

Perth and Kinross Council
Planning & Development Control Committee – 18 October 2017
Report of Handling by Interim Development Quality Manager

Erection of 159 dwellinghouses with associated roads, drainage and landscaping at
land to the north of A912 at Oudenarde, Bridge Of Earn

Ref. No: 16/02156/AMM

Ward No: N9 Almond and Earn

Summary

This report recommends approval of the matters specified by condition application for residential development of 159 dwellings with associated roads, drainage and landscaping at land to the north of A912 at Oudenarde, Bridge Of Earn, Perthshire.

The development is considered to comply with the current Development Plan. The application is Phase 2 of 'In Principle' planning approval 02/01482/OUT for residential, commercial and industrial development with associated school provision, open space and landscaping at Oudenarde. This proposal is consistent with the approved masterplan for the site and is therefore recommended for approval, subject to conditions.

BACKGROUND AND PROPOSAL

- 1 The application site (known as Oudenarde) is an area of level ground in between the A912 road to the south and the railway line to the north to the east of Bridge of Earn. The site is Phase 2 within the Oudenarde Village development. In Principle planning consent was granted in October 2002 under application 02/01482/OUT for the formation of residential, commercial and industrial development with associated school provision, open space and landscaping. The Section 75 legal agreement was concluded in 2016 which allowed the release of the decision notice. Phase 1 of 150 affordable houses was consented in advance of the Section 75 and 112 have been completed by Hillcrest Housing Association to the north of the rail line and accessible via Clayton Road.
- 2 The A912 road intersecting the Odenarde site has recently been upgraded to facilitate the development of both the approved residential and commercial/employment areas. A roundabout has been constructed to provide access roads to the north and south to serve the site
- 3 Oudenarde (including the proposed site) is identified in the TAYplan Strategic Development Plan (2012) as a strategic development area and is allocated (H47) in the Perth and Kinross Local Development Plan (LDP) 2014 for residential development with an indicative density of 1,600 dwellings.
- 4 This proposal is for the erection of 159 dwellings ranging from 2 to 5 bedroom by two developers (Taylor Wimpey and GS Brown) including landscaping and infrastructure on an area of ground just off the roundabout on the A912. The proposed mix of housing is as follows.

Taylor Wimpey

2 bedroom – 24 units

3 bedroom – 48 units

4 bedroom – 57 units

5 bedroom – 8 units

- 5 All the above will be two storey dwellings.

GS Brown

3 bedroom bungalows – 22 units

- 6 The proposal provides a landscape buffer along the southern end adjacent to the A912 and another landscape buffer is proposed along the eastern boundary. Cycling and walking facilities run through the proposed landscape buffers to connect up with the rest of the Oudenarde site and the wider area including Bridge of Earn. Within the eastern landscape buffer a play area is proposed.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 As the proposal is a Matters Specified by Condition application the environmental impact of Oudenarde was assessed at 'In Principle' stage. An Environmental Report is not required to be submitted at this stage of the planning process.

PRE-APPLICATION PROCESS

- 8 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 the requirements for pre-application consultation are not required at this stage of the planning process.

NATIONAL POLICY AND GUIDANCE

- 9 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN), Designing Places, Designing Streets and the National Roads Development Guide

National Planning Framework

- 10 The 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.

The Scottish Planning Policy 2014

- 11 The SPP is a statement of Scottish Government policy on land use planning. 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
- 12 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 79 Water and Drainage
 - PAN 83 Masterplanning

Designing Places 2001

- 13 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

Designing Streets 2010

- 14 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 and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 15 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

- 16 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Local Development Plan February 2014.

TAYplan Strategic Development Plan (June 2012)

- 17 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2032 the TAYplan region 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”

- 18 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

Policy 1 – Location Priorities

- 19 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area which Oudenarde is in is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region’s additional development over the plan period and make a major contribution to the region’s economy.

Policy 2 – Shaping better quality places

- 20 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan’s Assets

- 21 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Policy 5: Housing

- 22 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the TAYplan. This includes a strategic development area of Oudenarde.

Policy 6: Energy and Waste/Resource Management Infrastructure

- 23 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

Policy 8 – Delivering the Strategic Development Plan

- 24 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

Perth and Kinross Local Development Plan 2014

- 25 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 26 The LDP 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.”*
- 27 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 28 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

- 29 All proposals should meet all eight of the placemaking criteria.

Policy PM3 - Infrastructure Contributions

- 38 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD1 - Residential Areas

- 39 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

- 40 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy TA1A - Transport Standards and Accessibility Requirements

- 41 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 42 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 43 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

- 44 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 47 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy NE2B - Forestry, Woodland and Trees

- 53 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 54 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

- 55 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 57 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

Policy EP2 - New Development and Flooding

- 58 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3A - Water, Environment and Drainage

- 59 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3B - Water, Environment and Drainage

- 60 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 61 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

OTHER POLICIES

- 62 The following supplementary guidance and documents are of particular importance in the assessment of this application.

- Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
- Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.
- Perth and Kinross Retail Study 2014.

Planning Site History

- 63 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.

- **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

External

Transport Scotland

- 64 Have requested conditions that were applied to the adjacent site at Brickhall Farm.

Historic Environment Scotland (HES)

- 65 No objection.

Scottish Environmental Protection Agency (SEPA)

- 66 No objection.

Scottish Water

- 67 No response received.

Shell UK Limited

- 68 No objection.

British Petroleum (BP)

- 69 No objection.

Network Rail

- 70 No objection.

Perth and Kinross Heritage Trust (PKHT)

- 71 No objection but comment that the site may have some archaeological potential and development will require monitoring.

Earn Community Council

- 72 No response received.

Internal

Transport Planning

- 73 No objection.

Flood Risk and Structures

- 74 Following submission of further information on SUDs they are supportive of the proposal.

Biodiversity Officer

Following submission of a Habitat Survey, no objection provided certain conditions are applied.

Community Greenspace

- 75 No objection to the proposal.

Waste Services

- 76 No objection to the proposal.

Developer Negotiations including Affordable Housing and Transport Infrastructure

- 77 The site has planning consent under 02/01482/IPM. The associated Section 75 legal agreement has determined the Developer Contribution requirement and sets out the payment time scales. This S75 applies to this phase.

REPRESENTATIONS

- 78 The application has attracted 1 representation which has asked if walking and cycling connectivity with Bridge of Earn can be improved with this proposal. This is addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

79	Environment Statement	Not required
	Screening Opinion	Not required
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement/Design and Access Statement	Not required
	Report on Impact or Potential Impact	SUDs Modelling; Habitat Survey; Landscaping Plans and Supporting Landscape Statement.

APPRAISAL

Policy

- 80 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 81 TAYplan Policy 1 (Location Priorities) states that Tier 1 settlements have the potential to make a major contribution to the regional economy over the next 20 years. The site is within the Tier 1 settlement of the Perth Core Area and is identified as a strategic development area. The LDP allocates the site for mixed use development. Residential development of this site complies with these policies and therefore the principle of residential use on the site is established and considered to be acceptable. A first phase development of 150 affordable units has already been consented, with 112 built out and occupied on the north western section of the site.

Design and Layout

- 82 Through Designing Places (2001) 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.
- 83 Designing Streets (2010) published 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.
- 84 In terms of site layout, permeability of places is a crucial component in good street design. Internal permeability is important, but any area 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 very permeable and well connected site within the approved Oudenarde masterplan site and also with the wider area 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 LDP Policy TA1 Transport Standards and Accessibility Requirements.

- 85 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. 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. The proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. The proposal is in line with PAN 77 - Designing Safer Places and LDP Policy PM1 Placemaking.
- 86 The proposal consists of two storey detached, semi-detached, terraced and single storey properties by two developers Taylor Wimpey and GS Brown providing a good mixture of open market housing to a wide variety of potential purchasers. 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.
- 87 In terms of materials, both developers propose a reasonably standard but acceptable palette of materials. Taylor Wimpey proposed 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 Browns 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.
- 88 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.
- 89 Overall this phase is in line with the approved masterplan, phasing plan and S75 legal agreement associated with the In Principle permission and will provide a good mix of open market housing types by two developers.

Transport and Access

- 90 Transport Planning having reviewed the proposal, are satisfied that the local network can accommodate the generated traffic and there are sustainable travel options available in the vicinity.
- 91 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 traditional 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 to be acceptable.

- 92 A Construction Traffic Management Plan 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.
- 93 As this is an Approval of Matters Specified by Condition (AMSC) application, Transport Scotland were consulted in error for this proposal. Notwithstanding this they have requested that certain conditions that have been requested in the past to the adjacent employment site at Brickhall Farm are also repeated for this proposal. Their request relates to the detailed and complex planning history of the site and area.
- 94 Whilst the masterplan for the entire site was approved by the Planning and Economic Committee in August 2001, the 'In Principle' Planning Application (02/01482/OUT) was approved by Development Management Committee in October 2002, but subject to the formulation of conditions and the signing of a Section 75 legal agreement. A further report was presented to Development Management Committee in November 2012 to advise that the S75 had not been concluded due to the economic downturn. The report also presented a revised Heads of Terms for the Section 75 and a list of conditions.
- 95 The proposed Heads of Terms relating to Transport included:
- I. Park and Ride/ Rail Halt (Land to be reserved for 12 years)
 - II. Access Works (two roundabouts on the A912 and A912/M90 slip roads) and
 - III. Traffic calming: Bridge of Earn
 - IV. Short Term improvements pending main works
 - V. Clayton Road to footway/ cycle way plus maintain as emergency access
- 96 Reference is also made to the provision of the road bridge over the railway and to be completed before the sale of the 100th mainstream house.
- 97 The proposed conditions included reference to the Heads of Terms of the Section 75 Agreement. However Transport Scotland advise there is no reference to any of the conditions previously advised by them on the masterplan in their consultation response for application 01/01822/OUT, which was never determined because it was appealed on the grounds of non-determination but subsequently withdrawn by the applicant .
- 98 Transport Scotland consultation response to application 08/00610/OUT for the employment land south of the A912 (Brickhall Farm) included two conditions advising that prior to commencement of any development that designs for modifications to the M90 Junction 9/ A912 east and west roundabouts be submitted for approval and that prior to occupation of any part of the development that the approved modifications to the M90 junction 9/ A912 east and west roundabouts shall be completed. Transport Scotland advise that the Decision Notice for 08/00610/OUT did not include these two conditions advised by them.

- 99 The subsequent decision notice for 10/01411/FLL to modify the 08/00610/OUT decision did add the two additional conditions back in that were originally missed to reflect Transport Scotland's consultation response.
- 100 In contrast, the decision notice for 02/01482/OUT issued in September 2016 following conclusion of the Section 75 identifies the infrastructure mitigation only through the Heads of Terms for the S75 Agreement. The Section 75 removes reference to development modifications for the M90/A912 northbound merge and capacity improvements to the A9 Broxden roundabout and introduces the requirement for two roundabouts to be constructed on the M90 slips/ A912.
- 101 Transport Scotland have requested that conditions they recommended for 08/00610/OUT and 10/01411/FLL be imposed for this application.
- 102 Whilst it is regrettable that requested conditions were not included in a past decision but fundamentally they are for a different site and they can still be applied should the employment site at Brickhall Farm come forward. In any event, we have an In Principle planning permission in place with a signed Section 75 legal agreement. It is considered too late in the planning process and unreasonable to try and impose conditions for an Approval of Matters Specified by Condition (AMSC) application for a different development site. Failing to apply conditions requested by a government agency such as Transport Scotland normally means a planning application is required to be sent to Scottish Ministers to see if they wish to call the application in or return to the Planning Authority to issue its decision. However, the Scottish Government has recently confirmed that there is no referral process in place for AMSC applications to go to Scottish Ministers and therefore a decision notice can be issued by the Planning Authority
- 103 The proposal complies with LDP Policy TA1 because the transport network can accommodate the proposed level traffic generation with minimal impact.

Drainage and Flooding

- 104 The site is not located within a recorded area of flood risk. However because the site topography is very flat and predominantly clay, a Drainage Strategy was submitted by the applicant. Drainage calculations were submitted that included an assessment of the 200 year return period including 20% for climate change.
- 105 The drainage calculations show that the proposed development site is not at risk of surface flooding up to this design standard. What it did show was that other undeveloped phases of the Oudenarde site were at risk of some surface water flooding. Evidence has been provided by the applicant confirming attenuation within the surface water design of the undeveloped phases of Oudenarde can mitigate this flood risk.
- 106 The Flood Risk team are therefore 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 surface water drainage system/SUDS.

- 107 Scottish Environment Protection Agency (SEPA) also confirm there should be no adverse impact on flooding or drainage capacity in the area. The proposal therefore complies with LDP Policies EP2 and EP3.

Open Space and Recreation Provision

- 108 The approved masterplan looks to provide a wide range of open space, play area and sports pitches to meet the needs of the existing and future residents and primary school.
- 109 A landscape buffer is proposed along the southern boundary with the A912 and along the western boundary. Within the western boundary landscape buffer a play area is proposed and is consistent with the approved masterplan. Community Greenspace commented that they would prefer to see the play area in a more central position within the current application site.
- 110 However the proposed play area location is consistent with the approved masterplan and will in time be located centrally within this part of the Oudenarde site as there will be another residential phase immediately east of it in the future. It will then be located centrally and will benefit from natural surveillance.
- 111 It is considered that the proposed open space and play area for this phase is acceptable and will be a benefit to future residents in the area. As a result the proposal complies with LDP Policies CF1 – Open Space Retention and Provision and CF3 – Social and Community Facilities.

Residential Amenity

Overlooking

- 112 None of the proposed residential units will result in an unreasonable level of overlooking due to acceptable separation distances between dwellings and proposed buffer planting along the eastern perimeter of the site.

Overshadowing, loss of sunlight and daylight.

- 113 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, it should be noted that the standards are not mandatory and should be interpreted flexibly.
- 114 Taking cognisance of the BRE document, the distances between new and existing properties and site levels at the southern end of the site, I consider an acceptable level of daylight and sunlight will be provided to each property.
- 115 Overall, in terms of residential amenity the proposal complies with LDP Policy PM1 – Placemaking.

Ecology

- 116 The Councils Biodiversity Officer is disappointed that some of the structure planting will be lost along the boundary with the A912. Much of this planting has however already been removed and a new landscape buffer is proposed as part of this phase.
- 117 He also recommended that an ecological survey including tree survey be carried out. Even though this is a Matters Specified by Condition application and technically too late in the planning process to request further ecological investigations, the applicants have provided a Habitat Survey. This has been reviewed by the Biodiversity Officer.
- 118 Of note is the presence of a species of Orchid and as 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.
- 119 Birds identified at the time of the survey included skylark and snipe, both protected species which nest on the ground. Prior to commencement of development, if during the breeding times of March to August that an ornithological survey will need to be undertaken to identify nest sites of all ground nesting birds. As the Habitat Survey was undertaken outside of the breeding bird season it is highly likely that other species could be nesting on site and a breeding bird survey will be required to identify species that may be affected and possible nest locations.
- 120 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. The timing of vegetation clearance, including hedges and ground flora is 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 should also be conditioned into any approval.

Archaeology

- 121 PKHT have confirmed that whilst they have no records the area may contain some archaeology. However as this is an AMSC application it is not the correct stage of the planning process to request archaeological investigations or conditions be applied. However, an informative can 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.

Waste

- 122 The Councils Waste Services team provided guidance as part of their consultation response to ensure all properties have the required number and type of bins and that there should adequate space within each property to

accommodate the required bins and that the road network will be able to accommodate the required refuse vehicles to service the site. An informative will ensure the collection of waste will be addressed.

Oil and Gas Pipelines

- 123 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.

Rail Line

- 124 Network Rail have confirmed that their infrastructure located north of this phase will not be affected by the proposal.

Developer Contributions including Affordable Housing

- 125 This site has planning consent under 02/01482/IPM. The associated Section 75 Legal Agreement determines the Developer Contribution requirement and sets out the payment time scales.
- 126 As part of the overall development of Oudenarde, there is a requirement to provide 300 affordable houses. Hillcrest Housing Association Ltd have planning consent for 150 affordable houses, 112 of these houses are now occupied. GS Brown has transferred further land to Hillcrest Housing Association which can accommodate a further 150 affordable houses and this will satisfy the affordable housing requirement for the overall development. Affordable housing is not therefore required as part of this phase.

Economic Impact

- 127 According to Homes for Scotland, the development of 159 dwellings is predicted to provide 652 (4.1 per dwelling) jobs (construction and afterwards) and this will impact on the level of in-direct jobs that the construction activity and home owners will generate from spending on local goods and services.
- 128 Once operational it is predicted that new residents should help fill job vacancies and support numerous existing employers in the local area.
- 129 The development of 159 dwellings will provide a significant increase in available expenditure for the local economy in particular and further afield. The Perth and Kinross Retail Study in 2014 estimates that average convenience goods available expenditure in 2019 per household will be £2,047 per annum and the average comparison goods available expenditure per household will be £3,634 per annum. Based on these figures and 159 dwellings the estimated annual expenditure on convenience and comparison goods will be in the region of £329,107. This expenditure should have a significant positive impact on the local area and its facilities in particular.

LEGAL AGREEMENTS

- 130 This site has planning consent under 02/01482/IPM. The associated Section 75 legal agreement determines the Developer Contribution requirement and sets out the payment time scales.

DIRECTION BY SCOTTISH MINISTERS

- 131 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30–33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 132 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 to formally establish detailed development on a strategic site and it is consistent with the objectives of the Development Plan and the approved masterplan for the site.
- 133 Residential development at Oudenarde is a committed development site and allocated in the both the SDP and LDP. 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.
- 134 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.
- 135 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 drawings and documents, 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 dwelling, 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 Perth and Kinross Local Development Plan 2014.

- 3 Prior to the occupation of any dwelling, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason: In the interest of pedestrian and cycle safety.

- 4 The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential development and thereafter maintained and competed 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 Perth and Kinross Local Development Plan 2014.

- 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 Perth and Kinross Local Development Plan 2014.

- 6 Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision 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 access onto the spine road shall be submitted to the Planning Authority for further written approval. 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 and construction works has been submitted

and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the 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 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 consent of the 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 agreed by the 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 Planning Authority.

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

- 13 Prior to occupation of any buildings on site a minimum of 30% (41 units) of all completed 2 storey houses 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 incorporated at eaves height.

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

- 14 Prior to the commencement of development, any Orchids identified in the applicant's Habitat Survey shall be translocated to 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 The hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of public health and to prevent noise pollution.

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 NOTE

None required

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is later.
- 2 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.

- 3 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.
- 4 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.
- 6 Should any archaeology be discovered during construction, the applicant is advised to contact Mr David Strachan, Archaeologist – Perth and Kinross Heritage Trust to discuss what is required. Tel: 01738 477080.
- 7 The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.
- 8 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 9 The applicant is advised that the granting of planning consent 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 permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10 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
- 11 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.

- 12 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 13 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 14 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 1 letter of representation
Contact Officer: Steve Callan Ext 75337
Date: 4 October 2017

Anne Condliffe
Interim Development Quality Manager

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