and Sunlight - a guide to good practice 1991*' sets out guidelines on how to assess the potential impact, although it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 75 Taking cognisance of this BRE document, the distances between new and existing properties and site levels at the southern end of the site, it is considered an acceptable level of daylight and sunlight will be provided to each property.
- 76 Overall, in terms of residential amenity the proposal complies with LDP2 Policy 1 – Placemaking and the Placemaking Supplementary Guidance July 2020.

Ecology

- 77 The Council's Biodiversity Officer expresses disappointment that structure planting has been lost along the boundary with the A912. Nevertheless, it is recognised that a new landscape buffer is proposed.
- 78 It was also recommended that an ecological survey, including a tree survey, be carried out. The applicant provided an updated Habitat Survey to assist consideration of this matter.
- 79 This survey was reviewed by the Council's Biodiversity Officer, who noted that a species of Orchid was present on the site. Because some orchid species are listed in the Tayside Local Biodiversity Action Plan (LBAP) they should be protected. Any Orchids should be translocated, where possible to an area of the site which will allow them to be retained, such as SUDS area of the development. This will be secured through Condition 14.
- 80 Birds identified included skylark and snipe, both protected species which are ground nesting. Prior to commencement of development, if this is during the breeding times of March to August, an ornithological survey (Condition 16) will need to be undertaken to identify nest sites. However, as the Habitat Survey was undertaken outside of the breeding bird season there is potential that other species could nest on site. An updated breeding bird survey will identify species that may be affected and possible nest locations. This will also be secured by Condition 16.
- 81 The Habitat Survey does provide recommendations and mitigation measures which should be conditioned into any approval, including landscaping and the incorporation of swift nest bricks and bat bricks (Condition 13) within the proposed dwellinghouses. Additionally, the timing of vegetation clearance, including hedges and ground flora is recommended to be restricted to a period from 1 September to end of February, unless an Ecological Clerk of Works is available to undertake pre-work surveys. Protection for animals falling into excavations will also be conditioned in any approval (Condition 11).

Archaeology

- 82 PKHT have confirmed that, whilst they have no records, the area may contain archaeology. However, as this is an AMSC application it is not an appropriate stage of the planning process to request new archaeological investigations or conditions to be applied. However, an informative note could be added to the decision notice to make sure the developers are aware that should any archaeology be found during construction that they report it to Perth and Kinross Heritage Trust (Informative 4).

Waste

- 83 The Council's Waste Services team provided comment to ensure all properties have the required number and type of bins and that there should be adequate space within each property. Condition 3 will ensure that the road network will be able to accommodate refuse vehicles servicing the development. An informative will ensure the collection of waste will address this. (Informative 11).

Protected Infrastructure

- 84 Both Shell and BP have confirmed that their infrastructure located at the eastern end of the overall site will not be affected by this proposal. Network Rail have also confirmed that their infrastructure to the north will not be affected. The proposal therefore complies with LDP Policy 54 – Health and Safety Consultation Zones.

Developer Contributions including Affordable Housing

- 85 This site has PPP under 02/01482/IPM. The associated S75 Legal Agreement establishes the developer contribution requirements and payment time scales.
- 86 As part of the overall development of Oudenarde, there is a requirement to provide 300 affordable houses. Hillcrest Housing Association have permission for 150 affordable houses, of which 112 are now completed GS Brown has transferred further land to Hillcrest Housing Association which can accommodate a further 150 affordable houses and this will, in time, satisfy the affordable housing requirement for the overall development. However, planning permission is not yet in place for these remaining units. Although, it is accepted that affordable housing is not therefore required within this phase.

Health Care

- 87 The site is allocated in LDP2 for 1,600 dwellings and NHST were formally consulted during the plan-making process. However, neither NHST or the HCSP provided feedback at the time of the site being allocated within LDP2. In any case, as this is an application for 159 dwellings from within the 1,600 dwelling allocation the impact on local infrastructure has been accounted for. Also, the approved masterplan from the In-Principle permission for the overall allocated site looks to provide a local centre, including health and social care facilities (doctors and dentist) at a later phase. In the longer term it is

anticipated that a new health care centre will be provided and the NHST will be consulted prior to the delivery of a new centre.

- 88 For the reasons discussed above, it is appropriate to consider this application within the parameters of LDP2 and the plan process. The development of the overall site should be assessed based on the requirements of LDP2 Policy 5 and the H15 Site Specific Requirements and, within the identified capacity range, it is not possible to seek developer contributions for health infrastructure.

Economic Impact

- 89 The development of 159 dwellinghouses will provide jobs directly and indirectly during construction and, afterwards, have a positive impact through home owners spending on local goods and services in the local economy in particular and further afield. Both will have a positive impact on the local area.

LEGAL AGREEMENTS

- 90 This site has planning permission in principle (ref. 02/01482/IPM). The associated S75 legal agreement confirms the developer contribution requirement including, phasing; affordable housing provision, primary school provision and education contributions; community infrastructure provision and commuted maintenance payment.

DIRECTION BY SCOTTISH MINISTERS

- 91 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion or, beyond the directions detailed above, no further call-in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 92 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The proposal seeks detailed permission for development on a strategic site. The proposal is consistent with the objectives of the Development Plan and the approved PPP and masterplan for the site.
- 93 Residential development at Oudenarde is a long-standing committed development site and allocated in LDP2. The site is well placed to deliver a new sustainable community, serving as a well-connected satellite settlement to Perth. This phase and the overall site will provide a significant contribution toward meeting the projected population growth of Perth and Kinross.

- 94 The proposed development is therefore considered to accord with the Development Plan. It will lead to the creation of new homes to meet the predicted population growth, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 95 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.

Reason: To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the occupation of any dwellinghouse, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Development Plan.

- 3 Prior to the occupation of any dwellinghouse, details of the specification including materials of all footpaths and cycleways shall be submitted to the Council as Planning Authority for written approval. All footpaths and cycleways, in accordance with the agreed detail, shall thereafter be implemented prior to the completion of the 50th dwellinghouse.

Reason: In the interest of pedestrian and cycle safety.

- 4 The detailed landscaping and planting scheme (Planning ref: 16/02156/6) as approved shall be commenced at the same time as commencement of the residential development and completed by occupation of the 100th dwelling. Thereafter it shall be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Development Plan.

- 5 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Development Plan.

- 6 Prior to the commencement of development, a detailed layout of the proposed children's play area indicated in the site layout plan (Plan ref: 16/02156/2) shall be submitted to, and approved in writing by, the Council as Planning Authority. The approved play area shall be laid out and equipped within six months of the first dwelling occupied on the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

- 7 Prior to the commencement of development, full details of proposed site boundary openings forming new accesses onto the spine road shall be submitted to, and approved in writing by, the Council as Planning Authority. The opening details as approved shall thereafter be implemented prior to the occupation of any residential plot.

Reason: In order to ensure that the associated roads infrastructure is suitably upgraded in order to adequately accommodate the impact of the development proposed.

- 8 No development shall commence until a detailed delivery plan confirming the programmed delivery of the site including landscaping and play area and construction works has been submitted and approved in writing by the Council as Planning Authority. Once approved, the development shall be implemented in accordance with the agreed delivery plan.

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the planning authority considers will bring economic and social benefits to the area.

- 9 All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Council as Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: to ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

- 10 No removal of hedgerows, trees or shrubs or works to or demolition of any buildings or structures that may be used by breeding birds shall take place

between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and verified by the Council as Planning Authority.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 11 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

- 12 Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In the interests of enhancing environmental quality and of biodiversity.

- 13 Prior to occupation of any hereby approved dwellinghouse, a scheme demonstrating that a minimum of 30% (41 units) of all completed two-storey dwellinghouses shall incorporate a minimum of 2 bat bricks (e.g. build-in Woodstone Bat Box) and swift nest bricks (e.g. WoodStone Build-in Swift Nest Box A) shall be submitted to and approved by Perth & Kinross Council as Planning Authority.

Reason: In the interests of enhancing environmental quality and of biodiversity.

- 14 Prior to the commencement of development, any Orchids, as identified in the applicant's Phase 1 Habitat Survey by Christopher Palmer Associates - April 2017 (pages 8, 17, 22 23) shall be translocated and incorporated into the landscape buffer area to allow them to be retained and thereafter maintained to the satisfaction of the Council as Planning Authority

Reason: In the interests of enhancing environmental quality and of biodiversity.

- 15 Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and be approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CTMP.

Reason: In the interest of protecting environmental quality.

- 16 Prior to the commencement of development, an up to date Ornithological and Breeding Birds Survey including mitigation measures shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the approved survey and mitigation measures.

Reason: In the interests of enhancing environmental quality and of biodiversity

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 3 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 4 The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.

- 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 Please apply to the Street Naming and Numbering Officer, The Housing & Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
- 7 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 8 The applicant should ensure that access and operations during construction and the routes for any services for the site take account of both the servitudes of the Shell UK and BP pipelines.
- 9 The proposed building works likely to cause harm to bats should not commence until the applicant has obtained the relevant licence issued by SNH pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.
- 10 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 11 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 12 No work shall be commenced until an application for building warrant has been submitted and approved.
- 13 The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 02/01482/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. A [copy](#) is available to view on the Council's Public Access portal.
- 14 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either

before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

Background Papers: 1 letter of representation
Report of Handling 18 October 2017 (Appendix 1)
Report of Handling 17 January 2018 (Appendix 2)
Modification Order May 2020 (Appendix 3)

Contact Officer: Steve Callan Ext 75337
Date: 8 October 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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You can also send us a text message on 07824 498145.
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