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Our ref: NA-ANG-009
Your ref: 13/00268/EIAM

25 April 2018

Dear Mr Evans

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING APPEAL: PROPOSED REDEVELOPMENT OF FORMER HOSPITAL
SITE TO INCLUDE NEW BUILD AND CONVERSION TO RESIDENTIAL AND
COMMUNITY USE AND CRÈCHE, ASSOCIATED ACCESS, LANDSCAPE AND
INFRASTRUCTURE WORKS AT FORMER STRATHMARTINE HOSPITAL,
DUNDEE**

1. We refer to the planning application submitted on behalf of Mr Bryce, Heathfield Limited, for the above mentioned development.
2. On 31 March 2015, Scottish Ministers issued a Direction, under Section 46 of the Town and Country Planning (Scotland) Act 1997, requiring the above application to be referred to them for determination. This was because of the proposed development's potential conflict with TAYplan and with key aspects of Scottish Planning Policy (SPP) in terms of sustainable development.
3. The application was considered on the basis of written submissions and an accompanied site inspection carried out on 28 May 2015 by Allison Coard MA MPhil MRTPI, a reporter appointed by Scottish Ministers for that purpose. A copy of Ms Coard's report is enclosed.

Scottish Ministers' Decision

4. The Scottish Government issued a Notice of Intention on 17 September 2015 that Scottish Ministers would be minded to grant planning permission for the above

development but they deferred their formal decision on the planning application to enable a planning obligation, or suitable alternative binding agreement to be concluded to their satisfaction.

5. Given the length of time that has now passed, the continued deterioration of the listed buildings and of the apparent lack of progress towards conclusion of a section 75 agreement, Scottish Ministers subsequently reached the view that the matters to be dealt with, by way of a planning obligation, could be satisfactorily resolved by the imposition of a suitable condition. Subject to the view taken in respect of the imposition of Condition 1, Scottish Ministers accept the reporter's conclusions and recommendation and adopt them for the purpose of their own decision.

6. Accordingly, Scottish Ministers are satisfied with the reporter's reasoning and that there is no significant material change in development plan policy since 2015 which alters that view. The additional condition has taken into account the Angus Local Development Plan 2016 and supplementary guidance on 'Developer Contributions and Affordable Housing' 2016. Condition 1 is therefore imposed.

7. Scottish Ministers hereby grant planning permission in principle for the redevelopment of the former hospital site to include new build and conversion to residential and community use and crèche, associated access, landscape and infrastructure works at former Strathmartine Hospital, Strathmartine subject to conditions set out in the Annex to this letter.

8. The foregoing decision of Scottish Ministers is final, subject to the right, conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997, of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

9. A copy of this letter has been sent to Angus Council and Dundee City Council and to those who made representations.

Yours sincerely

Leigh Johnston

Leigh Johnston
Planning Decisions

ANNEX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 PLANNING APPEAL: PROPOSED REDEVELOPMENT OF FORMER HOSPITAL SITE TO INCLUDE NEW BUILD AND CONVERSION TO RESIDENTIAL AND COMMUNITY USE AND CRÈCHE, ASSOCIATED ACCESS, LANDSCAPE AND INFRASTRUCTURE WORKS AT FORMER STRATHMARTINE HOSPITAL, DUNDEE

CONDITIONS OF PLANNING PERMISSION

Condition 1. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation (as defined in section 26(4)(a)-(f) of the Town and Country (Scotland) Planning Act 1997) in relation to the development until a planning obligation pursuant to section 75(1)(a) of the said Act relating to the land (or other suitable legally binding agreement) has been registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said planning obligation (or other suitable legally binding agreement) will provide that:

- a) a sum of £5,915 (index linked) per dwelling unit (excluding student accommodation, 1-bed units, sheltered/supported housing, holiday accommodation, or listed building conversions – enabling development) will be paid to the planning authority for the purpose of the provision of educational facilities at Strathmartine Primary School;
- b) a sum of £5,253 (index linked) per dwelling unit (excluding student accommodation, 1-bed units, sheltered/supported housing, holiday accommodation, or listed building conversions – enabling development) will be paid to the planning authority for the purpose of the provision of educational facilities at Forfar Academy;
- c) an amount equivalent to 50 commuted sums of £28,000 per unit* shall be paid towards affordable housing provision in the South Angus Housing Market Area representing 22.3% of the total number of residential units to be provided on the site.

*(subject to bi-annual review in line with benchmark land value for an affordable housing plot in the Housing Market Area as calculated by the District Valuer Service).

Reason: To ensure provision of affordable housing in accordance with council policy and to ensure that the impacts on local education infrastructure directly arising as a result of the development can be adequately mitigated.

Condition 2. That, plans and particulars of the matters listed below, shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the authority has been given for the matters listed below and the development shall be carried out in accordance with that approval. The matters are:

- (a) the layout of the site, including the number of residential units to be provided (which shall not exceed 224 units – a maximum of which will comprise 198 new build units), road layout, car parking, turning space, open space, landscaping and facilities for waste/recycle storage and collection. For the avoidance of doubt the indicative layout submitted with the application is not approved;
- (b) a phasing plan for the entire development, including all demolition works; the timing and number of dwelling units to be released in each phase, including the phasing of works to the listed buildings; details of the provision of infrastructure; road construction; provision of street lighting; open space areas; landscaping; drainage infrastructure; and the formation of the new pedestrian/cycle connections;
- (c) full details of all demolition and other works to the listed buildings;
- (d) the siting, design and external appearance of the new build dwellings;
- (e) the existing and proposed ground levels and finished floor levels of the new build houses relative to a fixed ordnance datum;
- (f) the precise details of the means of accesses to the development, including visibility splays for accesses with Craigmill Road, with a minimum 43 metres in each direction at a point 2.4 metres from the channel line of that road; specification of all roads, lighting and road drainage, car parking provision and garage layouts. Within the visibility splays formed nothing shall be erected or planting permitted to grow to a height in excess of 1050 millimetres above the road carriageway;
- (g) the means of drainage for the development and options for morphological improvement to include consideration of any culverted watercourses related to the site. Buildings must not be constructed over an existing drain (including a field drain) that is to remain active. For the avoidance of doubt the foul drainage from the development will be directed to the public sewage system and surface water shall be disposed of by Sustainable Urban Drainage System (SUDS). No development shall commence until evidence is provided to the planning authority to demonstrate that the public sewer has capacity to accommodate development of the entire site. All water retention/detention features shall be designed to minimise danger to the public and shall be fully landscaped and fenced where necessary to achieve this purpose;
- (h) all boundary enclosures;
- (i) the provision of open space, at a minimum of 2.43 hectares per 1000 head of population, including play equipment, and a scheme for its provision and on-going maintenance in perpetuity;
- (j) a public access plan that provides full details of all proposed pedestrian and cycle paths within the site, linkages to the existing wider network and details of their long term maintenance. The plan must also provide for the provision of a footway between the site and Strathmartine Primary School. Once approved, the footway shall be completed prior to the commencement of any development associated with this permission;

(k) evidence of a legally binding agreement between the developer and an appropriate bus operating company relating to the provision of a local bus service at the developers expense to serve the development for a period of three years commencing upon the completion of the one hundred and twelfth housing unit within the site. The scheme shall include details of the proposed frequency and nature of the bus service along with details of the proposed financial provisions for the funding of the service and a bond or similar arrangement to cover the funding of the service in the event that the developer is unable to fulfil their obligations in this respect all to be agreed in writing with the planning authority in consultation with the local transport authority; and,

(l) a public transport scheme that details provision for suitable bus layby(s), bus shelter(s) (with real time display, bus stop pole and raised kerb(s)) on Craigmill Road;

(m) in relation to those buildings and structures that are not to be demolished before occupation of the first new dwelling unit, a scheme to ensure their on-going management and maintenance (up to the point of their demolition and site clearance) in a manner that does not adversely affect the amenity of the area.

Reason: To ensure that the matters referred to are given full consideration and are acceptable to the planning authority.

Condition 3. That any application for Approval of Matters Specified in Condition 2 above shall be accompanied by the following for the further written approval of the planning authority:

(a) a Masterplan for the entire application site which shall include: -

(i) a Design and Access Statement in accordance with the requirements of Part 3 Regulation 13 (5) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013;

(ii) an overall design concept for the layout of the site and dwellings within the site taking account of the setting of listed buildings, building orientation, building height, use of materials, and a palate of colours and textures to be used in the construction of dwellings;

(iii) road access and construction of roads to the standards set by the Roads Authority having regard to Designing Streets;

(iv) provision of access by pedestrian, cycle and public transport;

(v) a strategy for the drainage of foul and surface water;

(vi) details of structure planting and landscaping within and around the site, including details of those trees to be retained and measures for their protection during development.

(b) A Drainage Impact Assessment in accordance with an agreed methodology with the planning authority in consultation with the flood prevention authority; and

(c) A scheme for the provision of a Residential Travel Plan and Pack. Once approved the document shall be provided to the first occupants of each dwelling.

Upon the planning authority giving written approval that all of the foregoing supporting information is acceptable, the development shall thereafter be undertaken to incorporate any identified necessary mitigation or measures identified within the approved studies.

Reason: In order to ensure that development within the site takes place in accordance with an overall design concept and to enable the planning authority to consider the matters detailed in Condition 2.

Condition 4. That prior to the commencement of development on any new build house, evidence of a legally binding contract for the rehabilitation and conversion of the listed buildings in accordance with details approved under Condition 2 and with a valid listed building consent and building warrant that provide for the conversion of the listed buildings to residential accommodation shall be submitted to and approved in writing by the planning authority. Thereafter development shall be undertaken on the following basis unless otherwise approved in writing by the planning authority: -

i) No development shall be undertaken on any new build dwelling until the planning authority has provided written confirmation that approved works on the rehabilitation and conversion of the Administration Building have commenced and progressed in accordance with the phasing details approved under Condition 2. Such works shall include but not be limited to the dewatering of those parts of the Administration Building that are not to be retained and, for those buildings that are to be retained, the works identified in the Strathmartine Hospital Condition Report, Simpson & Brown Architects July 2010 as Part III Schedule of Works 1.00 –5.00;

(ii) No more than 5 new build dwellings shall be constructed until the first dwelling unit in the Administration Building has received a completion certificate under the Building (Scotland) Regulations;

(iii) No more than 20 new build dwellings shall be constructed until the tenth dwelling unit in the Administration Building has received a completion certificate under the Building (Scotland) Regulations;

(iv) No more than 40 new build dwellings shall be constructed until the twentieth dwelling unit in the Administration Building has received a completion certificate under the Building (Scotland) Regulations;

(v) No more than 63 new build houses shall be constructed until the planning authority has provided written confirmation that all rehabilitation and conversion works to the listed buildings have been completed.

Reason: To ensure that the listed buildings are restored as a priority for the benefit of their architectural and historical interests and to ensure a positive impact within their curtilage and the wider landscape setting.

Condition 5. That, prior to commencement of any development works, a comprehensive contaminated land investigation report shall be submitted to and approved in writing by the planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution “The Investigation of Potentially Contaminated Sites – Code of Practice” (BS 10175: 2011). The report must include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33.

Where the approved contaminated land investigation report identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the written approval of the planning authority. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the remediation strategy being approved by the planning authority. Prior to the occupation of the development the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted to and approved in writing by the planning authority.

Reason: To ensure adequate investigation of possible land contamination and to ensure that a remediation strategy is in place for any land contamination identified, in the interest of public health and safety.

Condition 6. Prior to the commencement of any development including demolition works a Construction Management Plan shall be submitted for the written approval of the planning authority. The aforementioned construction management plan shall focus on noise and dust and shall include full details of the following:-

- a) Details of sensitive receptors
- b) Hours of operations
- c) Mitigation measures
- d) Complaint investigation procedures
- e) Noise and dust monitoring

Once approved, this plan shall be implemented in full without variation unless also agreed in writing by the Planning Authority.

Reason: In the interest of environmental protection and the amenity of nearby residents.

Condition 7. Noise associated with construction or demolition works including the movement of materials, plant and equipment shall not exceed the noise limits shown in Table A below unless agreed in writing by the planning authority. At all other times noise associated with construction or demolition operations shall be inaudible at any sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings or any other similar premises.

Table A: Noise limits

Day	Time	Average Period (t)	Noise Limit
Monday-Friday	0700-1900	12 hour	70 dBA Leq t
Saturday	0700-1300	6 hour	70 dBA Leq t

Condition 8. Notwithstanding the findings of the Bat Survey, 'Strathmartine Hospital', dated July 2013 by Nigel Rudd (T&SS Ltd), development shall not commence until full details of mitigation and associated methodology, or any other alternative or additional measures that may be required by a European Protected Species Licence, have been submitted to and approved in writing by the planning authority. The approved methodology shall thereafter be implemented during the development of the site.

Reason: To ensure that the proposal incorporates satisfactory mitigation for bats.

Condition 9. That the development shall be undertaken in accordance with the Strathmartine Hospital Proposed Conversion and Redevelopment Environmental Statement dated April 2013 and the mitigation measures identified therein unless otherwise modified by conditions of this planning permission.

Reason: In order to ensure that the development is undertaken in a manner that mitigates adverse impact on the environment.

Advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period.

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

4. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).