

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
24 June 2014**

Agenda Item	6.5
Report No	PLS/051/14

**14/01463/FUL : Intertrust Trustees Limited
Eastgate Shopping Centre, Inverness**

Report by Area Planning Manager - South

SUMMARY

Description : Extension to existing shopping centre outwards into Falcon Square at ground floor & first floor to accommodate retail & restaurants, combined with redevelopment/expansion of second floor storage & plant to accommodate 8 screen cinema and change of use of two existing class 1 retail to class 3 restaurant

Recommendation - GRANT

Ward : 15 - Inverness Central

Development category : Local

Pre-determination hearing : N/A

Reason referred to Committee : Manager's discretion.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal involves the alteration of approximately 2,500m² of existing retail floor space within the ground and first floor levels of Eastgate II. It comprises the creation of five new restaurants (approximately 1800m²) and some 750m² of revised internal retail space. There will be three new restaurants on the ground floor and two on the first floor. In addition, a new 8-screen cinema facility will be introduced on the second level (currently roof space), which will accommodate a total of 1,100 seats. As part of the proposals, the existing car parks serving Eastgate will have their opening hours extended.
- 1.2 The Centre will be extended horizontally into Falcon Square by approximately 9 metres and upwards to incorporate a second floor. The Centre will also be pushed out approximately 5 metres towards the railway station. The overall height will increase from around 13.5 metres to 21 metres. At ground level the link through to the railway station will be reduced to 7.5 metres in width reducing further to 5.75 metres at 4 metres above ground level.

- 1.3 The proposal will involve the loss of an element of class 1 retail units on the ground and first floor that will be replaced by the restaurants. The ground floor restaurants (located where Monsoon is at present) will be accessed directly from Falcon Square. Those on the first floor will be entered via the Eastgate Centre. The proposed cinemas will be on the new second floor with the main foyer/entrance on the first floor. There will also be internal alterations to create a different shopping layout adjacent to the new restaurants. The existing main entrance to the Centre from Falcon Square will also be redesigned with the cupola being removed. New plant will be required at roof level but this is designed and located not to be visible from the immediate street level. It should be noted that the main shopping area around Debenhams will remain untouched.
- 1.4 The intention is to use perforated metal cladding on the elevations. This will involve an inner insulated metal wall in a dark grey colour with a perforated anodised aluminium metal panelling in a sandstone/gold colour placed in front of it. The latter creates a see-through mesh that can be lit from inside in a variety of ways. The mesh is designed such that the elevation will vary in colour/finish as the light changes. There will also be an element of translucent glass on the Falcon Square elevation that will allow views into the Centre. A large rectangular “box” is included in the façade that is designed to allow for the Eastgate logo and further translucent glass to help open up the interior to the outside.
- 1.5 The proposal was formally considered by the Council under its pre-application advice procedures. The subsequent report advised that that it was a proposal that could be supported but there were several key issues that needed to be addressed, notably:
- Need for a high quality design.
 - Ensuring that the materials are appropriate for the setting.
 - Providing a better definition to the edge of Falcon Square.
 - The need for a Transport Assessment.
 - The need for improvements to the link between the station and Falcon Square.
 - Ensuring an appropriate relationship between the development and the listed building at 12-14 Falcon Square (Pizza Express and Laura Ashley).
 - Consideration must be given to what will happen to the existing clock on the Falcon Square façade that was donated to the Centre.
- 1.6 The development will use the existing public water and sewerage network
- 1.7 A number of supporting documents have been submitted as follows:
- Design and Access Statement
 - Drainage Statement
 - Transport Assessment.
- 1.8 **Variations:** Minor variations to plans to ensure that they are fully co-ordinated.

2. SITE DESCRIPTION

- 2.1 The site consists of the part of the existing Eastgate Shopping Centre adjoining Falcon Square. It forms one of the main edges to the Square, the others being 12-14 Falcon Square (Laura Ashley and Pizza Express) and Academy Street/Millburn Road. The east elevation of Eastgate I and Marks and Spencer also help enclose the Square. Otherwise the site consists of several of the existing retail units within the Centre itself.
- 2.2 The proposed extension into Falcon Square falls within the Inverness (Riverside) Conservation Area. It should also be noted that 12-14 Falcon Square is a "C" Listed Building.

3. PLANNING HISTORY

- 3.1 There have been no planning applications since the original grant of permission for Eastgate II.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Development Affecting Setting of Listed Building - 16.05.2014
Representation deadline : 16.05.2014
Timeous representations : 1
Late representations : 1
- 4.2 Material considerations raised are summarised as follows:
- Support proposal. It will improve the vitality of the city centre especially after 6pm and in the winter months.
 - Will result in considerable visual change to the façade facing Falcon Square.
 - Potential for compensatory planning gain to offset the loss of the space at Falcon Square.
 - Suggest improvements to entrance to station as it is not well signed at present and can sometimes be obstructed by cars.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Contaminated Land** : No objection. Potential for contamination due to previous use. Advise standard condition.
- 5.2 **Historic Environment Team** : No objection.
- 5.3 **Environmental Health** : No objection subject to appropriate conditions in relation to noise.
- 5.4 **Development Plans** : No objection.
- 5.5 **Transport Planning** : No objection subject to appropriate conditions and contribution to public transport.

- 5.6 **Conservation Officer** : No objection. Notes that the building has been designed to make a bold statement but also to make a positive contribution to the wider city. It is considered that the development is unlikely to have any greater impact on the adjacent listed buildings and conservation area than that of the existing shopping centre. By improving the relationship between the shopping centre and Falcon Square and creating a greater level of human interaction it is considered that this development proposal will be an improvement to the current townscape and setting of historic environment assets.
- 5.7 **Planning Gain Negotiator** : No objection subject to developer contributions towards improvements to the public realm at Falcon Square; contribution to the Academy Street improvements being progressed by the Council; and a contribution towards public art.
- 5.8 **Forestry Officer** : No objection. Two trees will be lost as a result of the proposal. Consideration should be given to replacement as part of the public realm improvements to the Square.
- 5.9 **Historic Scotland** : No objection.
- 5.10 **SEPA** : No objection.
- 5.11 **Transport Scotland** : No objection.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Policy 3	City Centre Development
Policy 28	Sustainable Design
Policy 29	Design Quality and Place Making
Policy 31	Developer Contributions
Policy 40	Retail Development
Policy 56	Travel
Policy 57	Natural, Built and Cultural Heritage
Policy 65	Waste Water Treatment
Policy 66	Surface Water Drainage
Policy 70	Waste Management Facilities
Policy 77	Public Access

6.2 **Inverness Local Plan (As Continued in Force) 2006**

Policy 1 City Centre Uses

Policy 2 Design

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan : Inner Moray Firth Local Development Plan**

Policy 1, Promoting and Protecting City and Town Centres

7.2 **Highland Council Supplementary Planning Policy Guidance**

Inverness City Centre Development Brief

Developer Contributions

Managing Waste in New Developments

Inverness City Vision

Public Art Strategy

Highland Historic Environment Strategy

7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy

Managing Change in the Historic Environment

Scottish Historic Environment Policy

PAN 65 Planning and Open Space

PAN 71 Conservation Area Management

PAN 77 Designing Safer Places

PAN 78 Inclusive Design

Designing Streets

Designing Places, A Policy Statement for Scotland

Scotland's Six Cities: A Shared Vision for Scotland's Success

Scotland's Cities: Delivering for Scotland

8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty upon the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

8.4 **Development Plan Policy Assessment**

Scottish Planning Policy makes clear that the planning system should support economic development in a variety of ways, including taking account of the economic benefits of proposed developments; promoting development in sustainable locations, particularly in terms of accessibility; and supporting development that provides new employment opportunities. It also promotes town centre developments, particularly retail and leisure uses and supports a diverse range of commercial and community activities. The Policy also advocates improvements to town centres through high quality development, well designed public spaces and promoting the evening economy. The goal is to improve the health, vitality and economic potential of city centres. The present proposal meets many of these objectives through supporting a key business within the city centre, generating new employment, boosting the evening economy and providing support for the city centre as a whole. There are concerns, however, especially in relation to the loss of public open space and the proposed design that are dealt with below. Overall, however, it is considered that the proposal is consistent with Scottish Planning Policy.

8.5 The local policy context for assessing the proposal involves the adopted Highland-wide Local Development Plan (HWLDP), the Inverness Local Plan (As Continued in Force) (ILP), the Inner Moray Firth Proposed Local Development Plan (IMFPLDP) and the Inverness City Centre Development Brief (ICCDB). The policies in these documents are generally supportive of the principle of the development. Policy 3 of the HWLDP outlines support for developments within Inverness City Centre which maintain and strengthen its vitality and viability. Policy 28 supports developments that promote and enhance the social, economic and environmental wellbeing of the people of Highland. Policy 40 directs new retail development to identified city/town/village centres. Similarly, policies in the Inverness Local Plan seek to strengthen and enhance the city centre as the focus for retail, business and commercial activity. The proposed IMFPLDP does not specifically identify the site but Policy 1 directs development which generates footfall to Inverness City Centre in the first instance. On the basis of these policies, the development plan is supportive of city centre commercial/leisure developments.

8.6 The Inverness City Centre Development Brief forms a statutory part of the development plan. Among its key aims are improving the commercial vitality and viability of the City Centre; making the City Centre the most attractive and desirable place for businesses to locate; and enhancing the user experience for tourists and other visitors. The proposal falls within the "Retail Core" where the priority for this area is to look at enhancements to create anchors and attractions in each corner of the City Centre. Again the proposal is considered to be in accord with the aims of the Brief through enhancing the attractiveness of the city centre and increasing footfall/activity at night.

- 8.7 On the basis of the above assessment, therefore, the principle of creating a cinema complex and restaurants is broadly supported by national and local policies and guidance. However, this broad support must be tempered by consideration of more detailed issues, including the design, impact on the transport network, impact on Falcon Square and the potential requirement for developer contributions.
- 8.8 The submitted Design Statement makes clear that the key aspirations are to: re-orient the centre to face Falcon Square; make the building more open to the Square; create a greater presence for the Centre in the city centre; and update its image. In themselves, these are to be welcomed and the proposed design will achieve these aims through the increase in height, use of modern materials, and creating improved animation through more direct connections between the Square and the Centre. Nevertheless the increase in height and massing and use of modern materials will bring significant change to this part of the city centre.
- 8.9 The height will be raised by approximately 7 metres which takes it to 1.5 metres above the height of the existing cupola above the main entrance. The increase in height is considered acceptable. This is a city centre location where taller buildings are expected and there are other buildings around the centre that are of a comparable height. It will not be a dominant feature when viewed from elsewhere in the city centre. The existing Centre is inward looking with a somewhat “fortress like” appearance – limited entrances/windows and small slit windows with a strong stone element. The new design will be more modern in appearance utilising metal and lighting to create a, perhaps, less forbidding appearance. On the other hand, the Falcon Square elevation is finished in sandstone, a material that matches the majority of the buildings within the city centre. The use of a metal finish will, therefore, lead to a major change in the townscape in this location. The development will also highlight the difference between the remodelled Eastgate II and the older Eastgate I, which will remain as constructed some 30 years ago. It is understood, however, that the operator is currently reviewing other options for updating the Centre to include the existing, remaining facades.
- 8.10 Whether the redesign is acceptable or not is, to degree, a matter of personal preference. In terms of its scale and massing it is considered that it is suitable for a city centre location and it will not overly dominate the Square. As noted above, the anodised aluminium cladding will bring about a major change to the Square and the wider city centre as it is not widely used at present. The applicant has pointed to the fact that similar metal panels have been used in cities elsewhere in the UK. Members will note the support of the Conservation Officer for the proposal, particularly in relation to the impact on the conservation area. Nonetheless, it will mean that the nature of Falcon Square will change. This must be balanced against the overall policies to support commercial developments within the city centre and the benefits that the development will bring in relation to footfall, visitor attractions and the evening economy. Overall it is considered that the design is acceptable and meets the development plan policies in relation to design and impact on the conservation area.

- 8.11 The Falcon Square elevation shows an area for cinema signage on the second floor, which is considered necessary and acceptable. However, it also shows a large box extending slightly from the elevation showing a sizeable Eastgate logo/advert and an area of translucent glass. Whilst the box does break up the elevation, there are concerns over the scale of the logo/advert. Any approval should make clear that permission is not granted for any form of advertising on the building, which should be the subject of separate application(s). It would also be preferable if the impact of the box was reduced as it is considered to detract from the overall rhythm of the façade. This elevation also contains the clock donated by the Rotary Club, which is a significant feature on the façade. Discussions have taken place with the applicant who is happy to consider relocating the clock elsewhere on the façade of Eastgate or, indeed, another appropriate location within the city centre. This matter can be covered by condition.
- 8.12 The development will also mean the loss of some 450 sq.m. of the Square, a major area of public open space that extends at present to some 2500 sq.m. This will be replaced by commercial/retail space that will be beneficial to the Centre. There will therefore be significant private gain but a public loss. There is a clear need, as a result, to ensure that there is appropriate mitigation for this loss. If the Council is to support the proposal, there should be an element of “quid pro quo”. There is clearly no option to replace the space elsewhere but there is the potential to improve the quality of the experience in and around the Square through public realm improvements. The Square at present is very open with limited greenery or public facilities such as seating. Many similar public spaces in other Scottish cities enjoy such amenities and it is reasonable for the Council to seek such enhancements. In this respect a condition is recommended to the effect that the developer should design, fund and implement a series of public realm enhancements for the Square to be agreed with the Council. Developer contributions in relation to public art could form part of such a scheme.
- 8.13 The proposal, as noted above, includes an extension of the façade into Falcon Square by some 9 metres. The intention is that the elevation will line with the rear elevation of the Station Hotel. This will maintain the link between the station and the square. However, it will be significantly reduced. At present the gap is 17.5 metres. This will reduce to 7.5 metres. The link will remain but it will not be as obvious to those arriving by train. In addition, there are three specimen trees located between the Centre and the railway station. Construction of the extension will mean that two of these will be removed. The Forestry Officer accepts that they will need to be removed but advises that one is an excellent specimen that may have the potential to be relocated and that consideration be given to replacement planting.
- 8.14 If the overall scheme is acceptable, there will be a need to ensure that this link is clearly maintained and signed. It can, for example, provide an opportunity for public art both to inform people and enhance their experience and meet the Council’s policies and supplementary guidance in relation to public art. A scheme for enhancing this link should be included in the overall public realm enhancements referred to above. Similarly, the greening of the Square can be considered as part of the public realm improvements.

- 8.15 Members will be aware that the Council is currently preparing an Action Plan for Inverness City Centre. This was reported to the City of Inverness Area Committee on 3 June 2014 highlighting a number of city centre priorities including the regeneration of Academy Street. A key part of this strategy is to work with developers to enhance the public realm alongside their (re)developments, including financial contributions where necessary. Such contributions formed part of the planning permissions for the developments at 92-94 Academy Street and Glebe Street. It would be appropriate, therefore, to seek similar contributions from the present scheme. In this instance it is important to maintain the signalised crossing for pedestrians due to the volume and nature of traffic using Academy Street. The crossing could be improved and widened to include a larger zone for pedestrian crossing. The purpose would be to reinforce and highlight the zone for pedestrian crossing both in terms of guiding pedestrians towards this area and in warning drivers of the presence of pedestrians. Again a condition is recommended on the same basis as the developments referred to above.
- 8.16 A Transport Assessment has been submitted as part of the application. This concludes that:
- There is an excellent level of cycling and walking facilities in the vicinity of the Centre which can accommodate the future demand created by the development.
 - The reduction in width of the footway at Millburn Road is acceptable as pedestrian conflict is likely to be low and the proposed narrowing will occur over a short distance with good visibility still provided.
 - The current level of public transport is capable of accommodating the projected demand.
 - The existing operation and capacity of the Eastgate and Falcon Gallery car parks will be able to accommodate the maximum parking requirement resulting from the proposed development, which will ultimately be offset with the extended opening hours of the Eastgate car park.
- 8.17 The Transport Assessment has been considered by Transport Planning. Their key concerns relate to:
- Existing cycle parking is not well placed for cyclists arriving at the Falcon Square entrance to the centre and the stands provided at the St Stephens Brae and Crown Road entrances do not comply with current guidance. In addition there is no secure covered cycle parking for staff.
 - In order to accommodate larger buses and improve bus manoeuvring it would be beneficial to lengthen the existing bus lay-by adjacent to Falcon Square. In addition increased bus shelter provision will be required including a shelter on the south side of Academy Street opposite Falcon Square.
 - Car parking will be provided in the existing multi-storey car parks as follows:
 - Eastgate – 635 spaces – open from 8.00 to 19.00 Monday to Saturday and 10.00 to 18.00 on Sunday.

Falcon Gallery – 700 spaces – open from 6.00 to midnight Monday to Sunday.

8.18 The applicant is happy to consider reassessing and reviewing cycle parking for the centre and this matter can be covered by condition. Similarly, the applicant is willing to examine the potential for improvements to the bus shelter/layby as part of the overall public realm works discussed above that are again covered by condition.

8.19 **Matters to be secured by Section 75 Agreement**

None.

9. CONCLUSION

9.1 There is no doubt that a proposal of this nature will bring benefits to the city centre, particularly the modernisation of the façade of Eastgate II and the provision of a major new attraction that will enhance the evening economy and increase footfall. This must be balanced against the loss of public realm within Falcon Square and the potential impact on the link through to the station. Overall, it is considered that the proposal complies with the development plan and local and national policy on safeguarding and enhancing city centres. The impact on the public realm can be mitigated through public realm works, particularly to the Square and Academy Street/Millburn Road and if these are put in place, it is considered that the proposal is acceptable. It is also considered that the proposal will maintain and enhance the character of the conservation area and, in this respect, meets the terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

Subject to the above, it is recommended the application be **GRANTED** subject to the following conditions and reasons / notes to applicant:

1. Before development commences, the applicant shall agree with the Planning Authority a location for the existing clock on the façade of Falcon Square. Thereafter the clock shall be erected at the agreed location before the development hereby approved becomes operational to the satisfaction of the Planning Authority. For the avoidance of doubt, the clock shall be located either on the façade of Eastgate or at an alternative agreed appropriate location within the city centre.

Reason : In order to ensure that an important public amenity is maintained within the city centre.

2. Before development commences a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Planning Authority. Thereafter the contents of the plan shall be implemented as agreed. For the avoidance of doubt this shall be based upon BS5528 “Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1 – Noise”. The CMP should detail how noise from construction activities will be managed, ensure that best practical means are used to reduce the noise and detail the noise mitigation measures which may be required, including for example restrictions of working hours and the use of low noise equipment.

Reason : In order to safeguard the amenity of neighbouring properties and occupants.

3. Before development commences a vibration management plan shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt this shall be in accordance with BS5228 –2:2009 “Noise and Vibration Control on Construction and Open Sites – Part 2: Vibration”. The vibration management plan should form part of the above Construction Management Plan. It should detail the measures used to minimise vibration and ensure that the peak particle velocity generated by the operations shall not exceed 5mm/second measured at the building nearest to the operations.

Reason : In order to safeguard the amenity of neighbouring properties and occupants.

4. If piling is to be carried out, the details shall be submitted as part of the above Construction Management Plan. For the avoidance of doubt piling shall take place only during the following hours.

Monday to Friday 07.00 – 13.00 and 14.00 to 19.00

Notwithstanding the above, no such operations shall take place at any time on a Saturday, Sunday or Christmas Day, New Year's Day, 2nd January or Good Friday Bank Holidays (as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended)), unless otherwise approved in writing by the Planning Authority as an exceptional instance for operating outwith these hours.

Reason : In order to safeguard the amenity of neighbouring properties and occupants.

5. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 25 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

Reason : In order to safeguard the amenity of neighbouring properties and occupants.

6. No development shall commence on site until a scheme for protecting properties adjacent to the development site from construction-related dust has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be implemented before any development commences and be maintained until development is complete

Reason : In order to safeguard the amenity of neighbouring properties and occupants.

7. Notwithstanding the provisions of Article 3 and Class 14 of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall commence until full details of any temporary site compounds and storage areas (including their location, scale and means of enclosure) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the site compounds and storage areas shall be formed in accordance with these approved details. Furthermore, all site compounds shall be maintained in a tidy, safe and secure fashion and be removed from the application site within one month of the development being completed.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

8. No development, including any demolition works, shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Planning Authority. The statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction; and
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

9. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

10. No development shall commence until a scheme to deal with potential contamination within the application site has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
- i. the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be first submitted to and approved in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice;
 - ii. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
 - iii. measures to deal with contamination during construction works;
 - iv. in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
 - v. in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority.

Thereafter, no development shall commence until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment given the nature of previous uses/processes on the site.

11. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

12. No development shall commence until details of all external street furniture, including refuse bins, recycling facilities, secure cycle racks and bollards, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, all street furniture shall be provided in accordance with these approved details prior to the first occupation of the development. For the avoidance of doubt this shall include a review of existing cycle provision that serves the Centre.

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

13. No development shall commence until a scheme for the storage of refuse and recycling within the application site has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity.

Reason: To ensure that waste on the site is managed in a sustainable manner.

14. Before the development hereby approved comes into operation, the applicant/developer shall pay to the Council a commuted sum in respect of a contribution towards the enhancement of the public realm at Academy Street/Millburn Road. The contribution shall be calculated on the basis of £440 per linear metre of new façade and shall be index linked (applying the Department of Business, Innovation and Skills Price and Cost Indices or equivalent thereto) from the date of this permission to the date of payment. Where the contribution is not spent within 10 years of the date of the permission it shall be returned to the applicant.

Reason: In order to increase and enhance an equivalent area of public realm lost to the development.

15. Before development commences a plan for the enhancement of the public realm within Falcon Square shall be submitted to, and approved in writing by, the Planning Authority. Thereafter the approved scheme shall be implemented and completed before the development hereby granted planning permission becomes operational. For the avoidance of doubt the scheme shall include, inter alia, the following elements:

- A scheme for the provision of public art including the pedestrian link between Falcon Square and the railway.
- Measures for the provision of seating within the Square.
- A scheme of lighting.
- Measures for the provision of soft landscaping.
- A management strategy for continued and ongoing maintenance of the space for the lifetime of the permitted development.

Reason: In order to enhance the public realm in compensation for the loss of public open space at Falcon Square.

16. The units hereby approved on the ground and first floors shall be used solely for Classes 1, 2, and 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted; with or without modification).

Reason: In order to safeguard the vitality and viability of the town centre.

17. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted; with or without modification) and Article 3 and Classes 10 to 13 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), the cinema development hereby approved shall be used solely for cinema use and for no other use or purpose.

Reason: In order to safeguard the vitality and viability of the town centre.

18. Prior to occupation of the commercial units, details and full specifications of fume extraction equipment to be installed shall be submitted to and approved in writing by the Planning Authority. The development shall be completed in accordance with the approved details and specification and thereafter maintained in accordance with manufacturer's instructions.

Reason: In the interests of amenity.

19. Car parking will be provided in the existing multi-storey car parks as follows:
Eastgate – 635 spaces – open from 8.00 to 19.00 Monday to Saturday and 10.00 to 18.00 on Sunday.

Falcon Gallery – 700 spaces – open from 6.00 to midnight Monday to Sunday.

Reason: In order to ensure that the level of off-street parking is adequate.

20. Before the development hereby improved commences, the applicant shall agree proposals with the Council for the enlargement of existing bus lay-bys and improved bus shelter provision. The agreed scheme shall thereafter be implemented by the applicant before the development hereby approved comes into operation. For the avoidance of doubt, this may be in the form of a financial contribution.

Reason: In order to secure improvements to the public transport system

21. For the avoidance of doubt this permission does not give consent for any external advertisements. Where Advertisement Consent is required, this shall be the subject of a separate application(s).

Reason: To clarify the terms of the permission.

22. Before the development hereby improved commences, a revised plan for the Falcon Square façade shall be submitted to, and agreed in writing by, the Planning Authority. The plan shall show a revised treatment of the box structure containing the logo/translucent glass. Thereafter, the revised elevation shall be implemented as agreed.

Reason: In the interests of visual amenity.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Food Safety: The development must comply with the Food Safety (Scotland) Regulations 2006

and the Health and Safety at Work etc. Act 1976. In this regard, if the pedestrian route or access for workplace traffic at the rear of the premises is affected, the applicant should undertake a traffic management assessment to ensure the traffic management arrangements comply with the Workplace (Health, Safety and Welfare) Regulations 1992.

Cinemas: In terms of the Cinema Act 1985, the applicant/operator of the premises would require to be licensed by the Council prior to the operation of the cinema. Furthermore applicant/operator would require to comply with the Highland Council's licence conditions for such premises. A copy of the license conditions can be provided to the applicant if requested.

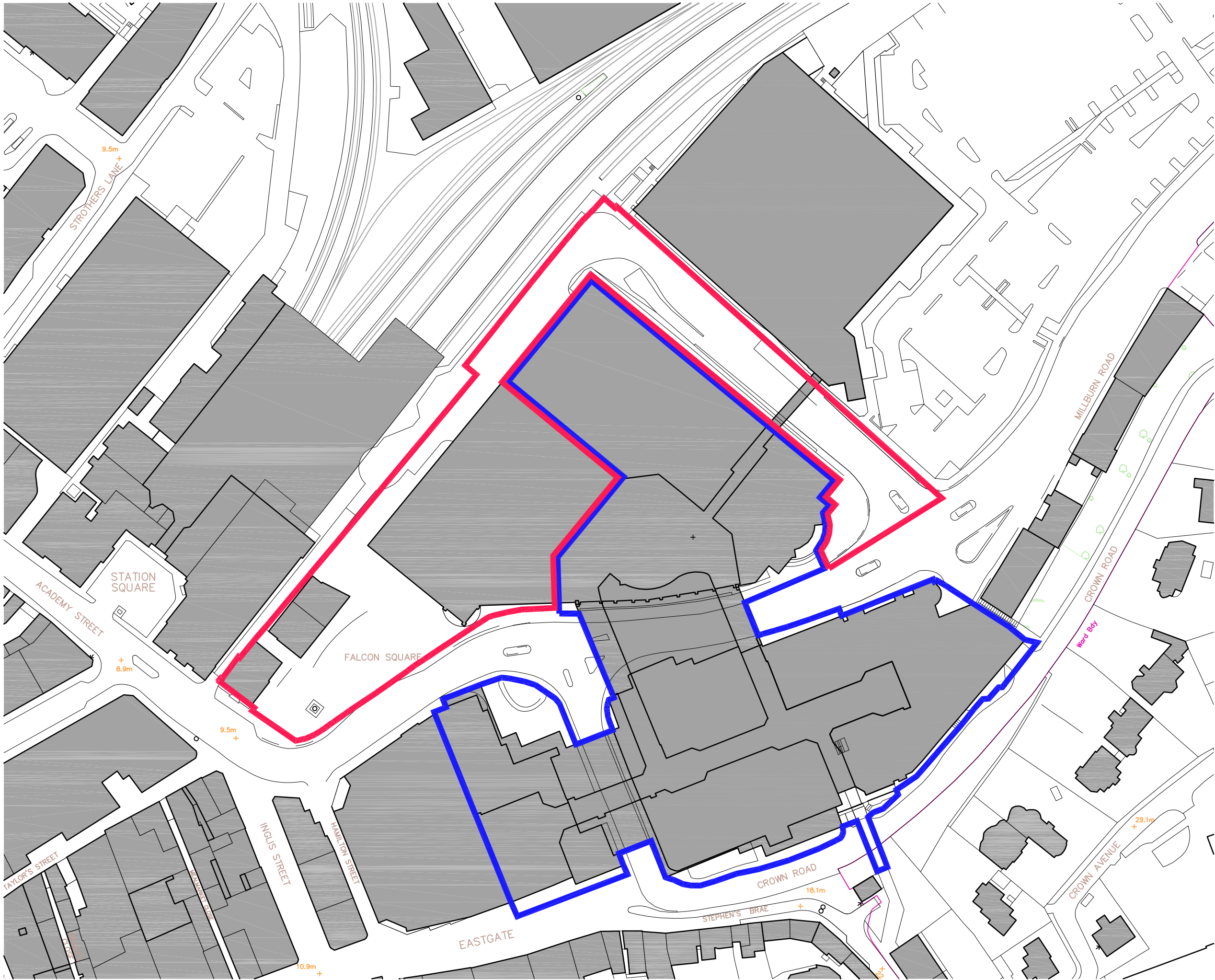
Bilingual Signage: In line with the Council's Gaelic Language Plan and policies, you are encouraged to consider the use of both Gaelic and English on signage within in this development (both internal and external signs). For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

Building Regulations: Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at BuildingStandards@highland.gov.uk or on 01349 886606.

Signature: Allan J Todd
Designation: Area Planning Manager- South
Author: J. Harbison
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Existing Site Layout
Plan 3 – Proposed Site Layout
Plan 4 - Existing Upper Car Park
Plan 5 - Existing Level 0
Plan 6 - Existing Level 1
Plan 7 - Existing Level 2
Plan 8 - Existing Elevation
Plan 9 - Existing Section
Plan 10 - Existing Section
Plan 11 - Proposed Level 0
Plan 12 - Proposed Level 1
Plan 13 - Proposed Level 2
Plan 14 - Proposed Level 3
Plan 15 - Proposed Roof Plan
Plan 16 - Proposed Section
Plan 17 - Proposed Section
Plan 18 – Proposed Elevation

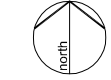


Appendix – Letters of Representation

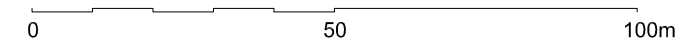
Name	Address	Date Received	For/Against
F. MacKenzie	The Retreat, Church Street, Cromarty	09.05.2014	For
Crown Community Council		10.06.2014	For



All levels and dimensions to be checked on site prior to construction / fabrication; report discrepancies immediately. Do not scale dimensions from this drawings. This drawing is copyright protected.

REVISION

-  north
-  Land in ownership
-  Site Boundary & in ownership



SCALE	DATE	DRAWN	CHECKED
1:1250	26.03.14	SG	RK

PROJECT
**Eastgate Centre
 Inverness**

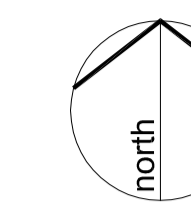
DRAWING
Location Plan

 **Threesixty
 Architecture**
 16-18 BANK STREET
 INVERNESS
 IV1 1QY
 t 01463 729929
 www.360architecture.com

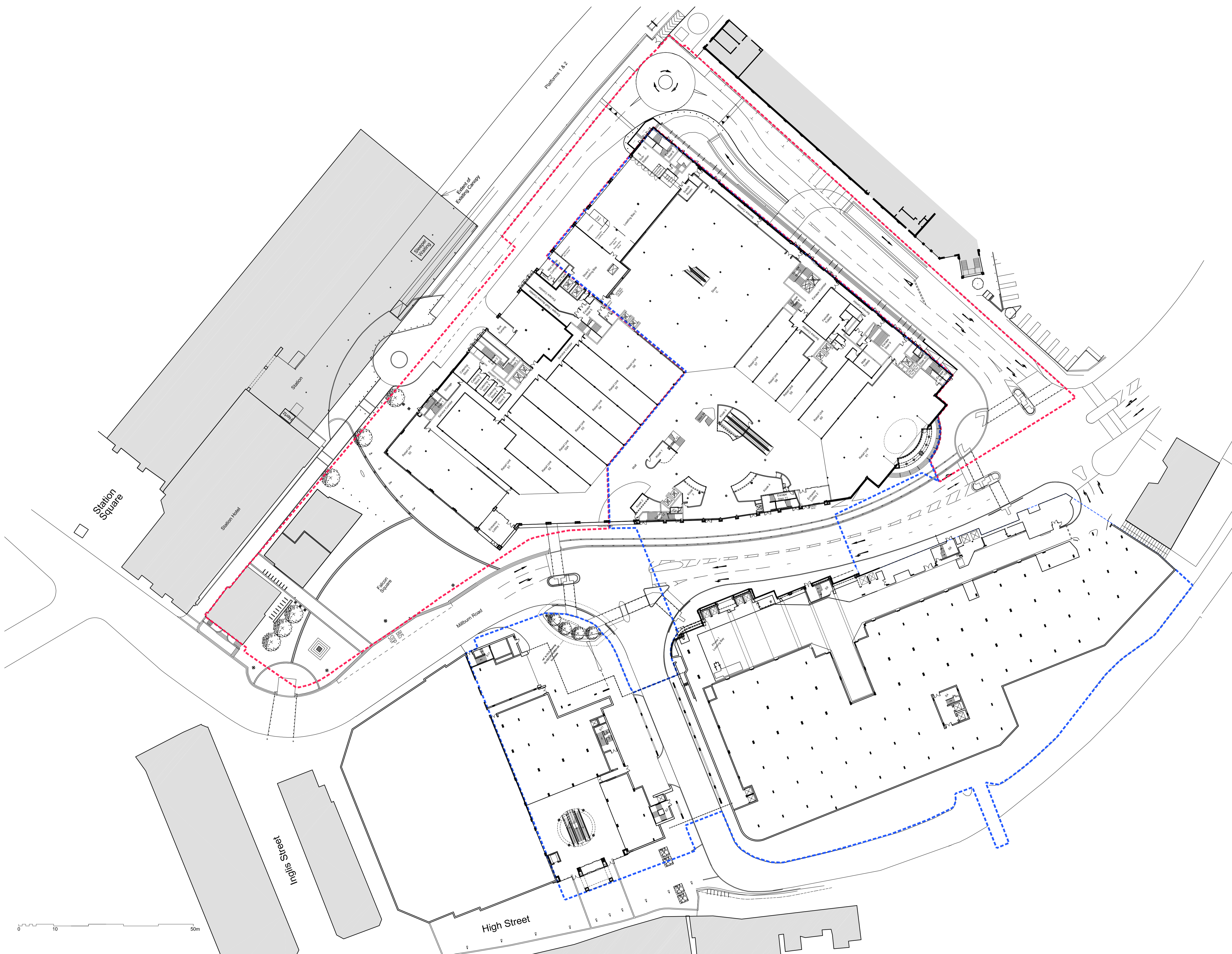
DRAWING No.
130471A_(PL)050

All levels and dimensions to be checked on site prior to construction / fabrication; report discrepancies immediately. Do not scale dimensions from this drawings. This drawing is copyright protected.

REVISION



- Site boundary and in ownership
- Land in ownership



SCALE	DATE	DRAWN	CHECKED
1:500	26.03.14	SG	RK

PROJECT
**Eastgate Centre
 Inverness**

DRAWING
Existing Site Plan

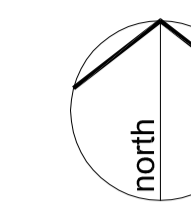


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DRAWING No.
130471A_(PL)051

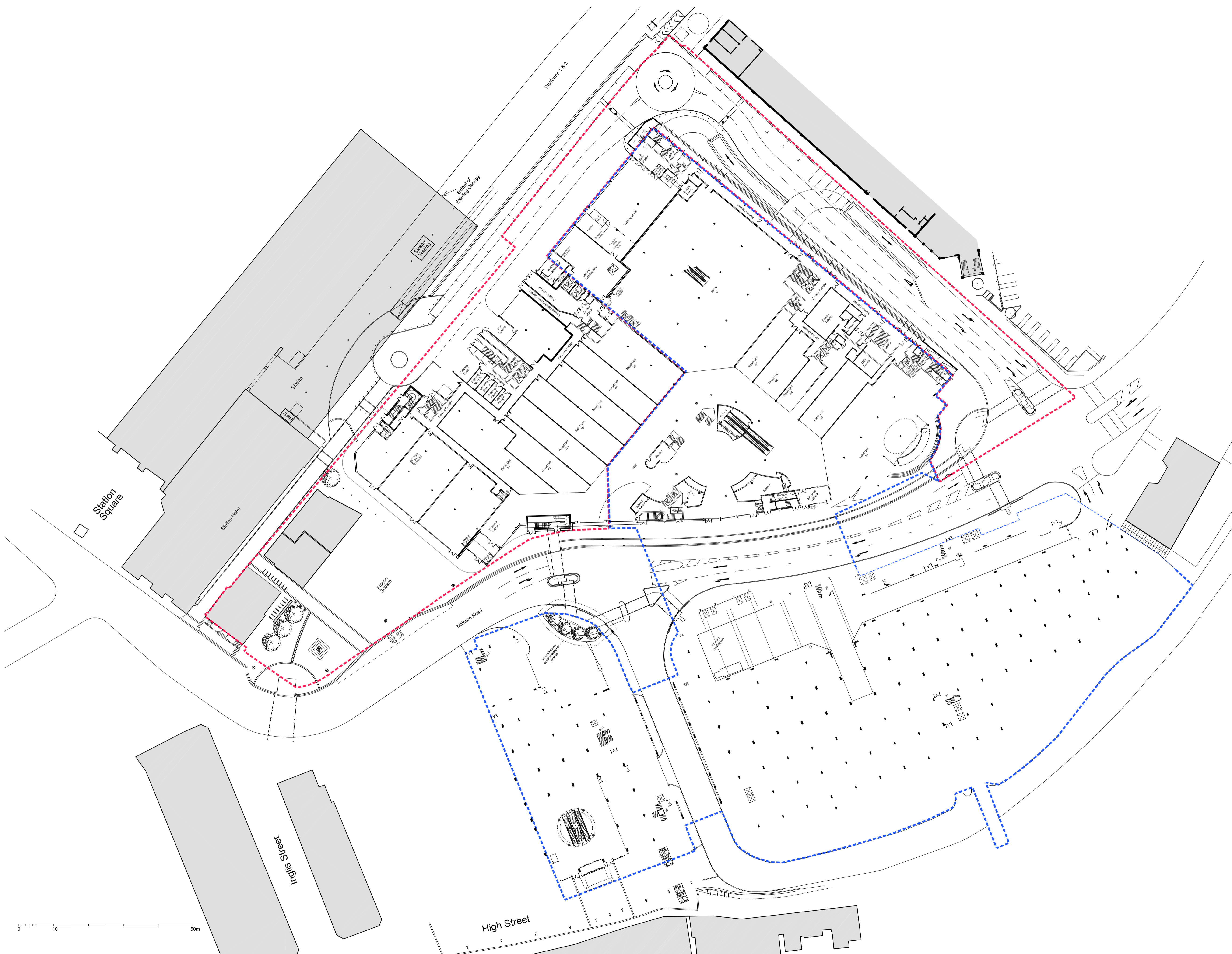
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REVISION



 Site boundary and in ownership

 Land in ownership



SCALE	DATE	DRAWN	CHECKED
1:500	26.03.14	SG	RK

PROJECT
Eastgate Centre
Inverness

DRAWING
Proposed Site Plan

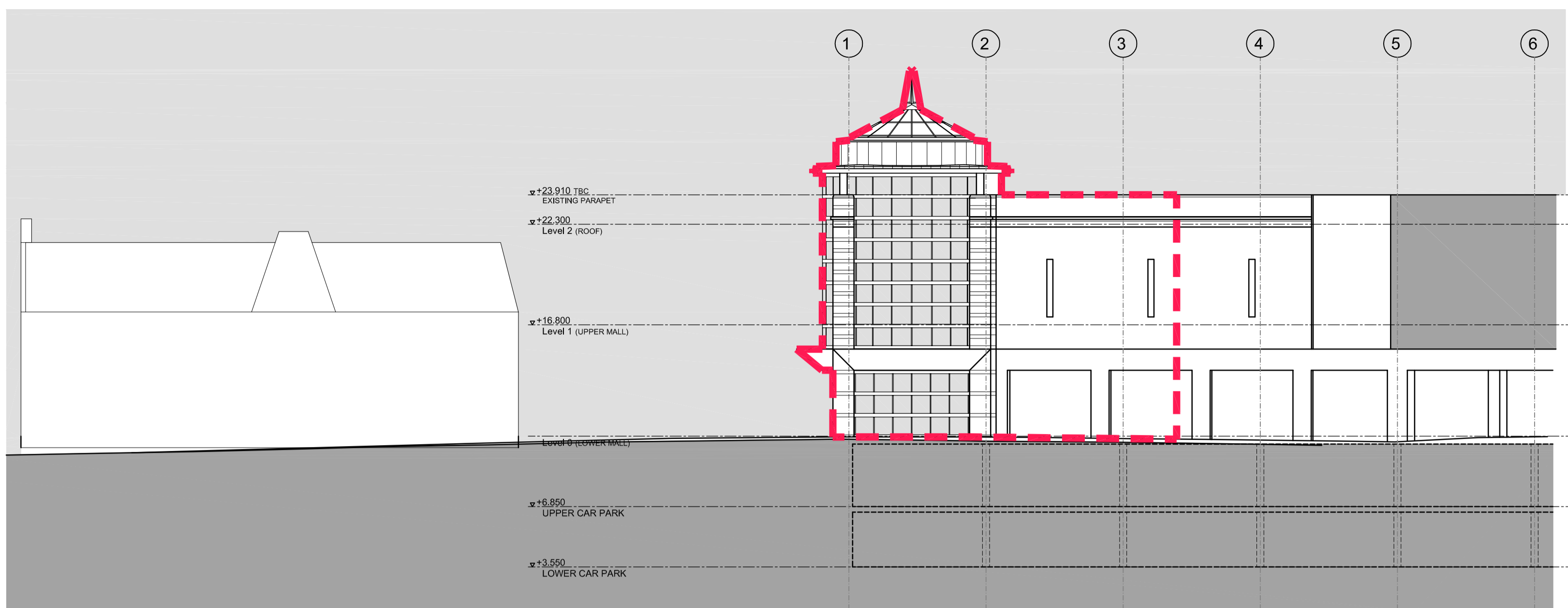
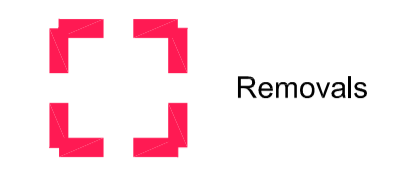
 Threesixty
Architecture

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INVERNESS
IV1 1QY
01463 729929
www.360architecture.com

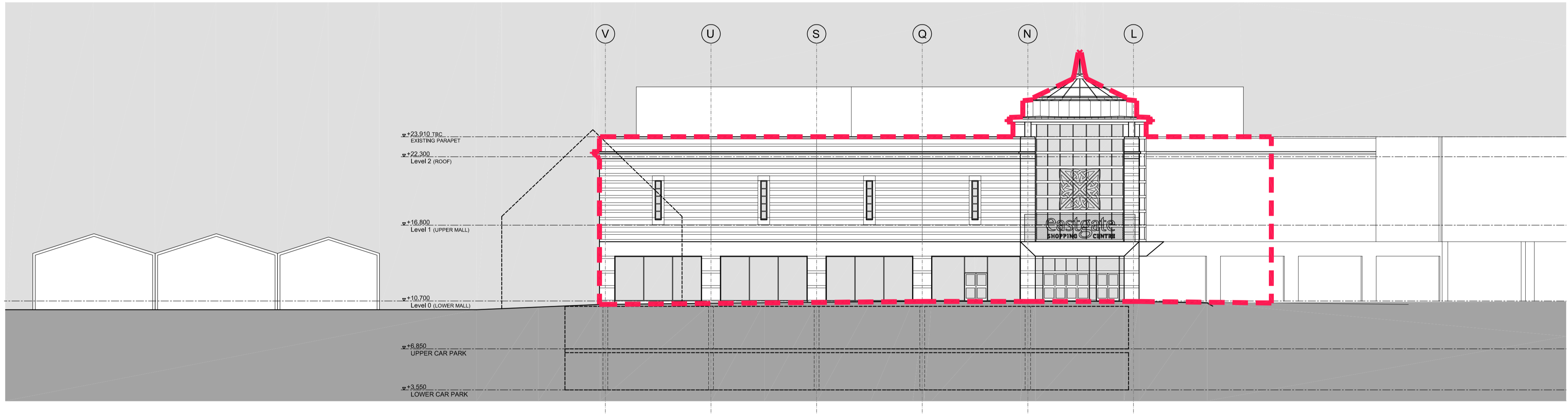
DRAWING No.
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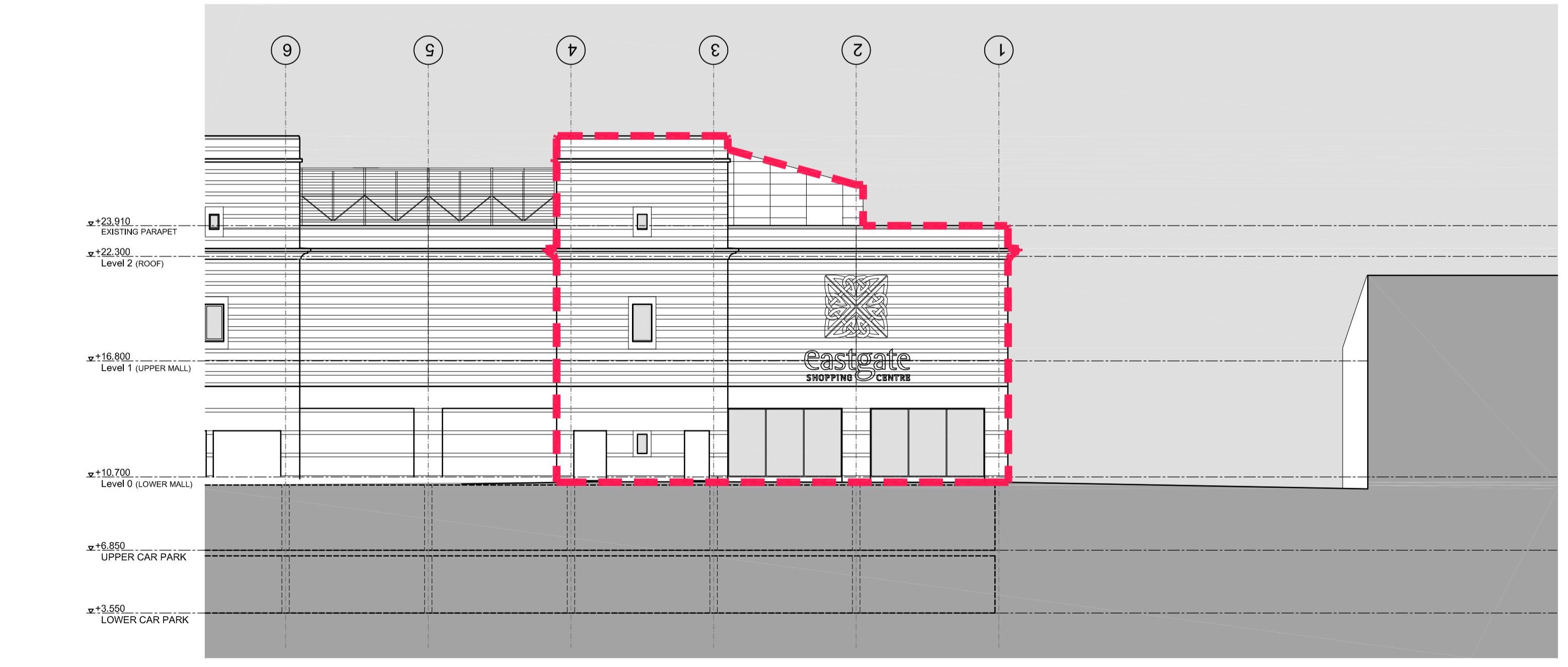
REVISION



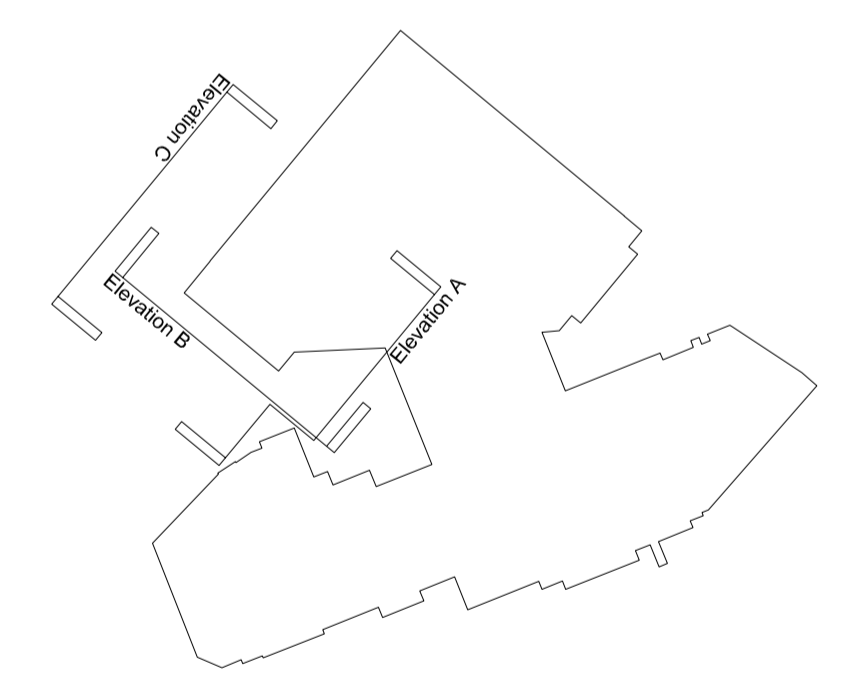
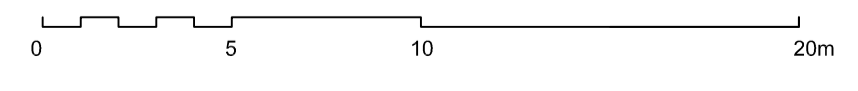
Elevation A - Academy Street



Elevation B - Falcon Square



Elevation C - West Elevation



SCALE	DATE	DRAWN	CHECKED
1:200	26.03.14	SG	RK

PROJECT
Eastgate Centre
 Inverness

DRAWING
 Existing Elevations
 Removals

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DRAWING No.
130471A_(PL)110

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REVISION			
A	24.04.14	Revised ground floor glazing	SG RK

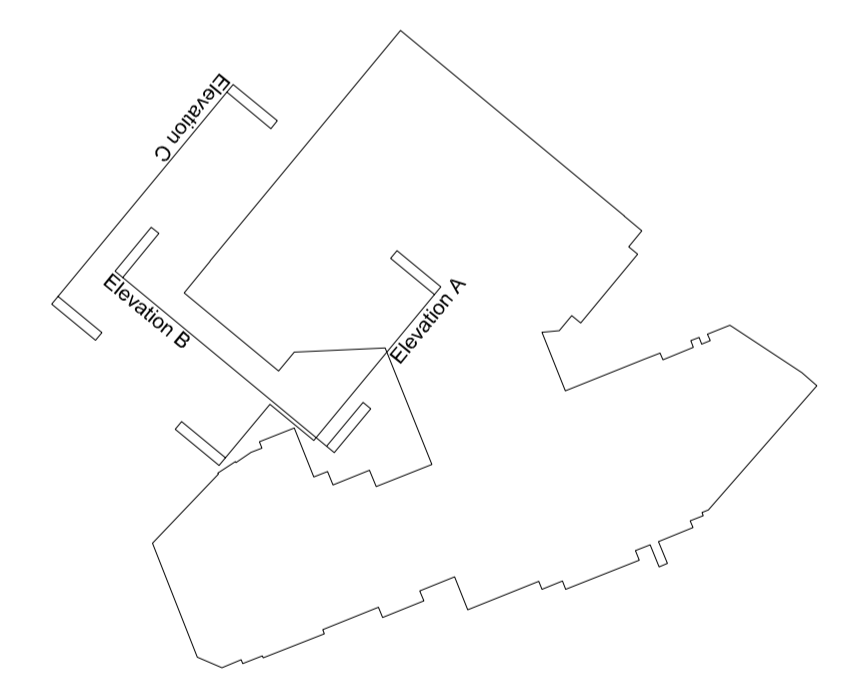
- ① Perforated metal panel, anodised sandstone/gold colour fixed back to insulated panels behind
- ② Metal cladding to cinema and behind perforated panels. Fire rated. Dark grey colour
- ③ Translucent backlit glass
- ④ Large format vertical terracotta tiles, colour titanium grey
- ⑤ Frameless shopfront glazing - signage internally or as manifestation
- ⑥ Identified areas for signage
- ⑦ Box formed out of metal flashing to match perforated cladding, anodised sandstone/gold colour



Elevation A - Academy Street



Elevation B - Falcon Square



Elevation C - West Elevation

SCALE	DATE	DRAWN	CHECKED
1:200	26.03.14	SG	RK

PROJECT
**Eastgate Centre
 Inverness**

DRAWING
Proposed Elevations

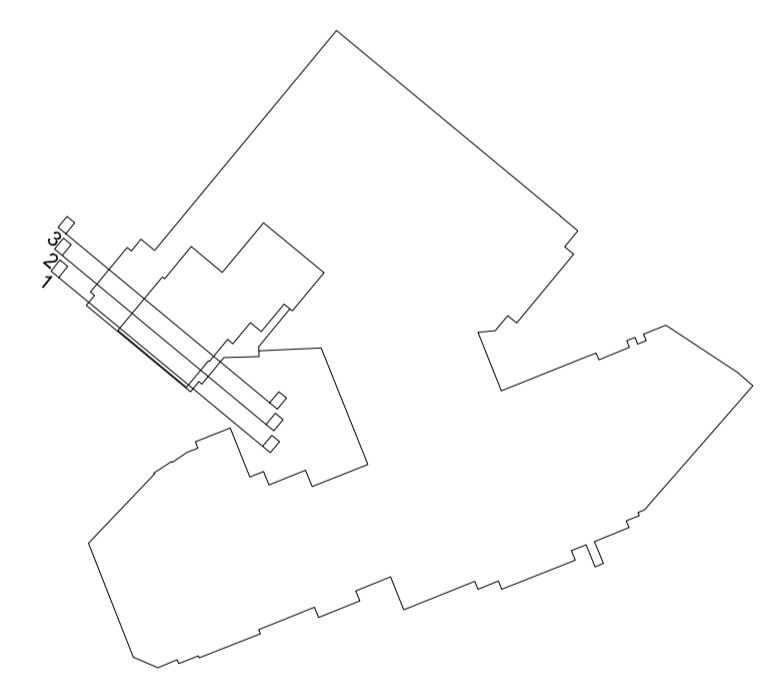
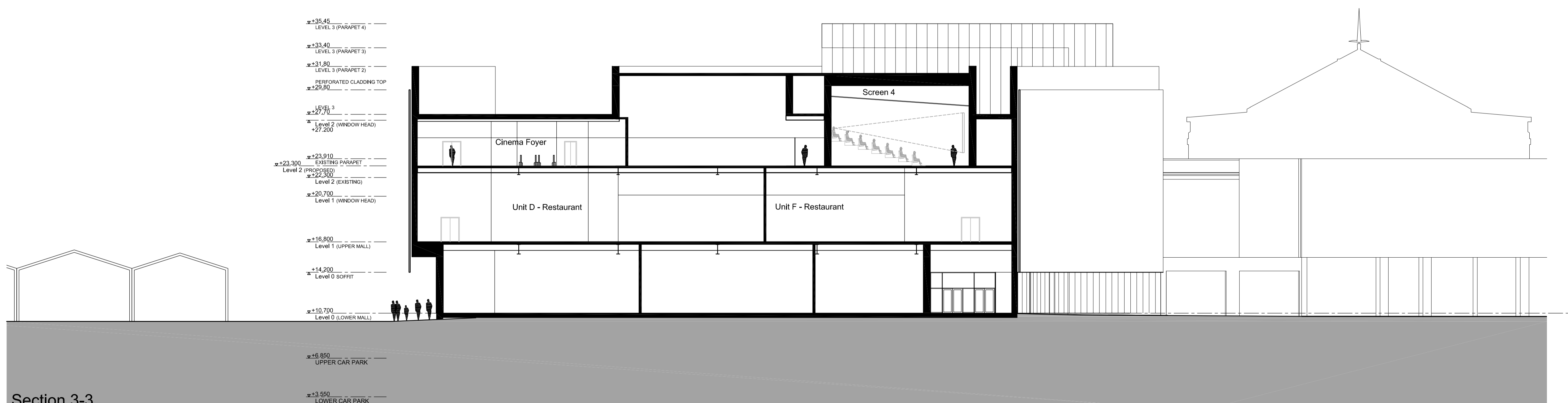
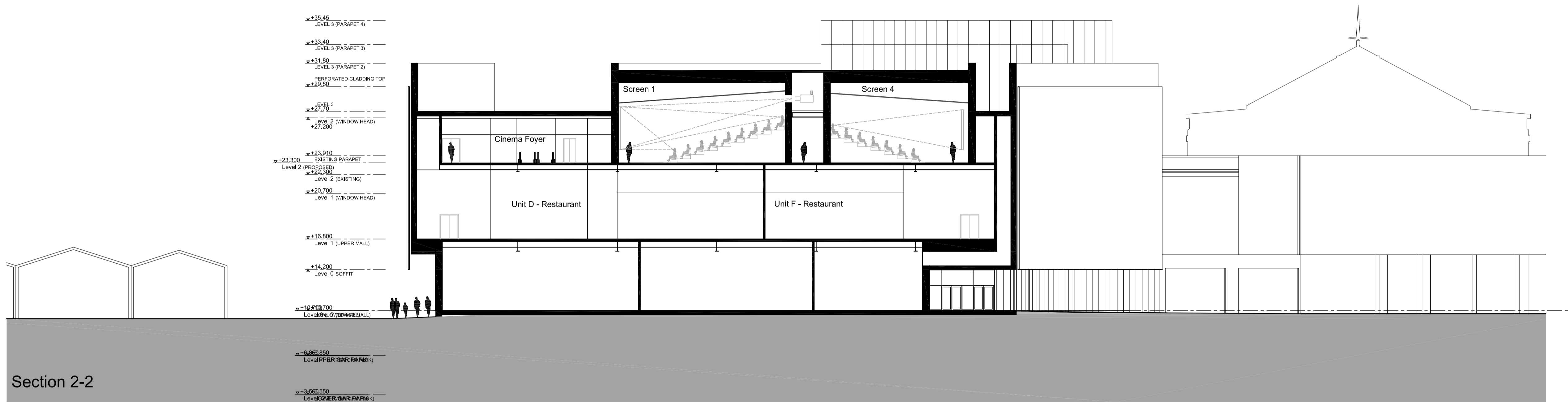
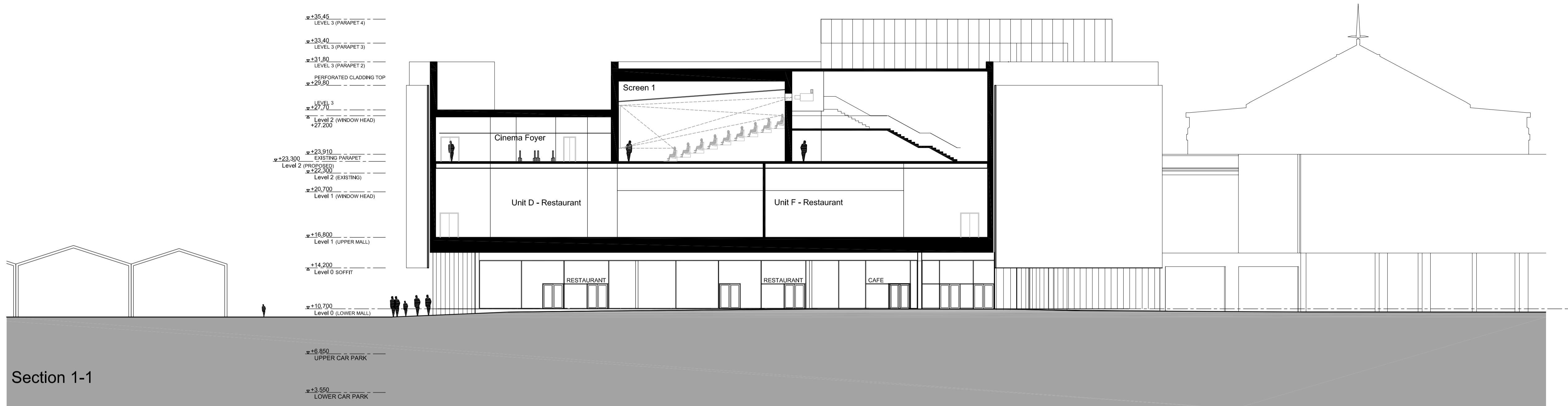
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DRAWING No.
130471A_(PL)210A



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REVISION
 A 24.04.14 Revised as per Stage D drawings SG RK



SCALE	DATE	DRAWN	CHECKED
1:200	26.03.14	SG	RK

PROJECT
**Eastgate Centre
 Inverness**

DRAWING
**Proposed Sections
 1-1, 2-2, 3-3**

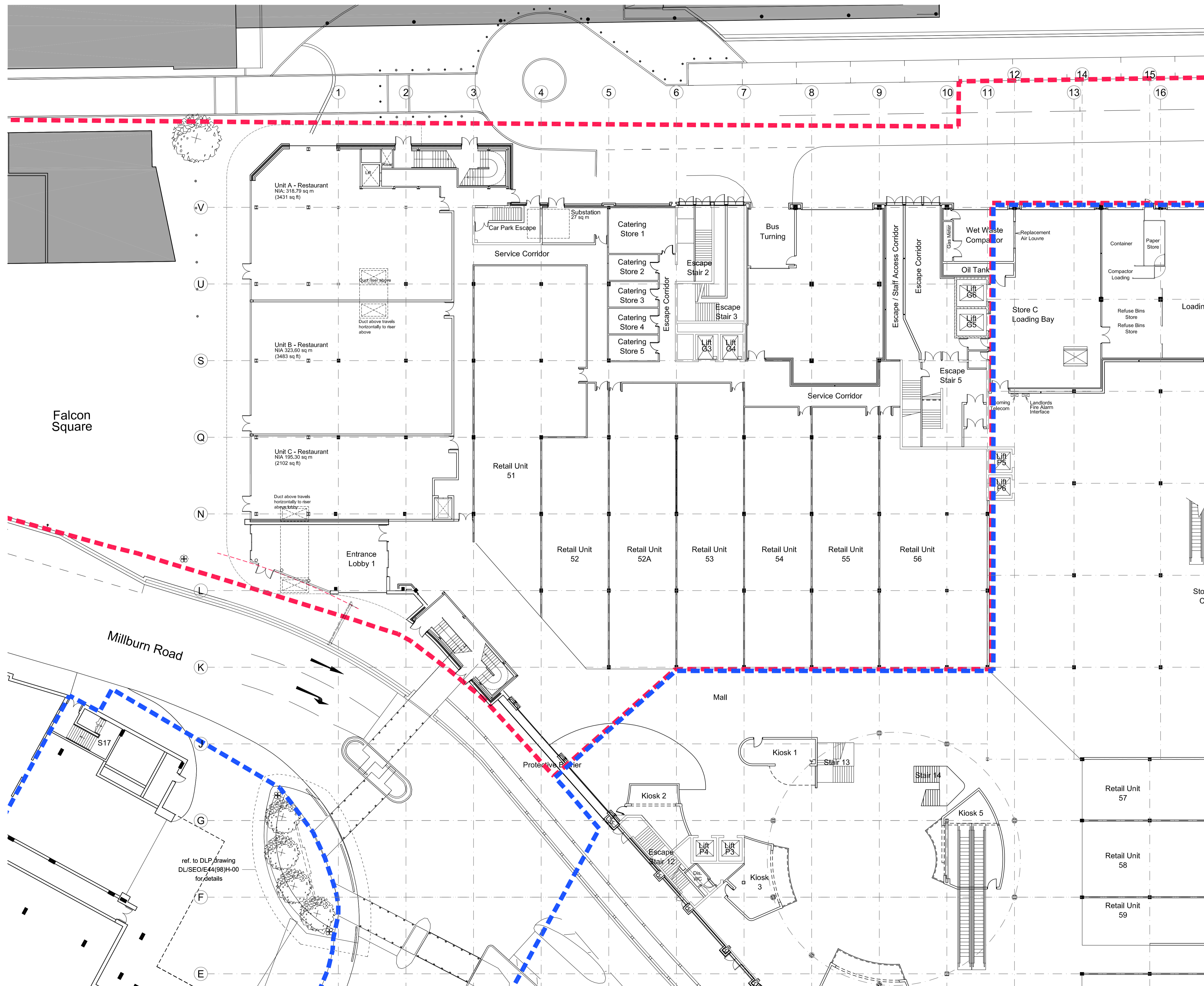
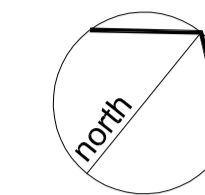
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DRAWING No.
130471A_(PL)220A



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REVISION	DATE	DESCRIPTION	SG	RK
A	24.04.14	Revised restaurant layouts	SG	RK
B	04.06.14	Entrance revised to maintain footway	SG	RK



SCALE	DATE	DRAWN	CHECKED
1:200	26.03.14	SG	RK

PROJECT
**Eastgate Centre
 Inverness**

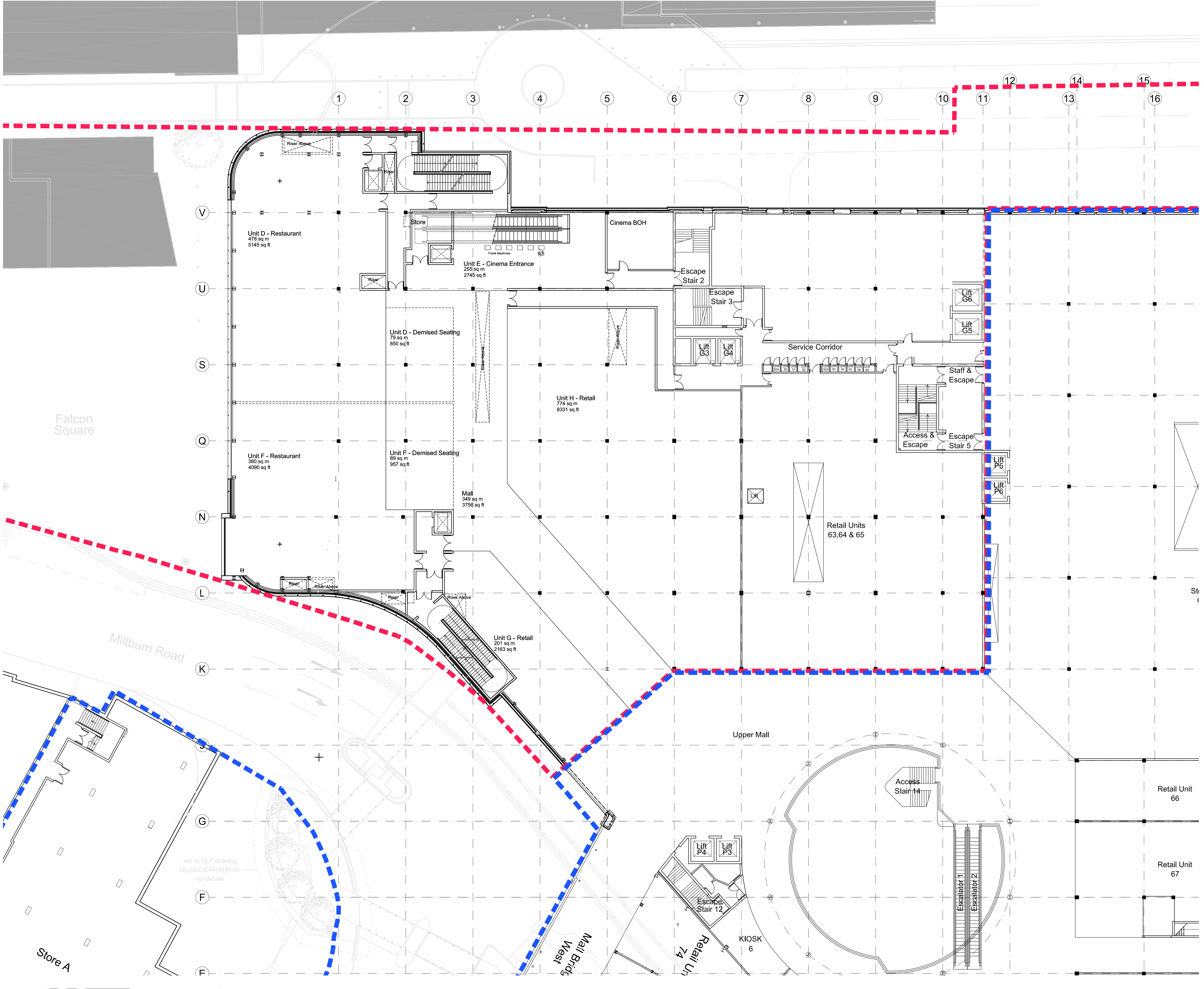
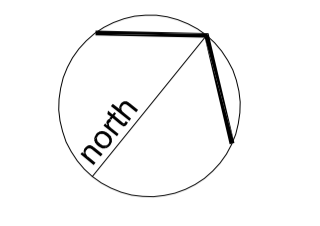
DRAWING
Proposed Level 0 Plan

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DRAWING No.
130471A_(PL)200B

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REVISION



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PROJECT
Eastgate Centre Inverness

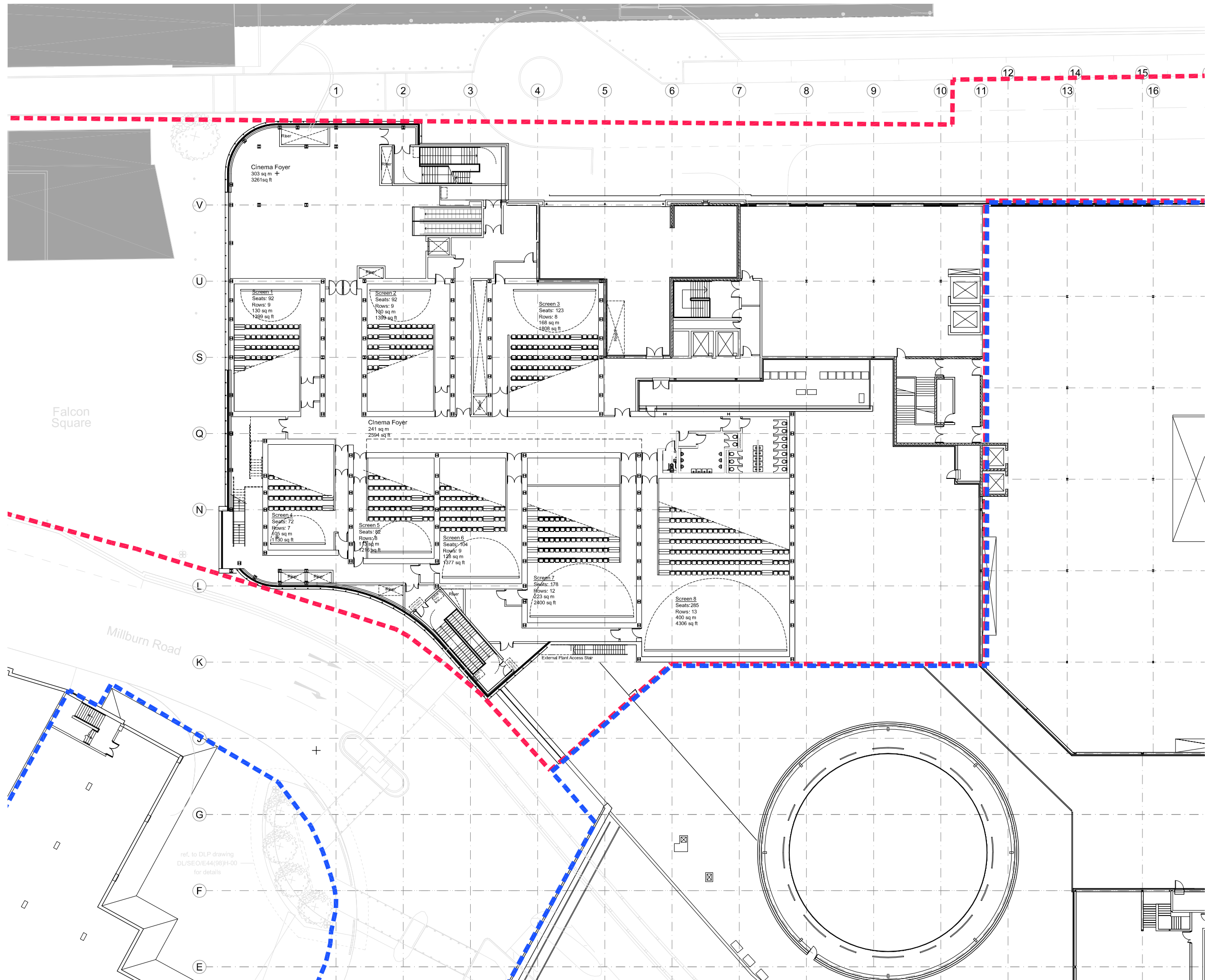
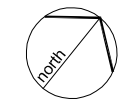
DRAWING
Proposed Level 01 Plan

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 GLASGOW
 G2 5RQ
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DRAWING No.
130471A_(PL)201

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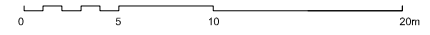
REVISION



Falcon Square

Millburn Road

ref. to DLP drawing
DL/SEO/E44(98)H-00
for details



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PROJECT
**Eastgate Centre
Inverness**

DRAWING
Proposed Level 2 Plan

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130471A_(PL)202