

Perth and Kinross Council  
Planning & Development Management Committee – 19 January 2022  
Report of Handling by Head of Planning and Development (Report No. 22/4)

**PROPOSAL:** Erection of 66 dwellinghouses, 16 detached garages, landscaping, and associated infrastructure (approval of matters specified in conditions 02/01482/IPM)

**LOCATION:** Land north of A912 at Oudenarde, Bridge of Earn

Ref. No: [21/00615/AMM](#)

Ward No: P9 - Almond and Earn

**Summary**

This report recommends approval of the Approval of Matters Specified by Condition (AMSC) application for a residential development of 66 dwellinghouses at Oudenarde, Bridge of Earn.

Overall, this proposal remains consistent with the Development Plan and approved masterplan and is recommended for approval, subject to conditions.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Planning Permission in Principle (PPP) (02/01482/OUT) was granted in September 2016 for a residential, commercial, and industrial development with associated school provision, open space, and landscaping. 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. More recently permission for part of Phase 2A of 159 dwellings(16/02156/AMM) was approved in October 2020 following a call-in by Scottish Ministers. Development has not yet commenced of this approval. As part of the call-in a Modification Order of the PPP was submitted to the Scottish Government in May 2020 and was subsequently adopted in July 2020. The Modified Order added in a condition related to the delivery of required-off-site works on the M90 slip roads and junctions. A detailed planning history is set out in the 'Site History' section below.
- 2 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 M90 to the west, with Bridge of Earn beyond; whilst immediately east is undeveloped land that has permission for 159 dwellings (16/02156/AMM). Beyond that is undeveloped land. The A912 road has been upgraded to facilitate the

development of land and includes a roundabout to provide access to areas to both its north and south.

- 3 Oudenarde (including the proposed site) is identified in TAYplan as a strategic development area. Related to this, it is allocated (H15) in the Perth and Kinross Local Development Plan 2 (LDP2) 2019 for mixed use development, with an indicative residential capacity of 1,600 dwellings.
- 4 This AMSC application represents the second permission being sought under the amended PPP and represents a further element of 'Phase 2a' of the development overall (after the aforementioned affordable housing). Permission is sought for 66 bungalow style dwellinghouses, ranging from 2-3 bedroom in size, and for associated landscaping and infrastructure immediately north-west of the A912 roundabout. The proposed mix of housing is as follows.
  - 2-bedroom bungalow – 13 units
  - 3-bedroom bungalow – 53 units
- 5 The proposal includes a landscape buffer along the southern edge, adjacent to the A912, and along the western boundary with the M90 southbound slip road and the along northern boundary adjacent to a future park and ride facility. Cycling and walking routes would run through these landscape buffers, connecting with the wider Oudenarde site and beyond, including Bridge of Earn. Within the proposed central landscape strip, a play area is also proposed, and a recycling area is proposed in the northeast corner of the site near the access to the future park and ride site.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 6 During the Scottish Government call-in of the Phase 2 application, the DPEA screened the overall site and found that an EIA was not required. This position continues to be accepted by the Council.

## **PRE-APPLICATION PROCESS**

- 7 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**

- 8 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**

- 9 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**

- 10 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.
- 11 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 77 Designing Safer Places
  - PAN 79 Water and Drainage
  - PAN 83 Masterplanning

### **Designing Streets 2010**

- 13 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**

- 14 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**

- 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 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**

- 17 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."*

- 18 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)**

- 19 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.
- 20 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.
- 21 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**

- Placemaking Supplementary Guidance July 2020
- Developer Contributions and Affordable Housing Supplementary Guidance July 2020.

- Flood Risk and Flood Risk Assessments – Developer Supplementary Guidance January 2021

## **SITE HISTORY**

- 22 The following planning history is relevant:
- 23 [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.
- 24 [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.
- 25 [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. The Modified Order added in a condition related to the delivery of required-off-site works on the M90 slip roads and junctions
- 26 [05/00410/FUL](#) Erection of 75 affordable dwellinghouses. Application approved by Development Management Committee September 2005.
- 27 [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.
- 28 [07/00401/FUL](#) Construction of a Road Bridge over railway at Oudenarde. Approved under delegated powers March 2007.
- 29 [07/01791/FUL](#) Erection of a new primary school with community facilities including parking and access road. Approved under delegated powers August 2008.
- 30 [08/00582/FUL](#) Formation of roads and associated infrastructure for associated residential development (partly in retrospect). Approved under delegated powers May 2008.
- 31 [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.

- 32 [08/01458/FUL](#) Erection of 75 affordable dwellinghouses with associated road access and landscaping. Approved by Development Management Committee December 2008.
- 33 [08/01815/MOD](#) Modification of existing consent (08/00582/FUL) for formation of roads and associated infrastructure. Approved under delegated powers October 2008.
- 34 [08/02298/FUL](#) Formation of roads and associated infrastructure. Approved under delegated powers December 2008.
- 35 [08/02303/FUL](#) Formation of roads and infrastructure for associated residential development. Approved under delegated powers December 2008.
- 36 [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.
- 37 [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.
- 38 [16/02156/AMM](#) Erection of 159 dwellinghouses with associated roads, drainage, and landscaping. Approved following a call-in by Scottish Ministers October 2020.

## **CONSULTATIONS**

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

### **External**

- 40 **Transport Scotland:** No objection, subject to recommended condition regarding trigger for M90 slip road junction works which accords with the PPP (as modified).
- 41 **Scottish Environment Protection Agency (SEPA):** No objection on the grounds of flood risk.
- 42 **Scottish Water:** No objection as there is capacity for water and wastewater in the area.
- 43 **Perth and Kinross Heritage Trust (PKHT):** No objection but advise that the site may have some archaeological potential and development will require monitoring.
- 44 **Earn Community Council:** Concerned about impact on primary education and health care provision, plus road safety and flood risk.

## Internal

- 45 **Planning and Housing Strategy:** No objection provided low and zero carbon technologies are secured with any permission (Condition 19).
- 46 **Transport Planning:** No objection as the proposed layout meets their required standards. Standard conditions requested plus one for bus stop provision on the A912.
- 47 **Structures and Flooding:** No objection provided a drainage condition is applied with any permission.
- 48 **Biodiversity Officer:** No objection, subject to a number of biodiversity conditions.
- 49 **Community Greenspace:** No objection.
- 50 **Waste Services:** No objection.
- 51 **Land Quality:** No objection as no records of contamination within proposed site.
- 52 **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

- 53 None.

## ADDITIONAL STATEMENTS

54	Screening Opinion	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	Drainage Assessment; Swept Path Analysis; Tree Report

## APPRAISAL

### Policy

- 55 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**

- 56 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. A further 159 dwellings (16/02156/AMM) were consented for the south of the site in October 2020, but development has not commenced to date.
- 57 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

- 58 During the 16/02156/AMM application that was called in, the PPP was modified to include triggers for required and approved works to be carried out on the adjacent M90 trunk road. Condition 6 of Modified PPP requires the approved slip road junction interchanges to be constructed by the time the 348<sup>th</sup> dwelling is constructed. Based on the approvals to date, it is possible that the dwellinghouse number in this proposal will trigger this requirement during its implementation.
- 59 In the event that this trigger could be reached, it is pragmatic that the applicant is reminded of the requirement and what is expected to be delivered by them. Proposed Condition 7 is therefore recommended to be applied to this approval, to reflect the requirements of Condition 6 of the modified PPP. Therefore, the proposal is not considered to have any adverse impact on the Trunk Road network and is in compliance with LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

### Local Road Network

- 60 Transport Planning have reviewed the proposal and 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. The laybys on the A912 near the site entrance have been designed and constructed to accommodate the provision of bus stops. Condition 4 will ensure this is

provided by the start of the proposed second phase of this proposal. Conditions 2, 3, 5 and 6 will ensure all transport related works are completed to the required standards.

#### Internal Road and Parking

- 61 The internal road layout was previously approved and is largely completed 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. Access is also proposed to the area reserved for the park and ride site approved under the PPP immediately north of the proposed site. 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.
- 62 A Construction Traffic Management Scheme (CTMS) 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 6).
- 63 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.

#### **Phasing and Delivery**

- 64 As advised by both Transport Scotland and Transport Planning, the current proposal, if constructed after or in tandem with the 16/02156/AMM approval, could reach or exceed the 348-dwelling trigger in Condition 6 of the modified PPP for the delivery of the M90 slip road junctions. As already mentioned, Condition 7 recommended within this application is worded to remind the applicant of their obligation for these works to be carried out should this phase trigger the number of dwellings specified.
- 65 There are other infrastructure and phasing matters that are provided for within the Section 75 Legal Agreement secured as part of the PPP application. Also, in conjunction with this, the approved Phasing Plan submitted under 16/02156/AMM, several clauses and triggers for the approval of detailed matters were included. The current proposal requires the following to be met:
- Clause 8.2: Structural Planting for each development parcel. This is proposed to be delivered in conjunction with this application.
  - Clause 10.3.2: Construct and practically completion or procure the construction and practical completion of the bridge over the rail line linking it with the identified area for the primary school. The applicant has advised it makes sense to start providing the required bridge in tandem with approval of this site as construction activity will be in the same area. Once the bridge is complete this will in turn trigger the construction of the first phase of the required primary school (Clause 10.3.4).

- Clause 11: Education Contributions. The first education contribution will be required to be paid before any open market dwelling can be occupied.

66 Delivery of the bridge must be provided no later than the completion of this phase and will need permission in its own right plus other technical approvals. The bridge over the rail line will be a significant milestone for the development of Oudenarde, as it will open up the site for further development proposal, including the primary school, village centre, sports pitches etc. It will also provide the residents of the existing affordable housing development with improved and quicker access to the M90 and beyond.

### **Density, Design and Layout**

67 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.

68 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.

69 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 two vehicular and four pedestrian/cyclist access points. It is 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 Policies 42 – Green Infrastructure and 60 - Transport Standards and Accessibility Requirements.

70 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.

- 71 The proposal consists of 66 single storey bungalow style dwellings. In isolation the proposal for just bungalows does not comply with LDP2 Policy 25 - Housing Mix. However, when assessed cumulatively with the extant approvals for Phase 1 and 2 developments, which are mainly 2 storey dwellings ranging from 2–5-bedroom dwellings, together with the mix for the wider masterplan site likely to come forward, the provision of 66 bungalows adds to the housing mix and provides added choice for house purchasers. In addition, the closest residential development at Brontonfield is all bungalow style dwellings. It is therefore considered to comply with Policy 25.
- 72 In terms of materials, an acceptable palette of materials is proposed. Applicant proposes 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 Phase 1 and the first approval of Phase 2A (16/02156/AMM) and will help integrate the development into the locale.
- 73 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.
- 74 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 mix of open market housing within the overall site that complies with the LDP2 Policies 1 and 25 and Placemaking Guidance 2020.

### **Drainage and Flooding**

- 75 The site is not located within a recorded area of flood risk. The Community Council have raised concerns about flooding in the area. However, as the site topography is flat and predominantly clay, a Drainage Assessment has been submitted, and has been assessed by the Council's Structures and Flooding Team.
- 76 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.
- 77 The Structures and 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.
- 78 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. (Condition 18)

## **Open Space and Recreation Provision**

- 79 The approved PPP 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.
- 80 Landscape buffers are proposed to the southern boundary and western boundaries. Within the central strip of open space and landscape buffer, a play area is also proposed. The proposed play area will be immediately overlooked by the front elevations of proposed dwellings and would then benefit from natural surveillance.
- 81 It is considered that the location of proposed open space, landscape buffers 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 10). The proposal complies with LDP2 Policy 14 – Open Space Retention and Provision.

## **Residential Amenity**

### Overlooking

- 82 All of the residential units will maintain an acceptable level of separation which negates any potential overlooking between dwellings. In addition, all the dwellings are bungalows on a flat site so there will be no elevated house plots that will cause any overlooking issues.

### Overshadowing, loss of sunlight and daylight.

- 83 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.
- 84 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. Overall, in terms of residential amenity the proposal complies with LDP2 Policy 1 – Placemaking and the Placemaking Guidance 2020.

## **Ecology**

- 85 The Council's Biodiversity/Tree Officer recognised that a new landscape buffer is proposed. It was recommended that a tree survey, be carried out. The applicant provided a Tree Survey to assist consideration of this matter.
- 86 Acceptable levels of landscape buffers of 10 metres around the perimeter of the site and through the centre will provide a high number of native trees and will result in a biodiversity enhancement to what is currently on site. Subject to number of biodiversity conditions (13 to 17), the proposal complies with LDP2 Policy 41 – Biodiversity.

## **Archaeology**

- 87 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**

- 88 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. A recycling centre is proposed in the north-eastern corner of the site, and this provision is supported. An informative will ensure the collection of waste will address the bin requirements (Informative 10).

## **Developer Contributions including Affordable Housing**

- 89 This site has PPP under 02/01482/IPM. The associated S75 Legal Agreement establishes the developer contribution requirements and payment time scales.
- 90 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. It is accepted that affordable housing is not therefore required within this proposed phase.

## **Health Care**

- 91 The site is allocated in LDP2 for 1,600 dwellings and NHST were formally consulted during the plan-making process. However, neither NHST nor the HCSP provided feedback at the time of the site being allocated within LDP2. In any case, as this is an application for 66 dwellings from within the 1,600 dwelling allocation the impact on local infrastructure has been accounted for. Also, the approved PPP masterplan provides a local centre, which could include 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.
- 92 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**

- 93 The development of 66 dwellinghouses will provide jobs directly and indirectly during construction and, afterwards, have a positive impact through homeowners 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**

- 94 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**

- 95 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**

- 96 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.
- 97 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.
- 98 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.
- 99 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

**Approve the application subject to the following conditions:**

### **General AMSC**

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.

### **Transport**

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 35<sup>th</sup> dwellinghouse.

Reason: In the interest of pedestrian and cycle safety.

4. Prior to the commencement of the development within Phase 2 hereby approved, the developer shall provide and install on appropriate hard stand asphalt areas, within the existing lay-bys on the A912 (east of the roundabout entrance junction) two 3 Bay enclosed bus shelters (Cairngorm style) with 24/7 electrical power supply to a Haldo pillar adjacent to each shelter to facilitate LED lighting and RTPI display. Supply and Install mountings and associated cabling to support a 28in Ultra-Wide Display Screen for RTPI (this can be included in the bus shelter specification) for both shelters shall be to a design and specification to the satisfaction of the Planning Authority in consultation with the Public Transport Unit.

Reason: In the interest of sustainable travel.

5. 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.

6. Prior to the commencement of the development hereby approved, the developer shall submit for the written agreement of the Council as Planning



Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (CTMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the developer's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason: In the interest of protecting environmental quality.

7. No more than 348 residential dwellings at Oudenarde shall be constructed prior to the completion of modifications to the existing M90 / A912 priority-controlled interchange, generally as illustrated on TA Millard Drawing No. 3167/03/418 and 3167/03/419, unless otherwise agreed in writing with the Planning Authority, following consultation with Transport Scotland.

The number of residential dwellings covered by this application, together with the number of residential dwellings previously approved in terms of consent reference 05/00410/ FUL (75 dwellings), 08/01458/FUL (75 dwellings) and 16/02156/AMM (159 dwellings) and constructed, shall not exceed that

aforementioned 348 residential dwellings threshold applying in terms of this aforementioned Modified IPM Decision.

Reason: To ensure provision of adequate road infrastructure improvement works, in the interest of pedestrian and road safety.

### **Landscape/Open Space**

8. Prior to the commencement of the development hereby approved, an updated detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter 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.

9. 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.

10. Prior to the commencement of development, a detailed layout of the proposed children's play area indicated in the site layout plan (Plan ref: 21/00615/26) 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.

### **Biodiversity**

11. 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.

12. 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).

13. 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.

14. 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.

15. Prior to the commencement of development hereby approved, details of the location and specification of bat and bird nesting opportunities (boxes, bricks, or tubes) on 25% of the approved dwellings shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, they shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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).

16. Prior to the occupation of each dwelling a hedgehog highway shall be installed in garden fences by providing access gaps of 13cm x 13cm at ground level to allow free movement of animals.

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).

17. Prior to the commencement of development all road gullies within 500m of the SUDS pond shall have Wildlife Kerbs installed adjacent to it to allow amphibians to pass safely.

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).

### **Drainage**

18. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason: To ensure the provision of effective drainage for the site.

### **Low Carbon**

19. Development shall not commence until specifying measures for each dwelling to maximise environmental sustainability through design, orientation and planting or any other means has been submitted for the written agreement of the Council as Planning Authority. These measures shall include a scheme that demonstrates how current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance. All works shall be carried out in accordance with the agreed scheme and be operational prior to the occupation of each dwelling.

Reason: In the interest of protecting the environment and sustainability.

## **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 Environment 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](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto: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 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.

9. 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.
10. 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.
11. No work shall be commenced until an application for building warrant has been submitted and approved.
12. 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.
13. 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](mailto: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: None  
Contact Officer: Steve Callan  
Date: 6 January 2022

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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