

ANGUS COUNCIL



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**PLANNING PERMISSION IN PRINCIPLE APPROVAL
REFERENCE : 20/00102/FULM**

To: **Chamberlain Bell Ltd
c/o Ryden LLP
FAO Robert Evans
7 Exchange Crescent
Conference Square
Edinburgh
EH3 8AN**

With reference to your application dated **10 February 2020** for planning permission in principle under the above mentioned Acts and Regulations for the following development viz:-

Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) for the redevelopment of former hospital site to include new build and conversion to residential and community use and creche, associated access, landscape and infrastructure works subject to amended conditions 1 (developer contributions) , 2 (matters specified) and 4 (phasing of Listed Building works) to those attached to previously granted planning permission reference: 13/00268/EIAM (Scottish Ministers Ref: NA-ANG-009). at Former Strathmartine Hospital Strathmartine for Chamberlain Bell Ltd

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission in Principle (Full Council)** for the said development in accordance with the particulars given in the application and plans docqueted as relative hereto in paper or identified as approved on the Public Access portal. The permission is subject to the following conditions, namely:-

- 1 The development permitted by this planning permission shall not be initiated by the undertaking of a material operation (as defined in section 27(4)(a)-(f) of the Town and Country (Scotland) Planning Act 1997) in relation to the development until a planning obligation pursuant to section 75(1)(a) of the said Act relating to the land (or other suitable legally binding agreement) has been registered in the Land Register of Scotland or recorded in the General Register of Sasines, as appropriate, to the written satisfaction of the planning authority. The said planning obligation (or other suitable legally binding agreement) will provide that:
 - a) a sum of £6,802 (index linked) per dwelling unit (excluding student accommodation, 1-bed units, sheltered/supported housing, holiday accommodation, listed building conversions, or affordable housing units (including commuted payment)) will be paid to the planning authority for the purpose of increasing capacity of educational facilities at Strathmartine Primary School;
 - b) a total of 56 affordable housing units (or such other figure representing 25% of the total number of units approved on the site) shall be provided, comprising 28 on-site units and 28 commuted sums of £28,000 per unit* or such other arrangement as may be agreed through a delivery package in accordance with the council's adopted Developer Contributions and Affordable Housing Supplementary Guidance.

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

2 That plans and particulars of the matters listed below shall be submitted for consideration by the planning authority. No work, other than demolition, shall begin on any discrete phase or zone until the matters relative to that particular phase or zone, and matters relative to the whole site relevant to that phase or zone have been approved in writing by the planning authority. The development shall be carried out in accordance with that approval. The matters are:

(a) Whole Site: -

(a)(i) a phasing plan for the entire development informed by the masterplan required by condition 3(a). That plan shall identify any specific phases or zones of development and the number of residential units to be provided (which shall not exceed 224 units on the whole site - a maximum of which will comprise 212 new-build units). The phasing plan must include details of all demolition works; 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 where these will serve the whole site;

(a)(ii) 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. The required access improvements, including the visibility splays, shall be formed before commencement of any other works;

(a)(iii) 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;

(a)(iv) 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;

(a)(v) 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 in general accordance with the detail provided in Bayne Stevenson Associates Ltd drawing J3975-SK03 subject to necessary approval through the Roads (Scotland) Acts. Once approved, the footway shall be completed prior to the occupation of any dwelling hereby approved;

(a)(vi) a scheme for the provision of a replacement bus shelter (with real time display, bus stop pole, raised kerb and dropped kerb) to the north of Craigmill Road, and provision of a bus stop pole, raised kerb, dropped kerb and a footway buildout to provide a wheelchair harbourage to the south of Craigmill Road, all in accordance with Angus Council standards. Once approved the public transport infrastructure improvements shall be completed prior to the occupation of any dwelling hereby approved;

(a)(vii) in relation to any 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;

(b) Any discrete zone (housebuilding by geographic area) of development: -

(b)(i) the layout of that zone, including, road layout, street lighting, car parking, turning space, open space, landscaping, drainage infrastructure, facilities for waste/recycle storage and collection, and the number of residential units to be provided within the zone relative to the masterplan approved under condition 3(a). For the avoidance of doubt the indicative layout submitted with the application is not approved;

- (b)(ii) full details of all demolition and other works to the listed buildings;
- (b)(iii) the siting, design and external appearance of the new-build dwellings and any associated above ground plant or infrastructure;
- (b)(iv) the existing and proposed ground levels and finished floor levels of the new-build houses relative to a fixed ordnance datum;
- (b)(v) all boundary enclosures;
- (b)(vi) a phasing plan for that zone that sets out the timing of the provision of the infrastructure and open space covered in b(i) relative to the provision of housing units within the zone;
- (b)(vii) a scheme for the management and maintenance of any unadopted infrastructure or open space within that zone.
- (c) Any discrete phase (physical ground works and site remediation works) of development: -
 - (c)(i) precise details of all works proposed relative to the masterplan approved under condition 3(a). Such application must be accompanied by a statement that demonstrates the works are in compliance with the approved masterplan and with other conditions of this permission.
- 3 That any application for Approval of Matters Specified in Condition 2 above shall be accompanied by the following for the further written approval of the planning authority:
 - a) A Masterplan for the entire application site which shall include: -
 - (i) a Design and Access Statement in accordance with the requirements of Part 3 Regulation 13 (5) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013;
 - (ii) an overall design concept for the layout of the site and dwellings within the site taking account of the setting of listed buildings, building orientation, building height, use of materials, and a palette of colours and textures to be used in the construction of dwellings, having regard to Angus Council's adopted Design Quality and Placemaking Supplementary Guidance;
 - (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, measures for their protection during development, and a programme for ongoing woodland management.
 - (b) A Drainage Impact Assessment in accordance with a methodology agreed 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 (for the avoidance of doubt the travel plan shall not be required in association with any application that provides solely for physical works and does not directly involve creation of a 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.

- 4 That prior to the commencement of development on any new-build house, evidence of a legally binding contract for the rehabilitation and conversion of the listed buildings in accordance with details approved under Condition 2(a)(i) and with a valid listed building consent that provides 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: -
- i) No development shall be undertaken on any new-build dwelling (excluding affordable housing units) until the planning authority has provided written confirmation that approved works on the rehabilitation and conversion of the Administration Building have commenced and progressed in accordance with the phasing details approved under condition 2(a)(i). For the avoidance of doubt that will include works to make the building safe and secure;
 - ii) External works to 50% of all retained listed buildings to be completed in accordance with the listed building phasing works approved under condition 2(a)(i) prior to the occupation of and prior to the commencement of construction of any more than a maximum of 50 new-build dwellings (excluding affordable housing units);
 - iii) External works to the remaining 50% of the retained listed buildings to be completed in accordance with the listed building phasing works approved under condition 2(a)(i) prior to the occupation of and prior to the commencement of construction of any more than a maximum of 100 new-build dwellings (excluding affordable housing units);
 - iv) The internal works and fit out for all listed buildings will be completed in accordance with a completion certificate issued under the Building (Scotland) Regulations prior to the occupation of and prior to the commencement of construction of more than a maximum of 150 new-build dwellings (excluding affordable housing units).
- 5 That, prior to commencement of any development works, a comprehensive contaminated land investigation report shall be submitted to and approved in writing by the planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites - Code of Practice" (BS 10175: 2011). The report must include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33.

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

- 6 Prior to the commencement of any development including demolition works a Construction Management Plan shall be submitted to and approved in writing by 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 during all works associated with the implementation of this permission.

- 7 Noise associated with construction or demolition works including the movement of materials, plant and equipment shall not exceed the noise limits shown in Table A below. 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 | 70dBA Leq t |
| Saturday | 0700-1300 | 6 hour | 70 dBA Leq t |

- 8 Notwithstanding the findings of the Ecological Assessment, 'Strathmartine Dundee', dated April 2020 and the 'Ecology Update', 'Strathmartine Dundee', dated June 2020 both by Nigel Rudd Ecology, 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.
- 9 That the development shall be undertaken in accordance with the Strathmartine Hospital Proposed Conversion and Redevelopment Environmental Statement dated April 2013 and the mitigation measures identified therein unless otherwise modified by conditions of this planning permission.
- 10 Prior to the commencement of any demolition works, a waste management plan to deal with the recycling of material produced from the demolition of buildings on site, and to make provision for its reuse in the development shall be submitted to and approved in writing by the planning authority. The plan shall include details for the on-site temporary storage of material that is to be reused within the development. Thereafter works shall be undertaken in accordance with the approved plan.

The foregoing conditions are imposed by the Council for the following reasons:-

- 1 To ensure that the impacts on local education infrastructure directly arising as a result of the development can be adequately mitigated, and to ensure provision of affordable housing in accordance with council policy.
- 2 To ensure that the matters referred to are given full consideration and are acceptable to the planning authority.
- 3 In order to ensure that development within the site takes place in accordance with an overall design concept and to enable the planning authority to consider the matters detailed in Condition 2.
- 4 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.
- 5 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.
- 6 In the interest of environmental protection and the amenity of nearby residents.
- 7 In the interest of the amenity of nearby residents.
- 8 To ensure that the proposal incorporates satisfactory mitigation for bats.
- 9 In order to ensure that the development is undertaken in a manner that mitigates adverse impact on the environment.
- 10 In order to minimise the production of waste from demolition activity and to secure reuse of demolition materials in the new development.

The reason(s) for the foregoing decision by the Council are as follows:-

1. There is an extant planning permission in principle that provides for the same or substantively the same development at this location. The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and as such the planning authority is required to only consider the question of the conditions subject to which planning permission should be granted. The conditions reflect relevant development plan policy requirements and address amenity, environmental and infrastructure issues in a manner that is compatible with government policy guidance. The conditions ensure that further information is provided to safeguard the listed buildings and their setting. The overall development proposal will secure reuse of listed buildings; address security and safety issues; reduce risk of future arson and vandalism; ensure landscape enhancement and public access; provide affordable housing; remediate a derelict site to the benefit of local amenity; contribute to housing land supply; improve public transport infrastructure; and provide economic and employment benefits through the construction phase.

Dated this **30 November 2020**

Kate Cowey
Service Leader
Planning Service
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN