

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
14 December 2015

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| Agenda Item | 6.6 |
| Report No | PLS 092/15 |

15/02556/FUL: Tulloch Homes Ltd
Former Swimming Pool Site, Glebe St, Inverness

Report by Area Planning Manager - South

SUMMARY

Description: Erection of 60 residential units including open space, parking and associated infrastructure.

Recommendation - GRANT

Ward: 15 Inverness Central

Development category: Major

Pre-determination hearing: Not required

Reason referred to Committee: Major category of development

1. PROPOSED DEVELOPMENT

- 1.1 The proposal seeks full planning permission for the redevelopment of the former swimming pool site at Glebe Street and will comprise a residential development of 60 flats including associated infrastructure, off street parking and landscaped amenity areas.

The proposal involves development of 60 x 2 bedroom flats with the main block located adjacent to the river frontage and wrapping round onto Glebe Street on the south boundary. The development extends from a maximum of seven storeys in height at the north end adjacent to Friars Bridge and reduces down in a series of stepped blocks to a height of three storeys. The three storey sections are located to the east section of Glebe Street and at the south boundary. The buildings are designed to maximise the benefit of the views along the river frontage and northwards to Ben Wyvis and incorporate recessed balconies and significant areas of glazing to the main public rooms. Material finishes include sandstone to all elevations with inset panels of high quality rain screen. The buildings are designed with a flat roof but this has enabled roof plant to be concealed and promotes an overall contemporary style.

The development will be accessed via a newly formed vehicular access off Glebe Street and the internal courtyard area will accommodate 60 parking spaces, including provision for disabled parking. It also incorporates cycle racks for use by visitors, with dedicated residents' cycle storage facilities located within the main forecourt. Additional infrastructure includes bin storage facilities and general services including a wayleave adjacent to the Friars Bridge parapets.

The existing trees are to be retained and the proposal includes areas of landscaping particularly at the north and south ends, and also makes provision for public art to feature at the southern corner adjacent to Douglas Row. The walls defining the recently completed Flood Alleviation Scheme delineate the west boundary and the existing river walkway extends beyond to the river bank.

- 1.2 As a major category of development, formal pre-application consultation was undertaken in 2014. The public consultation event was held on 25 November 2014 in the Old High Church Hall, Academy Street, and the application submission includes details of the consultation responses. Key comments related to parking, design and support for residential use.
- 1.3 The application includes a Design and Access Statement which has been updated to take account of the variations to the proposal, most particularly the layout and material finishes. In addition, a Transport Statement, Traffic Noise Impact Assessment, Drainage Statement, Site Contamination Assessment (Stage 2) and Tree Constraints Plan are included in support of the application.
- 1.4 **Variations:** The proposal has been the subject of detailed discussions and, as a result, alterations to the elevational details, change of materials and adjustment of layout have been made. All relevant parties and consultees have been re-notified of the variations.

2. SITE DESCRIPTION

- 2.1 The site occupies a visually prominent location on the east side of the River Ness and extends along the existing river walkway for some 74 metres. The site has lain vacant for a considerable number of years and is currently screened by hoarding. To the south and east, the site extends along Glebe Street to the Shore Street roundabout. An existing retail outlet is located at the south east end of the site and this is excluded from the development site.

The site is bounded to the north by Friars Bridge and the A82. Beyond the south boundary, the site is adjacent to existing residential properties, comprising flats in a mix of two and three storeys in height. Further south, the grade B listed terraced properties of Douglas Row are situated, for the most part two storeys in height.

On a wider riverscape perspective, the river frontage comprises buildings of varied heights and architectural styles including properties of domestic scale interspersed among the more massive properties of the Mercure Hotel and the former HIE building at the south end on Bridge Street. This section of the river culminates at the Castle which dominates the skyline and is clearly visible along significant stretches of the river frontage. In addition, the church spires which feature along both the east and west sides of the river make an important visual contribution to the varied characteristics of this section of the river and represent the higher features along a river frontage of buildings of mixed styles and heights.

Friars Bridge is set above the application site while further to the east and north is the existing four storey flatted development at Shore Street and the BT building on Friars Street.

Mature trees are located on the south and east boundaries of the site. The eastern part of the site is currently in use as a car park.

3. PLANNING HISTORY

3.1 The site, following demolition of the former swimming pool, has been vacant for a considerable period and has been used as a storage area and yard while the flood alleviation works were ongoing in the area. There have been a number of planning applications over the intervening years. In 2005 an application was lodged for flatted accommodation but this was subsequently withdrawn prior to determination.

08/00353/FULIN – Hotel development - permission granted subject to conditions and legal agreement relating to developer contributions for parking and streetscape improvements.

13/01726/PAN – Erection of a multi storey hotel with associated services including restaurant, lounge bar, conference, meeting space, recreation and function facilities and car park on Former Swimming Pool Site, Glebe Street, Inverness.

13/03235/FUL – Erection of hotel development - recommended for grant of planning permission but withdrawn by applicant prior to Committee meeting.

14/04198/PAN – Erection of flatted development comprising 'circa 60 flats'.

4. PUBLIC PARTICIPATION

4.1 Advertised : unknown neighbour, advertised 24 July 2015 and 18 November 2015 following submission of revised details

Representation deadline : 7 August 2015 and subsequently 2 December 2015

Timeous representations : 5

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Height of the proposed development - seven storeys is considered too high and will 'tower over' the two storey buildings on Douglas Row and Friars Street.
- Unimaginative design.
- General support for the development and recognition that the architects have both taken advantage of the river frontage and been keen to keep the scale of the development at the south end in keeping with the houses on Douglas Row. However, concern is expressed with regard to the seven storey block which, at the northwest corner, is out of context with the riverside in relation to the surrounding buildings. The impact of the development when viewed from the riverside level will have a significant impact and consideration should be given to reducing the height of the seven storey block.

- Congestion caused by additional traffic in an already congested area.
- Provision of infrastructure to support the development.
- Concerned that flat roofs are not appropriate for the climate.
- Require suitable tree planting and landscaping for the site, to include native species.

Inverness Civic Trust has also submitted a detailed comment. The principle of development is welcomed but concerns are raised with regard to the sole use of the proposal being residential and failing to introduce alternative uses which would draw people to the area and 'make the river an active urban space'. The creation of public space on the south of the site is welcomed but the arrangement of buildings is considered contrived and the larger building has an awkward relationship with Friars Bridge creating 'an unpleasant space between the two.' The seven storey element is considered too high and is an element 'foreign to the skyline of Inverness'. Concerns have also been raised about the use of brick and overall comments indicate that the 'development is not of the quality that a site like this deserves'.

The Inverness Civic Trust has submitted a further comment based on the revised proposals but maintains its objection. Concerns remain relating to the height of the main block and blocks close to Douglas Row, the failure to incorporate a range of uses at ground floor level and the use of a buff coloured sandstone (in place of pink). In addition, concerns are expressed regarding the lack of connectivity with the river.

- 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 **Transport Planning:** Initial concerns regarding access, layout and parking facilities have been resolved and additional details have been submitted to address the various issues. The layout provides 60 off street parking spaces which is less than current standards which require 1.5 spaces per unit. The site is however situated within the defined city centre and the lack of parking facilities can be mitigated by a number of actions including enhancing connectivity of the site to the city centre particularly for pedestrians and cyclists; upgrading existing bus stops within 400 m of the site; enhancing the streetscape on Glebe Street; providing visitor parking; and putting in place measures to prevent indiscriminate parking on adjacent streets by residents of the development.

In addition, appropriate waste storage facilities are required.

The Glebe Street footway will require to be provided and upgraded to be continuous along the length of Glebe Street. Similarly, junction improvements are required at the junction of Glebe Street with Chapel Street. Any alterations or improvements should conform to the finalised Academy Street Placemaking Strategy. As the Strategy is only a draft, developer contributions will be required to address these issues, including the deficit in car parking facilities. A 3m wide strip is required to enable inspection and maintenance of the new flood wall and a 3m clear zone is required adjacent to Friars Bridge for maintenance purposes.

Other matters including provision of cycle storage for both visitors and residents is required to meet current standards and all parking bays must be designed in accordance with current requirements.

Although there are a number of concerns, not least the shortfall of some 30 car parking spaces when measured against current standards of 1.5 spaces per flat, it is considered that a combination of developer contributions and improvements to cycle and pedestrian connectivity to the city centre can off-set any significant concerns.

5.2 **Conservation Officer:** The Conservation Officer has been involved in initial discussions prior to submission and more recently in assessing the original submission. A number of concerns were raised regarding the design, material finishes, scale and massing, all of which had no relationship with the established historic built form of the conservation area. As submitted, it was considered the proposal failed to meet the requirements of national and local policy on good design and new design in the historic environment and would be unlikely to make a positive contribution to the setting of adjacent listed buildings.

The revised submission addresses a number of these concerns not least the replacement of brick with a natural sandstone finish. The Conservation Officer considers the revised proposal includes a number of positive changes which break up the individual blocks to reduce the overall massing of the development while changes to detailing and fenestration have resulted in a more vertical emphasis. The stepping down of the blocks and creation of an open space towards the listed buildings of Douglas Row is 'very much welcomed'.

There are still some concerns regarding the public realm surrounding the development and the relationship between public and private space. In particular, these relate to the steps and junction with Friars Bridge, the river frontage, the newly created public realm adjacent to the listed buildings of Douglas Row and the area fronting the ring road at Shore Street Roundabout. As such, it is recommended by the Conservation Officer that should consent be granted a fully detailed landscaping plan is submitted. Equally, full and final details of all materials, windows, doors, etc should be conditioned for submission before development commences.

5.3 **Contaminated Land:** Note that the site has a history of contamination reflecting its historical uses. The site contamination will require remediation and an initial clearance of the site has been undertaken. Appropriate conditions are considered satisfactory to deal with ongoing assessment and mitigation.

- 5.4 **Flood Team:** The recently completed Flood Alleviation Scheme, the walls of which abut the western boundary of the site, provides protection of the site and subject to an agreed minimum floor level there are no objections.
- 5.5 **Forestry Officer:** No concerns but seeks retention of the existing trees and additional planting within landscaped areas.
- 5.6 **Archaeology:** No objections. An archaeological watching brief will be required during site clearance and excavation works. It is noted that gravestones dating to possibly the 17th century are located within the existing boundary wall and these should be preserved. If they are to be moved, a method statement will be required indicating how they are to be removed and identifying a suitable relocation site. These matters can be governed by appropriate conditions.
- 5.7 **Development Plans - Urban Design Officer:** Concerns raised regarding the design, massing and layout of the proposed development. The revised scheme is considered a more appropriate scale of development but concerns remain regarding the area of open space at the south boundary to ensure it is integrated into the streetscape and also that the space maximises the south facing aspect in terms of how it can best be used. Concerns remain regarding how the existing steps leading onto the A82 can be enhanced and the area around the bridge underpass made more attractive.
- 5.8 **Planning Gains Officer:** The proposal will require developer contributions to cover the following matters: primary and secondary education; 25% of total number of units to be affordable homes; contributions towards public transport, cycle connectivity and car parking; financial contribution towards off site play provision; streetscape enhancements and public art.
- 5.9 **Crown Community Council:** 'Strongly' supports the principle of establishing residential properties in the town centre. A number of concerns were raised in respect of the number of units proposed, the available areas of open space for children which seems too little, impact of the seven storey element in the streetscape, and the impact of additional traffic on the wider area. Streetscape improvements are required along Glebe Street.
- The Community Council were re-consulted on the revised proposals and have welcomed the change of the materials to use natural sandstone. Concern continues to be expressed regarding the seven storey block and the impact this will have but it is also recognised that the consented hotel similarly included a seven storey element. Overall, the changes made are welcomed and the community council do not object to the proposal.
- 5.10 **SEPA:** No objection subject to a minimum floor level of 4.35 AOD (above datum). The recently completed Flood Alleviation Scheme provides the requisite protection. Surface water drainage facilities should adhere to current best practice and the level of treatment proposed is considered satisfactory.
- 5.11 **Transport Scotland:** The A82 is in close proximity to the site and Friars Bridge defines the northern boundary. No concerns provided access to the bridge in case of repair and maintenance is assured. It is noted that the proposed layout makes allowances for this wayleave. It is also a requirement that no further direct means of access is taken onto the A82.

Members are advised that the proposal does not seek any additional access points.

- 5.12 **Access Officer:** Seeks improved cycle and pedestrian facilities to link into the surrounding network and also assurances that the riverside walkway will be retained during construction.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application.

6.1 Highland Wide Local Development Plan 2012

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| Policy 28 | Sustainable Design |
| Policy 29 | Design Quality and Place Making |
| Policy 30 | Physical Constraints |
| Policy 31 | Developer Contributions |
| Policy 42 | Previously Used Land |
| Policy 51 | Trees and Development |
| Policy 56 | Travel |
| Policy 57 | Natural, Built and Cultural Heritage |
| Policy 64 | Flood Risk |
| Policy 66 | Surface Water Drainage |

6.2 Inner Moray Firth Local Development Plan 2015

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| Policy 1 | Promoting and Protecting City and Town Centres |
| Policy 2 | Delivering Development |
| IN10 | Central Inverness – Site at Glebe Street – Housing |

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Flood Risk and Drainage Impact Assessment Supplementary Guidance

Highland Historic Environment Strategy

Sustainable Design Guide Supplementary Guidance

Managing Waste in New Developments Supplementary Guidance

Public Art Strategy – Supplementary Guidance

7.3 **Scottish Government Planning Policy and Guidance**

SPP

Managing Change in the Historic Environment

Scottish Historic Environment Policy

PAN 71 Conservation Area Management

PAN 77 Designing Safer Places

PAN 78 Inclusive Design

Designing Streets

Creating Places – a policy statement on architecture and place for Scotland

7.4 **Other**

Inverness City Centre Development Brief - Glebe Street Action Area

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 **Development Plan Policy Assessment**

The proposal represents a major redevelopment of an important site within the city centre. The site features within the Inverness City Centre Development Brief (ICCDB) as an opportunity for development, and is seen as a catalyst towards improving connectivity within the area and beyond. The designation within the Inner Moray Firth Local Development Plan (IMFLDP) recognises the suitability of the site to accommodate a range of uses including residential.

The more strategic policies of the Highland-wide Local Development Plan (HwLDP) establish at Policy 2 that development should strengthen the city centre while Policy 3 identifies support for development which maintains and strengthens the vitality of the city centre. Other more general policies, particularly Policies 28 and 29, identify support for development proposals which promote and enhance the social, economic and environmental wellbeing and demonstrate sensitive siting and high quality design in keeping with the character and historic environment.

In addition, Policy 29 stresses the importance of new development being designed to make a positive contribution to the architectural and visual quality of the place in which it is located while Policy 57 seeks to ensure that proposals take into account the heritage features when promoting new developments.

In general terms, the proposal is therefore considered to meet the principles set out in the HwLDP.

The IMFLDP has site specific policies relating to the site and at IN10 identifies that the site is suitable for a residential development. The ICCDB reinforces the importance of the site as a development opportunity and requires proposals to meet the key themes set in the City Vision. In particular, development should strengthen and improve the vitality and viability of the city centre while Theme 5 seeks to create a strong and diverse city centre population recognising the social, economic and environmental benefits housing developments can bring.

The site is also identified as one of the five key districts – River, in which the Council will give support to development along the river frontage. The policy identifies Glebe Street in particular as a prime river front location forming ‘a key gateway’ to the city centre and ‘ideal for redevelopment opportunities’. One of the key aspirations for development of the site is to improve permeability and pedestrian access along the river walkway and beyond to the city centre. Opportunities to provide improved public space and public art should be taken advantage of in any new development of this site.

Taking into account the range of policies specifically relevant to the site, it is considered that the proposal meets the various criteria identified in terms of the overall principle of the development proposed. This is further reinforced when assessing the proposal in the context of national planning policy. SPP promotes sustainable development and places significant importance on placemaking and the need to create high quality places and direct the right development to the right place. Encouragement is given to re-use and redevelopment of brownfield land and seeks new development to adhere to the six qualities of successful place. These require developments to be distinctive, safe and pleasant, welcoming, adaptable, resource efficient, and easy to move around and beyond. The successful delivery of these principles is also reinforced in the policies set out in Designing Streets and Creating Places Guidance.

The development is therefore considered to meet the criteria of relevant policy in terms of the principle of residential development in this location. The key material considerations which remain to be assessed relate specifically to design, scale and massing, infrastructure and third party concerns.

8.4 Material Considerations

The proposal requires detailed assessment of the following material considerations.

Design, scale and massing

The development site occupies a key location within the city centre and is included within the Riverside Conservation Area. The proximity of the site to Friars Bridge at the north boundary, existing residential properties to the south on Glebe Street and the grade B listed buildings to the south on Douglas Row each present a challenge in terms of securing an acceptable and appropriate scale of development.

The design of the proposed development has been the subject of both pre-application consultation with the community in accordance with major category of development procedures and was considered by the Inverness Design Review Panel (IDRP). In addition, once submitted, aspects relating to material finishes and design were amended to take account of consultee and third party comments. The current design is therefore the applicant's response to these comments.

One of the key comments of the IDRP states:

'The panel is keen to see an ambitious design that will raise the standard of new residential development in Inverness and mirror exemplary international practice in contemporary waterfront development. This includes high standards of residential amenity, sensitive massing and use of materials, close attention to impact on key views, careful articulation of the relationship between public and private space, and measures to ensure the river walk becomes safer, more attractive and more accessible for residents and visitors.' In this respect, the design as proposed was seen to create a prominent gateway feature to the city centre and a 'bookend' to the view along the river bank. The Panel identified the need to improve on the original elevations to include a vertical emphasis to fenestration, increase the opportunity for river front and northern views from a significant number of the units, and to draw on best practice contemporary waterfront developments, particularly those in London, Copenhagen and Melbourne. Although brick as the originally proposed material finishes was not specifically identified as a problem, consideration of a more appropriate local material was referred to.

The revised proposal now under consideration is considered to have embraced the comments of the Panel and results in a design and layout which takes on board the key concerns expressed by the Panel. A copy of the Panel's report is appended to this report.

There can be no doubt that the proposed design will have a significant impact on the river frontage. The previously approved hotel development included a seven storey feature at the north boundary and the current proposal similarly culminates with a seven storey block adjacent to Friars Bridge. The scale of building steps down in a series of blocks to three storeys at the Glebe Street/river walkway junction and increases to four storeys on Glebe Street. The stepped configuration is emphasised by use of differing materials. Buff coloured natural sandstone is proposed for all main elevations with significant areas of vertically proportioned glazing and curtain walling on dead panels to act as a contrast. Recessed balconies are proposed on main elevations.

The setting of the buildings is important: the original layout envisaged a block of flats at the east boundary adjacent to Shore Street. This was not considered acceptable and the layout has been amended with the blocks of flats now located to the west and south boundaries. Within the remainder of the site, areas of landscaping, and car parking and cycle facilities are proposed. This includes an area of public open space at the Glebe Street south corner. Existing trees will be retained and additional planting undertaken where space permits. These landscaping elements, although limited, will provide some 'greening' of the site.

Key to recommending a grant of consent for the development has been the extent to which the proposed design and layout can be considered acceptable and appropriate in the context of the site. The provision of additional residential accommodation within the city is encouraged and the use of high quality materials accords with conservation area led policies. The IDRPs referred to the proposal as a 'bookend' and this is clearly achieved when viewed in the wider river frontage context. The river frontage boundaries in this location are defined by the two main bridges – Friars Bridge to the north and Ness Bridge to the south. The south boundary is defined by the Castle which dominates much of the city skyline. The area between includes a wide variety of building heights and architectural styles ranging from the two storey Douglas Row terraced properties to the former HIE building and the Mercure Hotel. Much of the skyline is punctuated by the existing church spires. This variety in styles and scale of building represent an evolving pattern of development and it is in this context that the current proposal is considered an appropriate scale of development.

Consultee Comments

There are no outstanding matters or concerns raised by consultees. Matters which require to be addressed can be dealt with by condition or legal agreement and these include landscaping, provision of public art, protection of existing trees, materials and provision of affordable homes. The site is bounded along the river walkway by the recently completed Flood Alleviation Scheme which affords protection from flooding. In addition, SEPA require the FFL to be set at 4.35m AOD. This has been achieved. In addition, to take account of the new wall, the building footprint is set back and provides an opportunity for landscaping immediately in front of the main elevations. Issues relating to further land contamination assessment, an archaeological watching brief and the provision of SuDS can each be addressed by appropriate condition.

The Conservation Officer has indicated general support for the revised design but has requested that samples of materials are provided to ensure an appropriate finish is achieved.

Crown Community Council has submitted a further detailed comment based on the revised details and, with some reservation regarding the height of the seven storey block, are generally supportive of the development as revised. The use of sandstone is particularly welcomed.

Transport Planning had identified a number of issues relating to the original layout. These have largely been addressed including the proposed access which will be formed off Glebe Street, provision of adequate cycle storage facilities both for residents and visitors, siting of bin storage facilities and securing appropriate layout of car parking facilities. It is noted that only 60 parking spaces are to be provided. This is 30 spaces below the general standard of 1.5 spaces per unit within the city centre. There is no opportunity to increase the number of off street parking spaces and although it is recognised that the site is both located within the defined city centre and has easy access to public transport connections, developer contributions will be required to off-set this shortfall. In addition, the developer will be required to fund streetscape improvements to Glebe Street for the length of the development boundary and onto Shore Street. Other off-site improvements include an upgrade to road markings on the Shore Street /Glebe Street junction and upgrading of the steps which provide access to Friars Bridge at the north end of the site.

The Access Officer is keen to promote connectivity between the site and the city centre and this can be achieved along the river walkway. The provision of public open space at the south end provides an opportunity for public art and this will be a requirement of the grant of planning permission. The absence of on-site play facilities, which is typical of a dense city centre development, is noted and again developer contributions may be required to provide or improve existing off site facilities.

Third party comments

The proposal was advertised in the local press and all parties with a notifiable interest were re-notified following submission of the revised plans. Concerns raised by third parties, including those residing in close proximity to the site, are noted. Many of the comments are supportive of the redevelopment of the site and acknowledge residential use as appropriate. Concerns regarding the design and scale of buildings are noted and have been addressed in the preceding sections. Care has been taken to ensure that where the new development is in close proximity to existing residential units, particularly those on Glebe Street, that existing levels of amenity are retained and overlooking is avoided.

Similarly, concerns regarding insufficient parking are noted. There is very limited opportunity for on street parking within the immediate vicinity and this should address concerns raised by local residents whose parking is generally managed by permits.

8.5 Other Considerations – not material

There are no other matters to be taken into account in the assessment of the proposal.

8.6 Matters to be secured by Section 75 Agreement

The grant of planning permission will be subject to the satisfactory conclusion of a S75 legal agreement. This is required to ensure provision of the requisite 25% affordable homes (15 units) and developer contributions towards the provision of public art and streetscape improvements, including the adjacent staircase, and to address the lack of parking facilities.

9. CONCLUSION

9.1 The proposal represents an opportunity to deliver development on a site which has lain vacant for a considerable period and to provide a significant number of residential units to the benefit of the city centre. It accords with the relevant policies of the development plan and supplementary guidance and national planning policy. In reaching the recommendation to grant planning permission, it is recognised that the scale and massing of the development will have an undoubted impact on the existing streetscape and river frontage. However, the design of the flats has taken into account the character of the area, the prevalence of a variety of buildings on the river frontage and, in the use of sandstone, has sought to link the current proposal with those existing historical buildings and thus establish an acceptable and appropriate development for this visually important site.

Members will be aware that a development of a contemporary style building within the more traditional, historic layout and within the conservation area generally creates an element of mixed views in terms of support or otherwise. The Committee has considered the issue on a number of occasions, for example, developments on Huntly Street and more recently the extension at the Glen Mhor Hotel and there will inevitably be a degree of personal taste which governs the final decision.

It is however 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

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| Action required before decision issued | Y | |
| Notification to Scottish Ministers | N | |
| Notification to Historic Scotland | N | |
| Conclusion of Section 75 Agreement | Y | Developer contributions, affordable housing |
| 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. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SuDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to and approved in writing by the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: In order to ensure that water and sewerage infrastructure is carefully managed and provided timeously, in the interests of public health and environmental protection.

2. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and approved in writing by the Planning Authority. The scheme shall include:
 - a) 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 submitted to and agreed 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;
 - b) 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;
 - c) measures to deal with contamination during construction works;
 - d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
 - e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No development shall commence until written confirmation has been received by the Planning Authority that the scheme has been implemented, completed and, if required, monitoring measurements put in place, all to the satisfaction of the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of the potential for contamination on site.

3. The finished floor level of the development shall be at a minimum of 4.35 metres AOD to the satisfaction of the Planning Authority in consultation with SEPA.

Reason: In the interests of flood prevention.

4. An area of a minimum buffer width of 3 metres shall be provided between the footprint of development and the existing flood prevention wall in accordance with the approved details and retained in perpetuity in order to provide access for maintenance and repair of the wall, all to the satisfaction of the Planning Authority. No development shall commence unless details of the buffer strip are provided and agreed in writing to the satisfaction of the Planning Authority.

Reason: In order to retain access for repair and maintenance of the flood wall.

5. Construction work shall not begin until a scheme for protecting neighbouring premises from dust which arises from operations carried out in connection with this planning application has been submitted to and approved in writing by the Planning Authority and thereafter implemented as required in accordance with the approved scheme.

Reason: In the interests of residential amenity.

6. No development shall commence unless an updated Drainage Statement is submitted to and approved in writing by the Planning Authority and thereafter implemented in accordance with the approved scheme.

Reason: In the interests of flood prevention.

7. 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: In the interests of visual amenity.

8. No development shall commence unless details of covered and secure communal bicycle storage/racking system have been submitted to and agreed in writing by the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason: In order to facilitate the use of a variety of modes of transport.

9. No development shall commence until details of a vehicle turning area within the application site, formed in accordance with The Highland Council's Road Guidelines for New Developments, have been submitted to and approved in writing by the Planning Authority. Thereafter, the turning area shall be provided in accordance with these approved details, prior to the first use of the development, and thereafter maintained as a turning area in perpetuity.

Reason: To ensure that sufficient space is provided within the application site for refuse vehicles to manoeuvre safely within the site.

10. No development shall commence unless details of bin storage facilities in accordance with Council guidelines have been submitted to and approved in writing by the Planning Authority and thereafter implemented and provided in accordance with the approved layout prior to first occupation of the flats.

Reason: In order to ensure the requisite provision of on site bin storage facilities.

11. No development shall commence until details of streetscape improvements to Glebe Street and the footway to the steps at the north boundary have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the scheme submitted for approval shall be to the same specification as the streetscape works carried out in Church Street, Inverness.
- (i) On commencement of development but prior to commencement of any of the works identified in the approved scheme, the developer shall seek confirmation in writing from the Council of the particular phasing of works identified in the approved scheme which the Council requires the developer to carry out. Thereafter, but prior to occupation of the building hereby granted permission, the developer shall carry out those of the works identified in the approved scheme which the Council has confirmed require to be carried out by the developers.
- (ii) In the event that the Council does not require the applicant/developer to carry out all of, or any of, the works identified in the approved scheme, the applicant/developer shall pay to the Council, prior to occupation of the building hereby granted planning permission, a commuted sum (calculated as hereinafter provided) in respect of those of the works identified in the approved scheme which have not been carried out to allow the Council to carry out those works, or works to an equivalent value, as part of a wider streetscape scheme for Academy Street.
- (iii) Any commuted sum which the developer is required to pay to the Council in respect of any of the works identified in the approved scheme shall be calculated on the basis of the unit cost of the streetscape works carried out in Church Street, Inverness - that is, £440 per square metre - 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.

Reason: In the interests of amenity.

12. No development shall commence on site unless details of a scheme for lane marking at the Chapel Street/Glebe Street junction have been submitted to and approved in writing by the Planning Authority and thereafter the approved scheme shall be implemented prior to first occupation unless otherwise agreed by the Planning Authority.

Reason: In the interests of road safety.

13. No development shall commence until a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, has been submitted to and received the approval in writing of the Planning Authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

Reason: In order to preserve the archaeological and historical interest of the site.

14. No development shall commence until a construction method statement has been submitted to and approved in writing by the Planning Authority. This shall include the proposed location of the works compound, the means of screening the site, how the site will be developed and mitigation measures in terms of noise for adjacent premises. The development shall thereafter proceed in accordance with the approved construction method statement.

Reason: In the interests of residential amenity.

15. No development shall commence on site unless details of the car parking areas have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the parking areas shall include 3 bays for disabled parking and shall ensure that a minimum 1m overhang is provided adjacent to walkways and shall be provided prior to first occupation of the flats hereby granted planning permission.

Reason: In the interests of pedestrian safety.

16. No development shall commence until details of a scheme of hard and soft landscaping works for the site including the area at the south boundary have been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
- i. all earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. the location and design, including materials, of any existing or proposed walls, fences and gates;
 - iii. all soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - iv. a programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

All landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

For the avoidance of doubt, the area to the south of the site shall include at least one piece of public art and seating for public use.

Reason: In order to ensure that the approved landscaping works are properly undertaken on site.

17. No trees within the application site shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason: In order to protect the existing trees.

18. No development, site excavation or groundwork shall commence until full details of protective tree barriers have been submitted to and approved in writing by the Planning Authority. Thereafter, the approved barriers shall be erected prior to any development, site excavation or groundwork commencing and shall remain in place throughout the construction period. Barriers must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

Reason: In order to safeguard the existing trees.

19. No development shall commence on site unless details of all boundary enclosures have been submitted to and approved in writing by the Planning Authority and thereafter provided before the implementation of the use of the premises hereby granted planning permission.

Reason: In the interests of visual amenity.

20. For the avoidance of doubt there shall be no roof plant, bird netting or ventilation equipment located on any part of the roof without the written approval of the Planning Authority.

Reason: In the interests of visual amenity.

21. For the avoidance of doubt, access to the river walkway shall be maintained at all times during construction to the satisfaction of the Planning Authority.

Reason: In order to ensure pedestrian access.

22. No development shall commence unless details of all materials for surface finishes have been submitted to and agreed in writing by the Planning Authority and thereafter so implemented prior to first occupation of the flats.

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

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.

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

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.

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 Community Works prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Community Works 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.

Signature: Allan J Todd
Designation: Area Planning Manager – South
Author: Nicola Drummond
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan
Plan 3 – Elevations
Plan 4 – Floor Plans
Plan 5 – Site layout plan

Inverness Design Review Panel

Panel Report

Proposed development at Glebe Street, Inverness

9 April 2015

Please note: This report is the view of the Inverness Design Review Panel and is not attributable to any one individual. It does not prejudice any of the organisations represented on the panel forming a differing view about development proposals at a later stage.

Executive summary

The Panel welcomes this opportunity to comment on design proposals for development at one of the city's last remaining vacant sites, which has significant potential to regenerate an important part of the riverfront. It fully supports the aspiration to develop high quality residential accommodation that maximises the benefit of the setting and its outstanding views.

The panel is keen to see an ambitious design that will raise the standard of new residential development in Inverness and mirror exemplary international practice in contemporary waterfront development. This includes high standards of residential amenity, sensitive massing and use of materials, close attention to impact on key views, careful articulation of the relationship between public and private space, and measures to ensure the river walk becomes safer, more attractive and more accessible for residents and visitors.

1. Introduction

- 1.1. This report relates to new proposals for residential development at Glebe Street following a previous hotel scheme that was granted planning permission in 2008 but has since lapsed.
- 1.2. The report should be read in conjunction with pre-meeting papers that provided information on site analysis and design development, and a description of the proposal including layouts, elevations, and photographs /3-D images of key views.
- 1.3. This is the first time development in this location has been reviewed by the Inverness Design Review Panel.
- 1.4. One declaration of interest was made by a panel member who, in previous employment, was involved in awarding planning permission for the hotel scheme in 2008. This was not considered to be a conflict of interest and the panel member took part in the review.

1. Overview

- 1.1. The Panel welcomes this opportunity to comment on design proposals for one of the most prominent and important vacant sites in Inverness city centre. It appreciates the preparation and forethought that have gone into developing the design proposal.

- 1.2. The Panel strongly supports the aspiration to create a range of high quality residential accommodation at this iconic riverfront location. This presents a significant opportunity to enhance an important gateway to the city centre and make the River Ness more accessible and attractive to residents and visitors alike.
- 1.3. The panel advocates a design approach that will place Inverness at the forefront of international best practice in riverfront regeneration. This includes exemplary use of materials that should extend well beyond standards set by recent residential development in the city.
- 1.4. A successful design should result in:
 - sensitive massing and use of materials to enhance key views from the riverside and Friar’s Bridge;
 - high quality residential accommodation that maximises the benefit of outstanding views, daylight, amenity and communal facilities;
 - a satisfactory, logical relationship between public and private space that delivers an attractive public realm.

2. Layout, massing and elevations

- 2.1. The panel welcomes the aspiration to create a prominent gateway feature to the city centre and a “bookend” to the view along the river bank. More work is needed, however, to enhance key views from the riverside and Friars Bridge, including more careful articulation of vertical elements, massing and detailing.
- 2.2. The panel wishes to see a more ambitious design for the river frontage, mirroring best practice in contemporary waterfront development as demonstrated in, for example, London, Copenhagen and Melbourne.
- 2.3. Suggested improvements include:
 - refining the massing of riverfront elements, rather than replicating the previous hotel proposal;
 - varying and/or simplifying the palette of materials;
 - modifying penthouse treatment to achieve greater clarity and simplicity of built form;
 - taking steps to eliminate bland elevations (e.g. overlooking Friars Bridge);
 - more effective use of fenestration (as described in Section 5 below);
 - appropriate use of landscaping and trees to ensure the view from Friar’s bridge is not dominated by car parking;
 - careful consideration of service plant location;
 - re-visiting early aspects of scheme development, including early massing proposals, which may be better suited to the context.
- 2.4. The panel favours random distribution of affordable housing units throughout the development rather than separation from units that are privately owned.

3. Articulation between public and private space

- 3.1. The relationship between public and private space is a key concern, in particular where the development fronts onto the river walk. The design lacks a satisfactory balance between public access to the walkway and amenity of private residences. This balance is a feature of all existing, successful residential development fronting the River Ness.

- 3.2. Inadequate survey information, in particular the absence of section drawings describing level differences between the river walk and the development site, is a significant drawback to exploring and understanding how this relationship will be articulated.
- 3.3. The design should ensure the drop in level between the river walk and the site (estimated to be 1M) does not compromise the privacy of ground floor properties. This could be achieved, for example, by the introduction of undercroft parking if this is used to reconfigure floor levels.
- 3.4. Design and layout need to be modified to protect the privacy and amenity of residents in all ground floor properties and achieve an attractive, logical transition between private property and public /semi-public space. Suggested improvements include:
 - re-visiting an earlier design principle of using perimeter blocks, which could increase the amount of usable space (in addition to complementing the character of surrounding urban form);
 - reconfiguring the central space and surrounding blocks to restrict public access and improve quality and quantity of private /semi-private space;
 - ensuring residents' amenity space is not dominated by car parking;
 - ensuring new parking layout avoids damage to tree roots.

4. Design from inside out

- 4.1. The panel welcomes this opportunity to provide the city with a range of high quality residential accommodation, combining properties of high market value with affordable housing units. It urges greater attention to residential amenity, including quality of living space through, for example:
 - the introduction of duplex apartments, skylights, roof gardens, and communal facilities (such as a gym);
 - use of corner windows to exploit iconic views at key locations (e.g. 6-storey block; riverfront etc)
 - substituting projecting balconies for setback balconies to free up window space (exemplar: Fielden & Clegg, Cyprus)
 - better use of fenestration generally to maximise views and increase daylight, solar gain and surveillance of outdoor space (on, for example, south wall of 6-storey block)
 - finding an alternative to centralised bin storage, which often creates an unpleasant environment.

5. Materials

- 5.1. The proposed use of brick as the primary building material is accepted, if not wholeheartedly endorsed by the panel. Exemplary use of brick involves careful selection and fine, crisp detailing. Scotland has many contemporary examples of poor quality brick building, including local examples highlighted in the presentation of this scheme.
- 5.2. Best practice in design and specification of brick is demonstrated in schemes by Collective Architects (Garscube Road, Glasgow), Reiach & Hall (Scotland) Fielden & Clegg (e.g. Accordia) and Alison Brooks Architects.
- 5.3. It may be appropriate to use a less uniform material than brick, whose homogeneity may detract from the character of surrounding urban fabric.

6. Public realm design

- 6.1. The panel anticipates that the design and layout of the public realm will have a significant impact on the quality of development and its contribution to city centre regeneration.
- 6.2. The design needs to be modified to ensure safer, more attractive access to and along the river walk, including greater use of the underpass and steps to Friars Bridge. The scheme also requires better integration/interaction with the surrounding context.
- 6.3. Proposals for new tree-planting are welcomed. The scheme would benefit from the addition of trees along the western boundary of the site, which would be in keeping with a longstanding tradition of lining the city's river banks with trees.
- 6.4. The integration of public art into the public realm is also welcomed but should be linked at the earliest opportunity to ongoing significant investment in the River Ness Public Art project, led by High Life Highland, aimed at making the riverbank more attractive and accessible to residents and visitors.
- 6.5. The quality of the public realm at the site boundary with Chapel Street should be improved because this is an important approach route to the city centre. This includes removing and/or replacing the utilitarian metal railings lining the boundary.

7. Recommendations

- 7.1. In developing the design, the Panel suggests the following priorities should be addressed:
 - Develop an ambitious river frontage, mirroring best practice in contemporary waterfront development, including exemplary use of materials.
 - Obtain relevant survey information and use it to ensure drop in level between the river walk and the site will not compromise the privacy of ground floor properties.
 - More careful articulation of vertical elements, massing and detailing, with particular focus on enhancing key views from the riverside and Friars Bridge.
 - Better articulation of relationship between public and private space to improve amenity for residents and the public.
 - Closer attention to designing from the inside out to create high quality homes.
 - Measures to make the riverbank more attractive and accessible to residents and visitors, including introduction of public art that complements River Ness Public Art project.