

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 6 OCTOBER 2015

SCOTTISH MINISTERS DECISION - PLANNING APPLICATION AT FORMER STRATHMARTINE HOSPITAL DUNDEE

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report confirms that Scottish Ministers have indicated an intention to grant planning permission in principle for 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 the Former Strathmartine Hospital Dundee. The report also provides a copy of the report in relation to the application which was submitted to Ministers by the appointed reporter.

1. RECOMMENDATION

It is recommended that the Committee notes the outcome of the above application which was called-in for determination by Scottish Ministers.

2. INTRODUCTION

2.1 At its meeting on 18 December 2014 Council resolved to approve planning 13/00268/EIAM (Report /14 refers). Subsequently, at its meeting on 12 February 2015 Council approved proposed Heads of Terms for a Planning Obligation and planning conditions in respect of the proposal (Report 65/15). However, as the application was subject of objection from Dundee City Council it required notification to Scottish Ministers prior to issue of a decision and it was duly notified.

2.2 On 31 March 2015 Scottish Ministers issued a Direction requiring the 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.

2.3 A reporter from the Directorate for Planning and Environmental Appeals was appointed to consider the case on behalf of Ministers. The reporter's report on the application is provided at Appendix 1. Scottish Ministers decision is set out below.

3. SCOTTISH MINISTERS DECISION

3.1 Scottish Ministers have carefully considered the written submissions and the reporter's conclusions and recommendation. They accept the reporter's conclusions and recommendation and adopt them for the purpose of their own decision.

3.2 Accordingly, Scottish Ministers hereby give notice that they are minded to 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, as set out in Appendix 1 of the report, and to the satisfactory conclusion of a planning obligation or suitable alternative binding agreement as set out in paragraph 9.26 of the report.

3.3 Planning permission in principle will not be granted until a planning obligation, or suitable alternative binding agreement, has been concluded to the satisfaction of Scottish Ministers. Scottish Ministers, therefore, propose to defer their formal decision on the planning application, in the first instance for a period of 3 months to enable these actions to be completed.

4. FINANCIAL IMPLICATIONS

There are no financial implications.

5. OTHER IMPLICATIONS

Risk

There are no risks associated with the recommendations contained in this report.

Human Rights Implications

There are no Human Rights implications.

Equalities Implications

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

**VIVIEN SMITH
HEAD OF PLANNING AND PLACE**

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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APPENDIX 1 : DIRECTORATE FOR PLANNING AND ENVIRONMENTAL APPEALS REPORTER'S REPORT

CHAPTER 1: BACKGROUND

- 1.1 Planning Permission in Principle is being sought for the redevelopment of the former Strathmartine Hospital site. A separate application has been lodged with Angus Council for full planning permission for conversion of the listed building to 24 flats (ref: 13/00364/FULL) along with an associated application for listed building consent (ref: 13/00367/LBC).
- 1.2 The proposal is for 198 new build dwellings in order to redevelop the whole of the former hospital site including retention and conversion of the Category B listed building which served as the administration building and pavilion ward blocks. The converted building would accommodate 24 flats. Associated works include demolition/down takings, a small element of extension and remedial works and alterations. The refurbishment and modest extension to two existing residential cottages is proposed to create two larger properties. Refurbishment of the chapel of rest building is proposed to facilitate a change of use to a community building/crèche. Across the site remedial ground works, landscaping and infrastructure works are also proposed along with new/upgraded access provision. The existing site has around 20 derelict buildings, some inter-connected of varying footprints, sizes and heights. The much larger more obviously institutional buildings are over 16 metres in height.
- 1.3 The application site extends to some 18 hectares and is located 400 metres north of the Dundee City administrative boundary. The areas to the north, east and south (between the site and the Dundee boundary) are predominantly in agriculture or forestry use. To the south east of the site are the existing properties at Ashton Terrace, which were once part of the hospital estate. To the west of the site are the remaining National Health Facilities and beyond this, approximately 800 metres west of the application is the village of Bridgefoot which includes a primary school. The site has been closed, unused and un-maintained since 2003.
- 1.4 The administration building and three contemporary pavilion ward blocks comprise a Category B listed building (HB Number: 48113). The curtilage of the listed building has been defined by Angus Council (May 2011) to include extensions to the north of the administration building, the separate laundry block to the north and the pair of single-storey cottages to the north-west. The 11 bay administration block with pavilion roof and shaped gables was designed by John Turnbull McLaren and dates back to 1900. Originally founded as the Baldovan Institution it was the first orphanage for the specialised care of children to be founded in Scotland. It was taken over by the National Health Service in 1948 and further extensions were built in the 1960's.
- 1.5 The applicant has submitted a 'Strathmartine Hospital Masterplan' in support of the application. Whilst indicative, it illustrates how development would be achieved with a primary site access as existing from Craigmill Road and a secondary access proposed off the partially adopted Craigmill to Balmydown Road to the east. A series of secondary routes through the site are illustrated leading to the various areas of dwellings. Five construction phases are proposed and the new housing would occupy the level areas of the site where the existing hospital uses and buildings are located. Key landscape features and views are identified as the basis for the landscape design for tree areas, open space and landscaping throughout the site.
- 1.6 The applicant's agent has submitted the following documents in support of the application:
- Environmental Statement;
 - A Pre-Application Consultation Report;
 - Planning Policy Statement;
 - Masterplan;
 - Transport Assessment;
 - Ecology Report;
 - Tree Survey;
 - Flood Risk Assessment (including Hydrological Assessment);
 - Conservation Plan Condition Report; and
 - Development Appraisal.

CHAPTER 2: CONSULTATION RESPONSES

- 2.1 Community Council - Strathmartine Community Council object to the large scale of the development as contrary to the development plan. Concerns include roads and access suitability; pedestrian safety; school capacity; site layout and design and bat protection.
- 2.2 Angus Council - Roads - The proposal was considered in terms of likely traffic and its impact on the local road network, considering the submitted Transport Assessment. No objection is raised, subject to planning conditions relating to visibility, footway provision, car parking, layout and drainage and further transport assessments.
- 2.3 Scottish Water - No objection to the proposal. It notes that due to the size of the development, Scottish Water will be required to assess the impact of this new demand through its consenting process.
- 2.4 Angus Council Environmental Health - No objections are raised subject to planning conditions requiring investigation and mitigation of contaminated land.
- 2.5 Angus Council - Housing Service - In terms of Policy SC9 of the Angus Local Plan Review, 40% affordable housing would be required. However, development viability information (based on an Education contribution of £672,000), has confirmed the required Affordable Housing contributions would be reduced to 25% of the new build element only, which would equate to 50 commuted sums. This equates to a 22.3% overall contribution for the whole site (of 224 units). This contribution could be met by way of payment of a commuted sum per contribution unit. The commuted sum amount is currently £21,600/unit; however, this is subject to bi-annual review by the Valuation Office Agency and is subject to change. Payment of any contribution would be phased.
- 2.6 Angus Council - Flood Prevention - No objection to the application as the site lies outwith the 1 in 200 year flood envelope for the Dighty Water. A full Drainage Impact Assessment and surface water drainage details would be required.
- 2.7 Angus Council - Education Service – Strathmartine Primary School would require to be extended to accommodate the anticipated number of children. Taking other planned development into account an extension of Forfar Academy would also be required in order to accommodate children from this development. On this basis the Education Service has indicated a contribution of £11,000 per dwelling is now required.
- 2.8 Angus Council - Transport Section – No objection but would seek the provision of a developer contribution in order to sustain existing bus services in the area. Further discussion on how this could be provided would be required should the application be approved. Infrastructure in the form of bus shelters and laybys would be required.
- 2.9 Angus Council - Parks and Burial Grounds – Local Plan Policy SC33 standards in relation to open space provision of 2.43 hectares per 1000 head of population would apply. This should be achieved and satisfactorily designed in any subsequent application.
- 2.10 Scottish Environment Protection Agency - The Environmental Statement is satisfactory to support the planning application. No objection on flood risk and SEPA would expect Angus Council as Flood Prevention Authority to comment on flood risk and the use of SUDS. In respect of surface water drainage, SEPA encourages the applicant to engage on this matter. General advice and comment is given on air quality.
- 2.11 Scottish Natural Heritage - Has indicated that its key interest in relation to this proposal is European Protected Species, notably bats. Having assessed the Environmental Statement and Bat Survey it has no objection. If the application is approved, a licence would be required and based on the information available it is likely that the tests would be met in granting this licence.
- 2.12 Dundee City Council - Objects to the planning application. The proposal is not in accordance with the spatial strategy and policies of TAYplan and has the potential to impact on the housing strategy of the Dundee Proposed Local Development Plan (now the Dundee Local Development Plan 2014). It also raises issues in respect of the Angus Local Plan Review, being for substantially more numbers than allocated in Proposal St1. Dundee City Council

contends that the development will contribute to a cumulative effect on traffic levels and congestion in Dundee, especially on the access into the A90/Kingsway junctions.

- 2.13 Aberdeenshire Council Archaeology Service – No objection it advises that the Condition Report and Conservation Plan, along with the submitted drawings, are sufficient to address the requirement for a Level 1 Standing Survey (as per PAN 2/2011, SPP and SHEP).
- 2.14 Historic Scotland – No objection. Satisfied that there will be no significant effects on the site or setting of any heritage assets within their statutory remit. Agree with the findings of the Environmental Statement. The council refers to separate consultation on the Listed Building Consent application where Historic Scotland are satisfied that the parts selected for demolition are of lesser importance and where (due in part to their current condition or location) asking for retention would not be a practical or even a desirable approach.
- 2.15 Transport Scotland - Does not object to the planning application. The proposal has been considered in the context of the A90 trunk road and the percentage increase in traffic on this road arising from the proposal would not be significant. The development proposal would have no significant environmental impact on the trunk road network or its adjacent receptors. There are no concerns in respect of construction traffic and the provision of a Construction Environmental Management Plan is welcomed.
- 2.16 Angus Council - Quantity Surveyor – The submitted Development Appraisal and further information confirms that the costs predicted are broadly acceptable owing to the nature of site conditions and the likely development costs associated with the proposal.
- 2.17 Third Parties - Of the 23 letters of representation received to the planning application, 22 object to the application and one provides general comment. One of these representations was a petition of 23 signatures from the residents of Ashton Terrace. The residents recognise a need for some form of development, but are concerned about the scale of development being too high as well as other general concerns as listed below:
- Inappropriate Density/ Out of Character
 - Undesirable precedent
 - Location of access unacceptable
 - Lack of footway
 - Insufficient road/access Capacity
 - Road traffic/pedestrian Safety
 - Danger to school children
 - Inadequate sewerage provision
 - Inadequate water supply
 - Detrimental to residential amenity
 - Noise disturbance
 - Loss of open space
 - Detrimentally affects wildlife and protected species
 - Unacceptable impact on trees
 - Detrimentally affects listed buildings
 - Unacceptable flood risk
 - School capacity
 - Support for Dundee City Council objection

CHAPTER 3: POLICY CONTEXT

- 3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan includes TAYplan June 2012 which is the strategic plan for the area and the Angus Local Plan 2009. Strategic development plan policies of relevance include:

Policy 1: which states that release of land which is not within or on the edge of a principal settlement is only supported where there is insufficient land or where the scale and nature of the required land use cannot be accommodated.

Policy 2: on delivering good quality places.

Policy 3: on safeguarding historic buildings.

Policy 5 which requires the maintenance of a five year effective land supply and a mix of housing including affordable housing. This policy also includes a presumption against land release in areas surrounding the Dundee Core Area where it would prejudice the delivery of Strategic Development Areas or regeneration within the core areas or conflict with other parts of the Plan.

- 3.2 The Angus Local Plan identifies Strathmartine Hospital as an opportunity site under Proposal St1. This recognises the potential for re-use and redevelopment for a mix of uses within the Category B Listed Buildings. It supports new build residential development but only up to a maximum of 40 units. Policy St1 also suggests that other land uses such as business uses, nursing or care homes, leisure and recreational uses should also be investigated.
- 3.3 The Local Plan strategy seeks, amongst other things to guide and encourage the majority of development, including local housing and employment opportunities, to locations within the larger settlements that have capacity to accommodate new development and are well integrated with transport infrastructure. It also seeks to provide for local housing need, and ensure access to affordable housing.
- 3.4 The council's report of handling gives some weight to the conclusions of the reporter at the last local plan inquiry. He concluded that "The fact that the Strathmartine Hospital site is brownfield in nature does not mean that it should automatically be considered as a priority housing site, particularly when it is of a scale that it could accommodate such a large amount of housing that would represent a major allocation in the context of South Angus as a whole." He did accept that if it became clear that the structure plan's housing land requirements were not being addressed in full there would be merit in the council exploring the scope for the Strathmartine Hospital site to make a larger contribution than the 40 units currently set out in the local plan. Whilst aware of the issue of vandalism on the site and uncertainty about its future and the retention of the listed buildings he did not consider there were any exceptional circumstances to warrant further housing beyond the 40 units set out in the local plan.
- 3.5 Scottish Planning Policy is a material consideration. Its statements on sustainability, enabling development and location of traffic generating uses are of particular relevance.
- 3.6 The council refers to the Scottish Government's publication 'Getting the Best from Our Land - A Land Use Strategy for Scotland' which supports the re-use of brownfield land.
- 3.7 The Angus Local Plan is now more than 5 years old and was not prepared in the context of the current strategic plan. A proposed local development plan has now been published and is about to be submitted for examination. The Proposed Plan continues to identify Strathmartine as an opportunity site. Notably the revised policy does not refer to a 40 house limit on development:

'St1: Opportunity Site – Strathmartine Hospital Estate

The Strathmartine Hospital Estate provides an opportunity for re-use and redevelopment for a range of uses, including housing. Proposals for the comprehensive redevelopment of this site should include:

- retention of the existing Listed Building;
- the timing, phasing and location of development;
- public safety and security related to existing structures;
- the retention of existing tree cover and hedgerows, enhancement of the landscape
- setting and biodiversity of the site; and
- provision for public access to the landscaped grounds for informal recreational purposes.

CHAPTER 4: MAIN ISSUES AND APPROACH TO ASSESSMENT

- 4.1 The main issue is whether the proposal is in accordance with the development plan and if not, whether there are material considerations that would justify granting planning permission in spite of any policy conflict. In evaluating the proposal I have had special regard to the desirability of preserving the listed buildings, their setting and any features of special architectural or historic interest.
- 4.2 My report is structured around the key matters as set out in my procedure notice:

Enabling development - The extent to which development of this scale and nature is required to secure a financially viable proposal including retention/re-use of the listed buildings.

A position statement was requested from the main parties- the applicants, Angus Council and Dundee City Council- regarding the work already submitted to the council on the Development Costs Plan and Appraisal Information. This information was requested in order to highlight any areas of disagreement between parties and also to address whether redevelopment could realistically be secured on the basis of the 40 units envisaged in the Angus Local Plan.

An outline of the benefits of the proposal on which enabling development might be justified was also requested. This information was requested to address the current condition of the listed buildings, the impact of recent fire damage and the potential for future protection and enhancement in the absence of enabling development.

Sustainable Development - Scottish Ministers have given this Direction because of the proposed development's potential conflict with TAYplan and with key aspects of Scottish Planning Policy (SPP) in terms of sustainable development. In this respect I invited further submissions on:

The extent to which paragraphs 32-35 of Scottish Planning Policy apply. These paragraphs refer, amongst other things, to a presumption in favour of development that contributes to sustainable development as a material consideration.

Whether the proposal represents "sustainable development" including:

- Connectivity to public transport
- Accessibility to jobs and services
- The acceptability of the identified traffic impact on traffic levels and congestion within Dundee, especially on the access onto the A90/Kingsway junctions.

Housing Land Supply: The housing strategy for the area is established from the TAYplan Strategic Development Plan 2012-2032. Angus Council references its Housing Land Audit 2014.

I requested further information from the main parties on the 5 year effective housing land supply for Angus including the South Angus Housing Market Area. This information was requested to enable my assessment as to whether the site is required to meet any identified deficit. This is assessed in the context of paragraphs 123-125 of Scottish Planning Policy and the strategic housing land requirement as set out in TAYplan. I also asked parties to address the likely timescale for housing delivery within which this site could contribute to any identified shortfall.

I also requested further information to address the concerns raised in the representation from Dundee City Council. Parties' views were sought on whether the release of additional housing land in Angus, at this time, would prejudice the strategic housing land allocation in Dundee.

Proposed Angus Local Development Plan: An update was sought from the main parties on the position in relation to the proposed Angus Local Development Plan which I understand has now been approved by the council prior to Examination. This information was sought to assess the weight to be attached to any proposed change to the policy position/requirements for this site.

Other Matters: Representations questioned the capacity of primary and secondary schools taking into account other planned developments including additional housing that may come forward through the emerging Angus Local Development Plan. I sought further information from the main parties on whether these matters could be addressed. I also sought further information on any required contribution to address public transport constraints. This section of the report also addresses the remaining issues raised in representations and any other relevant planning matters.

Conclusions on the Development Plan and other material considerations: This concluding section draws all of the above together to assess whether the principle of developing this site is consistent with the development plan and, if not, whether there are, nevertheless, grounds to accept it.

- 4.3 The chapters below consider each of these matters in turn setting out a summary of the submissions of each party followed by my own reasoning and conclusions.

CHAPTER 5: ENABLING DEVELOPMENT AND BENEFITS OF THE PROPOSAL

The applicant's submissions

- 5.1 The Development Costs Plan and appraisal information are agreed with Angus Council. The policy restriction of 40 units is unrealistic and has not been effective in delivering the redevelopment of the site. In fact, it has prevented redevelopment because it is an unrealistic limit that would not return any financial margin on the level of investment required to deal with the site as a whole. Officers have recognised this and removed the restriction from the emerging local development plan policy.
- 5.2 Figures are presented in the submissions which show a loss of between 8-24% based on the 40 house limit set out in the local plan. The lower loss margin being dependent on the 40 house limit being interpreted as new build units. The current limit is unrealistic and has not delivered the aims or objectives of development plan policy. The scale of development currently proposed has been based on detailed analysis and financial appraisal.
- 5.3 Taking into account the effect of the increase in education and the affordable housing contribution (and public transport) the overall viability of the current proposal is assessed with a return of 11.22%. The applicant has taken a commercial view based upon recalibrating the appraisal. This wipes the book value of the site (the purchase cost of £1,545,052) from the appraisal in order to deliver the development and release capital from the site to provide a return maintained at 14.42%. Whilst this can achieve delivery the contributions now sought significantly affect viability.
- 5.4 The enabling development is required to ensure long-term financial sustainability for the maintenance of the Listed Buildings and the wider grounds. Accepted policy guidelines for enabling development relates to the English Heritage document: Enabling Development and the Conservation of Significant Place 2008. There is no equivalent document from Historic Scotland, but the principles are appropriate in a Scottish context.
- 5.5 The guidance defines Enabling Development as 'development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved.' The development is justified as enabling development and to cross fund and meet the conservation deficit. This has been established through detailed consideration of the heritage asset with conservation officers at Angus Council and Historic Scotland.
- 5.6 Scottish Planning Policy paragraph 142 states that 'Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.'
- 5.7 The assessment of significance for the buildings and their landscape context is included in the comprehensive Conservation Plan prepared by Simpson & Brown architects submitted with the application.
- 5.8 The new build footprint is less than the total footprint of buildings on site at present. In theory, converting all the existing buildings on site might not raise any planning issues in terms of allocation for new house-building but the form and condition of the other buildings (which are unlisted) and the sales values that could be achieved do not make this a realistic proposition.
- 5.9 The benefits of the proposal are summarised as:
- important buildings will be repaired;
 - a new use will be found for the buildings;
 - the landscape context of the buildings will remain legible;
 - the setting of the buildings will be maintained for good and a mechanism will be in place to ensure the future of sustainable maintenance of the site;
 - the landscape features and trees will be retained and maintained; and,
 - the buildings will remain as a historical record of 19th-century healthcare.

- 5.10 It is accepted that some parts of the site will be affected by development; some spaces of moderate significance will be altered inside the listed buildings; parts of the Listed Buildings damaged by fire to the rear (north) might have been saved if development had taken place sooner.
- 5.11 There will be a number of non-conservation related benefits, such as construction and full-time equivalent jobs. Construction of the houses would provide about 520 “job years” of direct employment and, and another 500 job/years through multiplier effects. This would equate to sustaining over 200 local jobs each year over 5 years. At the local level the expenditure by the households occupying the houses could amount to £2.5 million p.a. – enough to support 50 additional local jobs in retail/services etc. The proposal also delivers over one million pounds for affordable homes as well as a new community building for communal use and removal of a derelict eye sore that is dangerous and a threat to public safety.

The planning authority’s submissions

- 5.12 A Development Appraisal was submitted with the planning application and provides costings for the redevelopment of the site. The document was assessed by the council’s Quantity Surveyors and its contents are broadly agreed. The council accepts the conclusions of the appraisal document and agrees that the 40 houses allowed by the Angus Local Plan Review would not, alone, secure redevelopment of the site.
- 5.13 It is relevant that Dundee City Council has not provided any evidence to dispute the development viability information provided by the applicant. Angus Council considers that the benefits of re-development will only be delivered if enabling development is allowed that secures a financially viable scheme for the entire site. Angus Council has engaged in positive discussion with the site owner regarding production of a Conservation Plan and measures from that plan have been implemented.
- 5.14 Angus Council has worked with the owner to seek to secure the site and restrict unauthorised access but this has proved all but impossible given its physical size and the nature of the landform and buildings. Reports suggest that despite efforts to prevent access the site is frequented by children from neighbouring areas. This raises serious concerns regarding safety given the condition of the buildings and as there are uncovered manholes, ducts and gullies within the wider grounds. Angus Council has recent experience of the tragic consequences that can occur where access can be gained in or around derelict buildings close to the city boundary. The difficulties of effectively securing this site and preventing access have contributed to the buildings suffering from repeated theft, vandalism and arson, including the recent fire that affected the Category B listed administration block.
- 5.15 This has accelerated decay and deterioration of the buildings, including the important listed buildings, and the recent loss of the roof from the central area of the administration building will do nothing other than increase the rate of deterioration. In the period since the fire affecting the listed building it is understood that there have been further fires within the grounds of the building.
- 5.16 The site is derelict, becoming increasingly dangerous and the condition of the listed buildings continues to deteriorate. Angus Council considers that it is desirable to secure the retention of a regionally significant listed building and the redevelopment of a large, brownfield site that is detracting from the safety and amenity of the wider area. It is noted that Dundee City Council also recognises those benefits but provides no indication as to how those benefits might be realised without allowing the enabling development necessary to make redevelopment viable.
- 5.17 Angus Council has served a Dangerous Building Notice but that can only require the minimum works necessary to make the building safe. However, there is serious concern that a failure to secure redevelopment in the near future will see the condition of the site and its listed buildings deteriorate to the detriment of the amenity and built heritage of the area and with increased risk to safety of those that might seek to access it.

Dundee City Council’s Submissions

- 5.18 While the proposed change of use to residential development at Strathmartine Hospital is encouraged to save the listed building, the level of new housing proposed as enabling development is excessive and not justifiable. Therefore, the scale of development proposed in

this location would go beyond that which would contribute to sustainable development. If the listed building were not to be saved following on from the recent fire damage then the case for enabling development at this location would be considerably less.

Reporter's Conclusions

- 5.19 I have considered the matter of enabling development in the context of paragraph 142 of Scottish Planning Policy as to whether a housing proposal on this scale is the only means of preventing the loss of the asset (the listed building) and securing its long term future and whether the development is the minimum required to secure these aims.
- 5.20 From my observations on site the scale of dereliction and the problems of security and vandalism were evident. It is an extensive site with numerous large non-listed derelict buildings in various states of repair. Given the extent of the works required to remediate the site as a whole, including the listed administration block and the evidently dangerous ground conditions, I find it improbable that a viable scheme could be achieved without addressing redevelopment of the site as a whole. There is nothing in the submissions to indicate that substantial remediation of the remaining site could be achieved without redevelopment. It does not appear to me practical or realistic to consider restoration of the listed building in isolation. This would not address matters of setting nor address the safety and amenity issues of renovating a listed building without reasonable surety that dereliction of the surrounding area can be addressed.
- 5.21 Having considered all the submissions on this matter I note the general agreement that conversion/restoration of the listed buildings is a desirable outcome. This is reflected in the consultation response of Dundee City Council and the views of other third parties. I find nothing to suggest that the more recent fire damage to the building means that its preservation and re-use cannot be secured. Indeed, I consider this recent damage points to the need for greater urgency in finding a viable solution before further damage occurs.
- 5.22 The current local plan refers to the potential for other uses but I have no evidence to dispute the conclusions as set out in the submissions that, in current market conditions, housing presents the most viable use of the site. I find nothing to contradict the applicant's viability appraisal which demonstrates that the restoration of the building and the site as a whole would not be viable on the basis of 40 additional housing units as envisaged in the current local plan. Drawing on the council's validation of the appraisal assumptions I find it reasonable to conclude that the proposed scale of development is not excessive if a comprehensive approach to re-use of this brownfield site is to be secured.
- 5.23 For these reasons I agree with the council and the applicant that the scale of development reflects that necessary to achieve the restoration of the listed building and tackle dereliction and ground conditions on the remainder of this brownfield site. I do not consider that these objectives could be achieved through the much smaller scale of housing development (40 units) referred to in the current local plan.
- 5.24 I note the benefits of redevelopment referred to in the submissions above and consider these carry considerable weight. The development plan and Scottish Planning Policy recognise the importance of the retention and viable re-use of listed buildings.

CHAPTER 6: SUSTAINABLE DEVELOPMENT

Applicant's Submissions

- 6.1 Paragraph 32 of Scottish Planning Policy (SPP) states that 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.'
- 6.2 Paragraph 33 recognises that 'where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which

would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.'

- 6.3 The Angus Local Plan is now more than 5 years old and paragraphs 32 to 35 of the SPP apply. The evidence from the submitted Conservation Plan clearly demonstrates that the benefits outweigh the disbenefits of the proposal. The proposal represents a sustainable re-use of a brownfield site and brings Listed Buildings back into beneficial re-use.
- 6.4 Paragraph 287 of Scottish Planning Policy directs that 'Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where: direct links to local facilities via walking and cycling networks are not available or cannot be made available; access to local facilities via public transport networks would involve walking more than 400 metres; or the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.'
- 6.5 The Masterplan supports movement by walking and cycling, as well as providing a connection to existing bus services. There is an existing bus stop at the main access to the site on Craigmill Road/Baldovan Road. It is within a 400 metres walking distance of virtually all the development site, with the exception of areas at the north east and north-west corners. The internal site layout would also be designed to provide a suitable route through the site for buses, which would bring the whole development site within a 400 metres walk of a bus stop.
- 6.6 From Monday to Friday, there are three bus services connecting the site to Dundee City Centre that run from 07:13 to 18:35. Combined, they provide 26 services over a period of just over 11 hours. In addition, service 22A provides two evening services to Ninewells Hospital 7 days a week. In the context of the semi-rural setting in which the Strathmartine Hospital site lies, this level of existing public transport provision is considered appropriate and acceptable, as it provides regular services to Dundee City Centre throughout the day and provides a convenient route into the city. The journey time is also short as the site lies little more than 1.5 miles from the Kingsway (7 minute journey) or some 21 minutes into the city centre to Overgate.
- 6.7 A development of 224 houses will create more demand for public transport use than would be the case for a development of 40 houses; this would provide a better chance of securing bus services in the area over the longer term, to the benefit of the wider community. The proposed development will therefore increase the likelihood that bus routes can continue to serve the area to the benefit of the immediate and wider community. The likely increase in passenger numbers would improve the potential for the bus services to be commercially viable.
- 6.8 The proposal includes paths and routes through the site which connect to existing footways to the east. There is currently no footway along Craigmill Road to the west but a new footway would be provided by the developer. This would help to ensure the site is well-connected with the wider environment beyond the site boundary in a way that encourages active travel.
- 6.9 It should be noted that the scope of the study was agreed with Dundee City Council and they did not ask for any A90 junctions to be included in the assessment. Furthermore, Dundee City Council provided the trip rates for use in the assessment (Section 6.1 of the Transport Assessment). The results of the junction capacity assessments in the TA show no detriment to the junctions within Dundee City Council control. The validity of these assessments has never been questioned by Dundee City Council.
- 6.10 Dundee City Council has provided no evidence or data to support their position or objection. Had impact on the A90 been a concern to Dundee City Council, it could and should have been raised during the scoping exercise, where it would have subsequently been investigated in the Transport Assessment.

Planning Authority's Submissions

- 6.11 In this case the site is large and underused and contains a number of derelict buildings that are detracting from the amenity and safety of the area. There are ongoing costs for the applicant in seeking to secure the site in the interests of public safety and there are similarly ongoing costs for the public sector in terms of responding to safety concerns and addressing the impacts associated with unauthorised access to the site. Such costs are likely to be unsustainable.

- 6.12 Redevelopment of previously developed land represents sustainable land use. In this case redevelopment would help secure the long - term future of a regionally significant listed building whilst allowing retention of the landscape framework that surrounds the site. Strathmartine is close to Dundee and has reasonable accessibility to nearby shops, services and employment opportunities. In terms of physical proximity to the urban edge of Dundee City the site has a similar relationship to the large greenfield sites at Dundee Western Gateway.
- 6.13 The site has capacity to accommodate a sizeable residential development in a manner that would have little impact on the wider landscape. As identified through the Environmental Statement and responses from relevant consultees the development of the site would not give rise to any unacceptable environmental impacts and the indicative layouts submitted with the application suggest that a successful place could be created. There are clearly social benefits associated with addressing a derelict site that detracts from the amenity of the area and that represents a potential hazard to those that live in the area.
- 6.14 Existing public transport provision is detailed at paragraph 2.6 of the applicant's Transport Assessment. That indicates that there are reasonably frequent bus services passing the site. The reported 22 services over a 14 hour period during weekdays represent a good level of service for an area on the periphery of an urban centre. Those services are currently unviable and consequently under some threat. Approval of this application would create new demand for public transport in the area and this could help sustain services to other areas on the periphery of Dundee.
- 6.15 The application site is a short distance from Strathmartine Primary School and there is potential to improve pedestrian access between the site and that school. That will provide benefits for residents of existing housing in the area. The site is some distance from Forfar Academy which is the secondary school in Angus that would serve the development. However, school children from this area are currently transported to that school and any redevelopment of the site for housing purposes is likely to generate school age children that would similarly require to be transported to Forfar.
- 6.16 The site is close to Dundee and its associated shops and services. Paragraph 3.2 of the applicant's Transport Assessment identifies the site's proximity to local facilities within Dundee. These include shops and services at two locations in the region of 1.5 – 1.6 kilometres from the site. There are existing footways that link the site to those areas and there are existing bus services that provide linkages. Those services are considered to be within a walkable distance and the public road is reasonably lightly trafficked making it a reasonably attractive pedestrian route. In addition, the site is in the region of 5 – 6 kilometres from Dundee city centre which provides a full range of shops and services and it has good accessibility to employment areas within the city.
- 6.17 The applicant's Transport Assessment considers the potential impact of the development on a number of junctions in the surrounding area. That document advises at paragraph 1.2 that its scope was determined in consultation with officers from both Angus Council and Dundee City Council. Paragraph 5.1 of the document reports that the consultation with Dundee City Council identified specific junctions within its administrative area where assessment would be required.
- 6.18 The document concludes that there will be no material impact on the operation of the assessed junctions. It is relevant to note that Dundee City Council did not request assessment of the A90/Kingsway junctions. It is also relevant to note that Transport Scotland was consulted on the application and offered no objection in relation to potential impacts of the development on the trunk road network. Angus Council submits that there is no evidential basis to suggest that the development would have an adverse impact on the A90/Kingsway junction or indeed on any part of the public road network within Dundee.

Dundee City Council's Submissions

- 6.19 The scale of development proposed in this location would go beyond that which would contribute to sustainable development.
- 6.20 Given the location of the proposed development it is considered that it would have limited connection with the existing public transport network. As such it is most likely that there would

be high dependency on the private car. Although the site is located within the Angus Council administrative area, given its proximity to Dundee most traffic will be directed into Dundee. Given the existing level of public transport infrastructure in the area it is considered that this is not a sustainable location for the scale of development proposed. In addition, as stated in the Council's initial submission: "If the development is approved, sustainable modes of transport must be promoted to lessen the cumulative traffic impact as a result of the development. This development should be provided with at least an hourly bus service, with developer contributions if necessary until such a service reaches a commercially viable status.

- 6.21 To promote cycling and active travel Pitempton Road should be reduced to 30mph in line with surrounding roads and Angus Council would be encouraged to promote a stopping up order to promote this as a preferred route for walking and cycling. To complement this, the addition of cycle lockers funded by the development at Cox Street terminus would enable a bike park and ride option.
- 6.22 The area of Angus Council in which the site is located has only limited access to jobs, services and facilities. It is most likely that the residents within this development would primarily be reliant on the services, facilities and jobs within Dundee. The strategy for future development and investment in infrastructure, services and facilities within Dundee does not take into account a development of this scale in this location. This additional scale of development could undermine the investment in infrastructure, services and facilities for this part of the City. Whilst the proposals may provide some short term employment in the construction phase, they do not bring any longer term permanent employment opportunities into the area.
- 6.23 The applicant's submitted Transport Assessment contends that the proposed development would have no significant traffic impact. It is acknowledged that based on the traffic impact of the proposed development alone it would not have a significant impact on the traffic levels and congestion on the A90/Kingsway. However, it is Dundee City Council's view that the development will contribute to a cumulative effect on traffic levels and congestion within Dundee, especially on the access into the A90/Kingsway junctions. The assessment of allocating sites for housing within the Dundee Local Development Plan for this area of the City did not take into account a development of the scale proposed. It is considered that if the proposed development resulted in a negative cumulative impact on to the A90/Kingsway junction it could undermine the delivery of the housing strategy for the City.

Reporter's Conclusions

- 6.24 Policy 1 of TAYplan seeks to direct development of this scale to principal settlements and this accords with the principles of sustainability as the need to travel will be reduced and a more efficient use of resources would be secured. The site is within the Strathmartine settlement boundary as identified in the local plan but this is a lower tier settlement. Consequently, I find the proposal would be contrary to the locational strategy of TAYplan and to the requirements of Policy 1.
- 6.25 Paragraph 29 of SPP explains sustainable development in the context of proposals which balance costs and benefits over time giving due weight, amongst other things, to economic issues, making efficient use of land and protecting the historic environment. Whilst the site is not in or adjacent to a principal settlement I do not consider it is remote. The city can be accessed by bus, Forfar is some 24 kilometres away and pupils in the adjacent village are transported by school bus. The local primary school is in walking distance. In addition, the re-use of brownfield land and re-use of a listed building coupled with the economic benefits generated by the building works would fulfil a number of sustainability objectives. I consider that the proposal would comply with Paragraph 287 of Scottish Planning Policy as it would have direct links to some local facilities via walking and cycling networks and given the location of the existing bus stop it would have access to local facilities via public transport networks without walking more than 400 metres. I consider that the submitted assessment demonstrates that sustainable transport requirements can be met.
- 6.26 Whilst I appreciate that there will an increase in trips from the site into the city and in other directions there is no evidence to indicate that the traffic impact on the road network would be unacceptable. Dundee City Council has not disputed the assumptions of the assessment in any detail and its view runs contrary to that of roads officers from Angus Council. I have also given weight to the fact that Transport Scotland have not objected. I have addressed the required transport mitigation in the final section of my report. I note the additional mitigation

referred to in Dundee City Council's submissions. However, whilst these improvements might be desirable I find nothing in the submitted evidence to demonstrate these are necessary to allow the development to proceed.

- 6.27 For these reasons whilst I accept conflict with the strategic development plan I do not consider the site would conflict with the sustainability objectives of Scottish Planning Policy.

CHAPTER 7: HOUSING LAND SUPPLY

The applicant's submissions

- 7.1 Strathmartine proposes under 200 new build units and these would not be delivered immediately. It might take a further 12 months to go through necessary detailed design and consenting processes prior to site investigations, contracting, tendering and mobilisation. The first phase of development will clear the site and deal with the Listed Buildings comprehensively. Only a limited number of new build units (63) will be delivered in the first phase of development. It is unlikely that these units will be delivered within 3 years. The level of development coming to the market at any one time might average out over a 5-7 year period. The proposed development by Springfield Properties on greenfield land at the Dundee Western Gateway is for several hundred units. The first phases of development have commenced.
- 7.2 The Strathmartine proposal has not been promoted on the basis of housing land supply. The site is where it is. It does not conform to the spatial strategy of the development plan but meets other specific policy requirements and delivers the re-use and redevelopment of a brownfield heritage asset and is consistent with wider policy intent. More than this, it is sustainable development – it re-uses a defunct site and is at the core of the real meaning of sustainability.
- 7.3 There is no restriction on windfall sites within the current or proposed local development plan. Strathmartine is identified as an opportunity site – and its potential for housing development is recognised. It is not a site that is new or that has recently been tagged with this definition. It has appeared in successive development plans but has remained undeveloped.
- 7.4 Strathmartine is different to the Western Gateway. It is a different scale and the site characteristics are very different. The Western Gateway is part of a strategic allocation to grow the city to the west. Strathmartine is very much a self-contained site within a strong and established landscape framework. It will not be a standard greenfield site and will bring something quite distinct to the market and crossover or competition with the Western Gateway would be limited. The planning system does not seek to limit competition in any event. There is latent demand in Dundee and an undersupply of housing as completion rates have remained low.

The planning authority's submissions

- 7.5 The TAYplan annual average build rate for the South Angus Housing Market Area is set out in Proposal 2 as 80 dwellings per annum from 2012. An effective and generous supply of land is required which provides for flexibility and choice in South Angus to assist in the delivery of in the order of 1,120 units between 2012 and 2024 for South Angus.
- 7.6 The Housing Land Audit in 2014, agreed with Homes for Scotland and various developers following consultation and amendment, provides a factual statement of the housing land supply across Angus at 31 March 2014 and presents the most recent agreed position in terms of recent completions and projected programming for the next 5 - 7 years on identified sites. An extract from the 2014 Housing Land Audit in so far as it relates to the South Angus Housing Market Area forms part of the council's submission.
- 7.7 The 2014 Housing Land Audit sets out anticipated programming on sites for each year in the period 2014 to 2021. It is clear that programmed completions on effective sites within the South Angus Housing Market Area will not deliver the average annual build rate required by TAYplan. The grant of permission at Monifieth will help address that shortfall but Homes for Scotland advise that in respect of sites with one builder, a default approach would be to expect a maximum of 24 units per site per year in urban areas where there is no known developer rising to 30 units where there is a known developer. Accordingly, even with a grant

of permission at Monifieth, potential completions based on a single developer of market housing are unlikely to deliver the average annual build rate required by TAYplan.

- 7.8 Notwithstanding that, it is relevant to note that Policy SC3 of the current Angus Local Plan Review states amongst other things that Angus Council will support proposals for residential development of 5 or more dwellings on windfall sites within development boundaries in addition to the identified supply. In this case the application site is located within the Strathmartine Hospital development boundary, is an identified opportunity site, and constitutes a windfall site.
- 7.9 Angus Council's position is that, notwithstanding the housing land supply position, there are material planning considerations relating to the restoration and reuse of a derelict listed buildings and a large brownfield site that justify approval of the current planning application.
- 7.10 Given the complex nature of the site and the current stage of planning application process it cannot be considered that the site would be immediately effective if planning permission in principle is granted. Some of these matters will only be dealt with through consideration and determination of a detailed or reserved matters application. Given the uncertainty on when this will progress it is not possible to give an indication when development of the site is likely to commence and when the first house completions could be expected.
- 7.11 In comparison 2 major planning applications from Springfield Developments have been approved for around 600 houses on greenfield land at the Dundee Western Gateway. A third planning application by Springfield Developments for 100 houses is currently under consideration. The developers are currently on site and it can be anticipated that new house completions will be delivered later this year. Whilst anecdotal, recent press reports appear to suggest that developer confidence in the development is strong. In the circumstances it is hard to see how granting of planning permission for around 200 houses on a complex brownfield site at Strathmartine Hospital will prejudice delivery at the Dundee Western Gateway.

Dundee City Council's Submissions

- 7.12 The Dundee Local Development Plan (LDP) was adopted in December 2013 and now forms the statutory development plan for Dundee along with the approved TAYplan Strategic Development Plan.
- 7.13 There were no substantive changes made to the housing strategy of the allocation of sites in adopting the LDP. Since the adoption of the LDP planning permission has been granted for two locations within the Western Gateway for a total of 595 units. Development commenced on site in June 2015.
- 7.14 In addition, a further planning application has been submitted for 100 units on the remaining LDP site at Liff in the Western Gateway. The timescale for building out the development is estimated as up to 8-10 years. Given the proximity of the development at Strathmartine it could, if approved, undermine the delivery of the allocated sites at the Western Gateway Strategic Development Area. This could undermine the strategy of the Development Plan (TAYplan and Dundee LDP) and the significant private and public sector investment that has been placed in infrastructure improvements.
- 7.15 It is also noted that Angus Council has now approved large scale housing at Monifieth to address the shortfall in the housing land supply in the South Angus Housing Market Area. Any further shortfall in housing land supply could be met from with the Greater Dundee Housing Market Area including sites within Dundee. The reasoning underpinning this argument is set out in Dundee City Council's submission to the Proposed Angus Local Development Plan.

Reporter's Conclusions

- 7.16 It is evident from the council's submissions that even accounting for sites in the proposed new local development plan and recent planning permissions there may be difficulties in achieving the housing output required by TAYplan. Paragraph 125 of Scottish Planning Policy states that where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant. These paragraphs relate to the presumption in favour of sustainable development.

- 7.17 However, this is an outline application and I have some doubts as to whether the site would contribute any significant amount of completions to the current five year land supply. The timescale for submission of reserved matters, the focus on the listed building conversion and the substantial extent of demolition and ground works suggest to me that the timescale referred to by the applicant may prove optimistic.
- 7.18 It is clear that Dundee Council objects to housing development close to the city limits in the South Angus Housing Market Area and it considers that any deficit should be met in the city. However, this does not present a solution to the difficulties facing Angus Council in terms of achieving its planning objectives for this site.
- 7.19 Based on the written submissions to this application I am unable to come to a firm conclusion on the sufficiency or otherwise of the current five year supply. I consider that the sufficiency of available land to secure a continuous five year land supply will be a matter for the proposed local development plan and its forthcoming examination. However, I find nothing to suggest that a relatively small contribution from this site towards the end of the five year period would constitute an oversupply sufficient to prejudice delivery of the development plan strategy. In any event Scottish Planning Policy points to a generous supply and a range and choice of sites to meet housing needs.
- 7.20 If approved, the proposal could contribute to the housing land supply as a windfall site and may help to meet any identified deficiency in output towards the end of the current five year land supply period and into the next. Given the uncertainties involved I have not relied on this justification. However, I consider it as a potential benefit of the proposal and one which gives greater weight to my conclusions regarding consistency with Scottish Planning Policy on sustainable development.

CHAPTER 8 : THE PROPOSED LOCAL DEVELOPMENT PLAN

The applicant's submissions

- 8.1 The Angus Local Plan Review was adopted in 2009. It is more than 5 - years old and was prepared in advance of TAYplan and the current SPP. The weight that should be attached to the plan is reduced due to its age.
- 8.2 The report of handling states that the Proposed Plan represents the councils 'settled view'. It is the council's official view and official policy. The proposed policy is based upon detailed assessment and consideration and full environmental audit.
- 8.3 We understand that there have been three representations made to the proposed plan in relation to this proposal. One is in support by the applicant, one seeks editing to the wording from the Scottish Environmental Protection Agency. Dundee Council repeats its position in relation to the application that it would compete with the Western Gateway allocation in Dundee – that it is too close to the city boundary. To all intents this looks like a commercial objection stretched to relate to development plan policy. On one hand Dundee supports brownfield redevelopment – but not too close to the city boundary, that it would attract interest away from the Western Gateway and would therefore be detrimental to the Dundee Local Development Plan Strategy. However, there is no evidence or basis for this. No market assessment or analysis is provided and there is no comment on the timing of delivery and what the wider market might sustain in terms of competition and choice.
- 8.4 It is not considered that the proposal at Strathmartine is so substantial that it, or its cumulative impact, is so significant that it would prejudice the delivery of an already allocated site with planning permission.
- 8.5 The development site constitutes brownfield land and will reduce the amount of vacant/derelict land across Angus. The Development Strategy within the Local Development Plan permits brownfield sites to come forward during the plan period, reducing pressure for greenfield land release.
- 8.6 The proposed plan has been subject to Strategic Environmental Appraisal. This concludes that the development site constitutes a brownfield site within the development boundary for Strathmartine Hospital Estate and that it has partly lain vacant/derelict for a number of years and consequently the Local Development Plan provides an opportunity for its redevelopment.

Redevelopment of the site would enhance the townscape character and vibrancy of this part of Angus. The development site would have clearly defined boundaries and would relate to the existing pattern of development and there are opportunities to enhance the existing urban edge.

The planning authority's submissions

- 8.7 These reflect those of the applicant in relation to the status of the proposed plan and the representations received. Whilst reference to any housing development being limited to a maximum of 40 residential units comprising the conversion of the existing listed building and any limited new housing development has been removed, the general approach seeking comprehensive redevelopment and specific site requirements is unaltered.

Dundee City Council's submissions

- 8.8 No further comments were submitted although the council has objected to the proposed local development plan on similar grounds to this application.

Reporter's Conclusions

- 8.9 Given the age of the current local plan and the progress towards its replacement I have given careful consideration to the terms of the emerging policy on the Strathmartine Hospital site. I agree with the applicant and the council that it is notable that the 40 house restriction has been removed. I note that the underlying objectives for identifying this opportunity site remain the same. I am directed by Scottish Planning Policy to give less weight to an out of date local plan. The presumption in favour of sustainable development becomes a significant material consideration. The status of the emerging plan as the settled view of the council means that it also an important consideration. However, neither of these considerations resolves the conflict with the locational strategy of TAYplan and the specific requirements of Policy 1 to locate such development in a principal settlement. I am not convinced by the reasoning that the identification of Strathmartine as a settlement implies that development in its boundaries, whatever the scale, is consistent with the development plan. In any event such an interpretation is clarified by the current 40 house restriction in the local plan.
- 8.10 I note the only representation objecting to Policy St1 of the proposed local development plan is from Dundee City Council. This repeats the concerns expressed by Dundee City Council on this application. My assessment is that the proposed plan supports this application in so far as a prescriptive upper limit would no longer apply. However, when considered in the context of the up to date strategic plan I do not consider this could be assumed to imply support for the currently proposed scale of development. There is remaining tension with the strategic locational strategy.
- 8.11 I have also considered the terms of paragraph 34 of Scottish Planning Policy. This states that where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.
- 8.12 Whilst the proposed plan is relatively close to adoption it has still to go through the examination process. In any event, I consider that this proposal represents a particular set of circumstances. Whilst it would be a large scale development in the context of its more rural location the proposed phasing would stagger the extent of development into the later stages of the plan period. Education and transport are the only identified cumulative effects and I assess these matters elsewhere in this report. I find no reason to doubt the submissions and the council's assertion that these impacts can be addressed. I am not aware of any circumstances or cumulative effects that would undermine the plan making process.

CHAPTER 9: OTHER MATTERS

Applicant's submissions

- 9.1 Aside from the documents submitted with the application the applicant made additional submissions on the extent and nature of the required contribution in terms of affordable housing, education and public transport. In summary, the site is considered to be accessible but the contribution to sustaining the local bus service is positive and has been accepted. The commuted sum for affordable housing was requested by Angus Council on the basis that provision would be better made in other locations in South Angus Housing Market Area. The commuted sum would therefore have a positive impact on the provision of affordable housing in other areas of higher demand. The level of contribution is still high and has reduced the viability of the project from 13.4% to 11.2% overall when the increased education contribution is included.

Planning Authority's Submissions

- 9.2 The council's report of handling refers to the potential relaxation or waiver of public transport or affordable housing requirements to offset the required contributions towards education provision if development viability is to be secured. It also refers to the impact this could have in an area where there is high demand for affordable housing and accessibility is poor.
- 9.3 The council's submissions evidence the need for and extent of the required contributions for education, affordable housing and public transport in the context of the relevant provisions of the development plan and on known capacity constraints.
- 9.4 The current Angus Local Plan Policy SC9 would require the provision of 40% of the units at this site to be affordable. However, the council has had regard to the development viability information submitted in respect of the application and to the Government's position as set out in Scottish Planning Policy. In this regard, Angus Council has indicated that it would be prepared to accept a commuted payment, made on a staged basis in lieu of on - site provision. It has also indicated that a reduced financial contribution equivalent to 50 units (22%) would be acceptable. The commuted payment is based on the land value of an affordable housing plot within the local area as determined by the District Valuer.
- 9.5 Forfar Academy is currently operating above 80% of its capacity. Angus Council estimates that this development would generate in the region of 38 secondary school age children. Other likely housing development within the same school catchment area is likely to generate in the region of 226 secondary school age children. The cumulative impact of that level of development is such that extension of the Academy would be required if all additional children are to be accommodated. The application site falls within the catchment area of Strathmartine Primary School. That school is comparatively small with an identified capacity for 50 school children. The projected school roll at 2015/16 is estimated at 31 pupils. Angus Council estimates that a new residential development will generate an average of 0.23 primary school children per dwelling. The development of 224 houses at Strathmartine is estimated to generate in the region of 51 additional primary school age children. Angus Council considers that Strathmartine Primary School would require to be extended in order to accommodate children from the proposed development.
- 9.6 TAYplan Policy 8 indicates that developer contributions will be sought from new development to mitigate any adverse impact on infrastructure and that this will include contributions towards schools. Local Plan Policy IMP1 indicates that developer contributions will be required in appropriate circumstances towards the cost of public services.
- 9.7 The scale of the contributions required is significant and it is considered reasonable that these should be provided on a phased basis where it would be necessary to bind successors in title. In these circumstances a planning obligation is considered necessary.
- 9.8 The main service that passes the site is currently commercially unviable and, as such was considered unlikely to continue beyond mid - 2015. As the council has indicated that it is minded to approve the Strathmartine development a decision has been taken to continue funding of that service into 2016. The provision of a regular bus service is necessary in order to ensure that the site has good accessibility to the shops and services located within Dundee. The issue of public transport provision should be a specified matter that requires further approval from the Planning Authority in advance of development on the site. It is

proposed that this could be addressed through condition. However, this matter could equally be addressed in a planning obligation if that was considered necessary. It is anticipated that the cost of retaining/providing an hourly service for the site would be in the region of £75,000 per annum.

Third party submissions

- 9.9 The matters raised in representation are summarised in paragraph 2.17. These reflect the concerns of local residents including those on Ashton Terrace, Strathmartine Community Council and other local residents and one local developer regarding the potential local impacts of this scale of development.

Reporter's Conclusions

- 9.10 **On the issue of Education** I consider that the council's requirements are correctly based on an assessment of cumulative impact. These reflect the current housing land audit position and assumed completions from sites identified in the proposed local development plan. Local plan policy IMP1 requires that such deficiencies should be addressed. Whilst I note concerns regarding the potential impact on project viability the applicant's submissions accept that the contributions are justified and can be accommodated within the scheme. Consequently, I agree that this matter could be addressed subject to conclusion and recording of a valid planning obligation (under Section 75 of the Act) to include a staged contribution of £5,660 per unit towards addressing capacity issues at Strathmartine Primary School and £5,100 per unit towards the cost of meeting capacity requirements at a secondary school (Forfar Academy). The phasing of the proposed contributions should assist with project viability concerns.
- 9.11 **On the issue of affordable housing** I consider that the principle of a contribution is clearly established through the development plan. Whilst Local Plan Policy SC9 refers to a higher contribution of 40% I agree that it is legitimate to take a site specific approach. Paragraph 129 of Scottish Planning Policy states that planning authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. I consider it is appropriate to take the applicant's viability assessment into account and accept a reduced off site commuted payment. This is agreed between the applicant and the planning authority. The proposed contribution, equivalent to 50 units, represents 22% overall. Again, I note the concerns expressed by the applicant regarding the impact on viability but I consider this is an important policy objective that should not be set aside. A reduction has been agreed and the applicant has accepted these terms can be met. Consequently, I consider this matter could be addressed through a legal agreement or other means to secure a staged contribution providing for 50 commuted sums at an amount of £21,600 per unit (subject to review).
- 9.12 **On the issue of public transport** I consider the maintenance of access to public transport is a vital component in securing the acceptability of this site for a housing development of this scale. The proposed development would contribute to the maintenance of the bus service for a prescribed period so that the bus routes can continue to serve the area to the benefit of the site as well as the local community. The likely increase in passenger numbers would improve the potential for the bus services to be commercially viable beyond that. I agree that this could be treated as a reserved matter so long as evidence of the relevant agreement is provided prior to the commencement of development.
- 9.13 **On the issues of access and road safety** I note concerns regarding the proposed secondary access to the site which is used by residents of Ashton Terrace farm traffic. I accept that this will introduce a significant increase in traffic on a rural road and that visibility is more restricted. However, I consider that the required visibility at the junction could be addressed through condition and there is no evidence to suggest that a safe access could not be achieved.
- 9.14 I consider that the identified concerns regarding pedestrian access could be addressed by the proposed new footway on Craigmill Road. This would connect the site to the existing footway at Bridgefoot to the west. There is currently no footway provision on Craigmill Road to the west of Pitempton Road; effectively, this means there is no recognised pedestrian route from the houses at Ashburton Terrace west towards Bridgefoot and the local primary school. The proposed development would provide a pedestrian route through the site to link Ashburton

Terrace to the proposed new footway that will be delivered on Craigmill Road. This would represent a significant improvement to pedestrian facilities.

- 9.15 **On the issue of loss of rural character and suburbanisation** I agree with the conclusion of the environmental statement that the large institutional buildings currently occupying the site have an almost industrial impact on the existing landscape. I accept that this is mitigated to some extent by the mature landscape setting and spacing of the buildings. Paragraph 6.74 of the environmental statement states that “Adjacent residents to the site and users of the Ashton Terrace boundary road suffer a severe adverse impact from the worst close views of the derelict and abandoned buildings, boundaries and open spaces. This is a severe blight and contrasts to the character and quality of the surrounding area”. The site is most visible looking north from the nearby urban edge of Dundee. Whilst proposed housing will be at a higher density it would be at a reduced height and massing.
- 9.16 Local Plan Policy ER7 provides guidance on development on sites where trees are a feature and provides a requirement for a full tree survey to be completed. I consider that this matter can be addressed through condition. New planting is proposed to reinforce and re-establish the existing landscape structure for the long term. I note that, after establishment of new planting, an overall increase in tree cover would be achieved. I consider this would help to mitigate the impact of residential development on the site.
- 9.17 My conclusion is that whilst housing might have a slight adverse impact in terms of the urbanisation of the site this is balanced by the positive impact achieved through removal of a significant number of large scale derelict buildings. In addition to proposed landscape treatment and a careful layout which works with the contours of the site, I consider that a consistent approach to roof and wall colourings will be important on this south facing slope. I find that these important detailed matters of layout, design and landscaping could be reserved through condition so that any negative impact on the rural character and visual amenity of the area would be minimised.
- 9.18 **On the issue of impact on wildlife**, surveys were carried out in June 2007, August 2011 and April 2013 involving walkovers of the site consistent with the Phase 1 Habitat Survey method, recording habitat and plant communities, evidence of protected species and noting management and use. Drawing on the conclusions of chapter 7 of the environmental statement my assessment is that there would be a small loss of introduced shrubs, trees and hedges. I find nothing to suggest that the identified habitats are particularly valuable in a local context or that there would be any significant adverse impact on habitats or species.
- 9.19 I note that very few trees on the land were found to have potential to accommodate roosting bats and no evidence was found of this form of use. Most of the buildings on the site have potential to accommodate bat roosting but no evidence was found of this use. Dusk/dawn bat activity surveys in 2011 revealed bats foraging in the south-east of the site but no indication that they were roosting in the buildings. Having assessed the Environmental Statement and Bat Survey Scottish Natural Heritage has no objection. Whilst a licence would be required, the available information indicates that it is likely that the required tests could be met. On this basis I am content that there would be no significant adverse impacts on habitats or wildlife.
- 9.20 **On the issue of listed buildings and cultural heritage** Policy ER15 states that change of use, alteration or extension to listed buildings “will only be permitted where they are in keeping with the fabric, character and appearance of the building or its setting”. Policy ER16 provides further guidance relative to development in the setting of listed buildings stating that development will not be permitted where it exerts an adverse effect on the setting of a listed building. Policy ER17 provides guidance on the demolition of listed buildings and includes a presumption in favour of retention unless a series of criteria can be met. Not least, should demolition be required as part of a wider redevelopment proposal where replacement buildings will be constructed, then these replacement buildings should be constructed immediately upon demolition.
- 9.21 In this respect I have carefully considered the detailed conservation audit that has been carried out for the site. I appreciate that securing the viable future use of the building requires an assessment of the significance of its component parts and that a case may be made for appropriate alteration and down-taking in order to enhance, reveal or enable the conservation of the parts of the building which have the greatest significance. From my site visit it was evident that some parts of the building are clearly modern additions which are of little or no significance and this is borne out by the conclusions of the applicant's conservation plan.

Some elements of the building including some extension to the north and fire escape additions clearly have a negative impact.

9.22 The impacts of the proposals on the listed building are identified as:

- Conservation, restoration and repair of the exterior of the listed admin building and its three associated ward blocks.
- Conservation, restoration and repair of the cottages to the north-west of the apartment block.
- Conservation, restoration and repair of the significant elements of the interior of the admin building and associated ward blocks – the entrance hall, the joinery in the bay windows and the stairs.
- Alteration of the interior of the remainder of the admin blocks to provide residential accommodation.
- Demolition of the recreation hall and the refectory block including some parts of moderate significance.
- Demolition of the laundry building and the boiler house of neutral or negative significance.
- Demolition of wards 11 and 12, unlisted but considered to have some, moderate, significance.
- Demolition of other buildings that are unlisted and have neutral or negative significance.
- Retention and repair of landscape elements such as the lime avenue and circular garden.
- Protection and enhancement of significant views.
- Alteration by development and which will affect other views.

9.23 I agree with the assessment that if regular maintenance is not undertaken for the building, its historic building fabric will deteriorate and be lost. The building has already sustained substantial loss of historic fabric. The protection and re-use of the listed building is an integral component of this proposal and is relied upon to justify its scale. Consequently, I consider that any grant of permission should be subject to appropriate conditions to provide adequate surety, in advance of commencement of development, that the building will be preserved and brought back into use. I note the council's draft conditions in this respect and agree that these would address this matter.

9.24 Drawing on all of the above I find that the proposal would have a positive impact on the heritage value of the site and would secure the beneficial re-use and protection of the listed building.

9.25 **On other issues of Environmental Impact** the applicant's statement also addresses Noise & Air Quality; Contamination; Flooding and drainage impact on The Dighty Burn. Local Plan Policy ER28 requires a flood risk assessment to be carried out for proposals located on land which may be subject to flooding. In this respect the council has drawn my attention to the more recent response of the Scottish Environment Protection Agency in representation to the proposed local development plan. The representation confirms the assessment of the submitted Flood Risk Assessment for this site and that no objection is made on this basis. However, it also refers to assessment of options for morphological improvement including consideration of any culverted watercourses related to the site. I consider that this matter could be addressed by condition. Subject to other appropriate conditions - to address noise impact in relation to nearby property and potential contamination associated with the former use of the site - my assessment is that the proposal would not result in any significant adverse environmental effects.

9.26 **On the matter of conditions** I note that there is no disagreement between parties with regard to the conditions proposed by the council. I have addressed the matter of the proposed terms of a legal agreement in paragraphs 9.11-9.13 above. For the avoidance of doubt the terms of this agreement are re-stated below:

Subject to conclusion and recording of a valid planning obligation (under Section 75 of the Act) or suitable alternative binding agreement to the following general terms:

1. Affordable Housing: a staged contribution of 22.3% providing for 50 commuted sums at an amount of £21,600 per unit (subject to review); and

2. Education: a staged contribution of £5,660 per unit towards addressing capacity issues at Strathmartine Primary School and £5,100 per unit towards the cost of meeting capacity requirements at a secondary school (Forfar Academy).

CHAPTER 10: OVERALL CONCLUSIONS AND RECOMMENDATIONS

- 10.1 My conclusion is that the proposal conflicts with TAYplan Policy 1 as it is a large scale housing development outwith the identified settlement strategy. Whilst the Angus Local Plan identifies the site within a settlement and as an opportunity site it restricts housing development to a maximum of 40 houses. For these reasons I find that the proposal does not accord overall with the relevant provisions of the development plan.
- 10.2 Whilst there are undoubtedly more sustainable locations the site is not remote. It is relatively accessible, would re-instate a listed building, re-use brownfield land and contribute to meeting housing needs. The submissions demonstrate access to public transport, walking and cycling links can be achieved and that traffic impact falls within acceptable limits. I have not identified any unacceptable environmental impacts. For these reasons, I find that it would contribute to sustainable development and would not conflict with Scottish Planning Policy. The emerging local development plan recognises the continued potential of the site and removes the 40 house limit to development. The proposal presents the following benefits:
- Protection and re-use of a Category B listed building
 - Addresses security and safety issues
 - Prevention of future arson and vandalism
 - Landscape enhancement and public access
 - Provision of affordable housing
 - Remediation of a derelict site to the benefit of local amenity
 - A contribution to the future housing land supply
 - Potential to support local bus services
 - Local economic and employment benefits through the construction phase.
- 10.3 Taking all of these matters into account I consider these benefits outweigh the identified conflict with the development plan. The protection of the listed building and its setting would be secured. Consequently, I recommend that subject to the conditions that are set out in Appendix 1 below and to the completion of a planning obligation or suitable alternative binding agreement covering the matters set out in paragraph 9.26 above, planning permission in principle should be granted.

Allison Coard
Reporter

Appendix 1: Proposed Conditions

1. 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.

2. That any application for approval of Matters Specified in Condition 1 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 palette 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 1.

3. 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 1 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 1. Such works shall include but not be limited to the dountaking 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.

4. 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.

5. 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.

6. 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 |

Reason: In the interest of the amenity of nearby residents.

7. 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.

8. 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.