

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
13th December 2016

Agenda Item	6.7
Report No	PLS 073/16

16/03297/FUL: Ark Estates
Land Adjacent to Raining's Stairs, Hill Place, Inverness

Report by Area Planning Manager – South/Major Developments

SUMMARY

Description : Erect 16 residential flats and 1 commercial unit (as amended)

Recommendation - GRANT

Ward : 15 - Inverness Central

Development category : Local

Reason referred to Committee : Objections from 5 or more households

1. PROPOSED DEVELOPMENT

1.1 The proposal involves the erection of 16 flats and 1 commercial unit on an area of vacant land which has an historical residential use. The development comprises 3 blocks of flats each extending to 3 storeys in height and linked through on the upper floors. The finishes for each block will comprise the following:

Top block – Basecourse - sandstone random rubble bag rubbed walling and vertical lapped timber cladding (grey).

First and second floor walling – two tone vertical steel cladding.

Roofing – vertical steel cladding.

Middle blocks – Basecourse - horizontal tongue and groove timber boarding (grey).

First and second floor walling – white render.

Roof – Vertical steel cladding.

Bottom block – Basecourse - vertical lapped timber cladding (grey).

First and second floor walling – two tone vertical steel cladding.

Roofing – vertical steel cladding.

The flats are set back from the existing Raining's Stairs and landscaping with site specific contouring of ground levels will be introduced in the area between the flats and the stairs. There will also be landscaped areas to the rear (south boundary) and the west boundary.

- 1.2 There has been informal consultation on this proposal. A design was presented to the Inverness Design Review Panel and their views are attached to this report.
- 1.3 There is an existing vehicular access on the north boundary of the site taken off Ardconnel Street adjacent to the existing public car park. In addition, the site abuts Raining's Stairs which provides pedestrian access between the Crown area and Castle Street. New pedestrian access points will be formed off the stairs to serve the development. The proposal also involves an upgrade of the Stairs with new railings, repairs to areas of the existing stone wall which bounds the Stairs in sections and introduction of public art along the north boundary of the Stairs. These will include information plaques depicting historical facts of interest associated with Raining's Stairs and former school.
- 1.4 A Drainage Impact Assessment has been submitted identifying the proposals for the disposal of surface water within the site. This involves surface water run-off from each building and communal hardstanding areas conveyed to attenuation pipework at the lower level of the site (west boundary). A Transport Assessment has also been submitted.
- 1.5 **Variations:** The existing building in the southwest corner has been omitted from the site and will now be retained. It comprises 2 units. Details relating to landscaping, materials and public art have also been amended during the course of assessing the application.

2. SITE DESCRIPTION

- 2.1 The site has lain vacant and semi derelict for a number of years. Historical records indicate that residential buildings did exist on each side of the Stairs and of a scale and architectural design similar to those properties located to the north of the site. The site itself slopes fairly steeply down from east to west. On the east boundary there is an existing 1 storey building which backs onto a service yard which serves the flats and retail units on Ardconnel Street. On the north boundary it is bordered by the Raining's Stairs. On the west boundary there are 2 storey retail and residential units fronting onto Castle Street. The slope of the site together with its relatively land locked position provide particular challenges for development. The site is currently partially screened by timber fence and walling and comprises an area of grass with self seeded trees.

The site is partially screened by the properties on Castle Street and is not readily viewed at street level because of these existing buildings and the site levels. The site is however prominent when viewed from the Castle Esplanade and from the top of Raining's Stairs.

3. PLANNING HISTORY

- 3.1 IN/1992/696 - Detailed planning permission was granted for a residential development in 1992 and this was amended in 1995 (IN/1995/1049) and 1997 (IN/1997/1013).
- 3.2 05/00482/FULIN –Erection of 35 flats and 4 commercial units but withdrawn before presentation to Committee in April 2006.
- 3.3 06/00676/FULIN – Refusal of 9 flats on the escarpment with a frontage onto Ardconnel Terrace and overlooking the rear of the retail units fronting onto High Street

3.4 07/00238/FULIN – Erection of 35 flats and 4 commercial units granted consent on 23rd November,2007.

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown neighbour and affecting setting of Conservation Area 02.09.2016

Representation deadline : 02.09.2016

Timeous representations : 45 letters of support and 21 letters of objection

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- The following **objections** have been raised against the development
- Design – Site is within the Conservation Area and the design is not in character with the surrounding buildings. It is considered overly industrial and not of a high quality contemporary design. Disagree that there are grey shades in the surrounding buildings which are of different colours, tones and textures. Inverness Civic Trust welcomes the reduction in the height and mass of the proposed building. Trust objects due to the lack of interaction with the context, especially Raining's Stairs, the use of materials and the uninspiring design.
- Visual prominence – visible from the Castle
- Height - concern about the elevated height of the proposed building at the location of Raining's Stairs garage. Level 1 should be no higher than the existing single storey building to allow for views for all residents of Connel Court. Building will overlook balconies and windows of Connel Court and impact on the daylight. Overall negative visual impact on the skyline.
- Parking – Concern about absence of onsite parking and implications for on-street parking in the surrounding area. Residents in Connel Court seek restricted access to prevent illegal use of their spaces to the rear of Connel Court. Suggest barrier to Connel Court car park to prevent abuse.
- Cycle storage and bin stores – Refuse bin facilities are in the wrong location and will present problem for collection due to distance from entrance. Should be located close to the bin area for Connel Court.
- Construction Phase – Construction Traffic Management Plan should only allow access to the site through land owned by the developer. No capacity within the site for a site office and staff welfare facilities. No details of techniques to pile foundations into the base rock or level of noise and dust from such work. Full noise assessment before determination of the application in terms of piling and construction work. Limit working hours to 09.00 till 16.00 on weekdays only.
- Anti-social behaviour – the design of paths and alleyways around new development will increase levels of crime and antisocial behaviour. Additional street lighting and CCTV should be provided to deter this.

- Landscaping – should be managed by a factoring service
- Boundary with Connel Court – fence should be erected between site and Connel Court to maintain safety and security.
- Impact of No 27 Bar on flats as open outwith the hours of 9.00am to 5.00pm with noise and cooking smells from extraction units (switched off after 10.00pm) situated at the rear of their premises. Might be of concern to any residential accommodation.
- In **support** of the proposal the following comments are made:
 - Design – inventive and creative use of derelict space and designs are fresh and attractive and sympathetic to overall look of Castle Street.
 - The site is considered dangerous and attracts anti-social behaviour. The site is an eyesore and any regeneration should be encouraged

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:** Part of the site has an historic use as a garage and filling station which may have resulted in land contamination. Recommend standard condition for scheme to deal with potential contamination.

5.2 **Access Officer:** Raining's Stairs is a core path and is considered to constitute a public right of way. Access should remain open and free from obstruction or encroachment before, during and after construction. Recognises the challenges of the site and the potential that the Stairs will be improved as part of the development.

With any closure of the path it is recommended that a stopping up order under Section 208 of the Town and Country Planning (Scotland) Act 1997 may be necessary to avoid conflict with pedestrians during construction. Conditions will be required to address this.

5.3 **Historic Environment Team:** This application is located within an area that formed part of the historic core of Inverness. A discrete watching brief carried out in the vicinity in 1993 identified a series of timber building remains dating to the 14th & 15th Centuries. These deposits should still lie within the application area. In addition, the HER holds a reference to the finding of a stone 'sarcophagus' close to Raining Stairs in the 1980s. The application area is considered to have potential for the survival of buried archaeological and historic remains. Recommend standard condition. The potential for historical remains and remedial action must be addressed before any development commences on site.

5.4 **Transport Planning:** the application includes a transport statement. This has demonstrated that the development can operate as a car-reduced or car-free accommodation. It has also demonstrated the adequacy of connectivity to existing non-car transport routes and hubs in the local area. It is unlikely that parking permits within the vicinity would be granted for new residents of the development and this should be made a condition of any planning permission. A framework Travel Plan will be required and can be addressed by a condition of the consent.

Pedestrian Access - there is currently a pay and display car parking space across the proposed pedestrian access to the residential flats. This parking bay will need to be removed which will require an amendment to a Traffic Regulation Order (TRO). The costs associated with an amendment to a TRO will need to be met by the applicant.

Cycle Parking - extensive discussion has taken place to determine an acceptable and appropriate provision of cycle storage facilities to serve both residents and visitors. Enclosed and secure storage details have now been submitted and are considered satisfactory.

Raining's Stairs - welcome the applicant's proposals to make improvements to Raining Stairs which are currently maintained by the Council. Any improvements to the stairs should also include the footway from the bottom of the stairs to the footway on Castle Street. Any works to Raining Stairs must be carried out under the Road Construction Consent process. The design of Raining's Stairs will need to take into consideration the cost of future maintenance.

Street Lighting - recommend a condition to ensure that the design and siting of street lighting meets current standards and accords with policy. It would help if the street lighting design should also include the section of footway from the bottom of Raining's Stairs to the footway on Castle Street and the existing CCTV pole.

A Construction Traffic Management Plan (CTMP) will be required, particularly given the restricted character of the site, the potential difficulty of storing materials on site and the requirement to ensure the site is secured to enable safe pedestrian access on the Stairs. This can be dealt with by appropriate condition.

5.5 **Crown and City Centre Community Council:** there is general support for the proposal. The site is recognised as a derelict site which is considered an eyesore both in context of Raining's Stairs and the city centre in general. Redevelopment with attractive residential units and sensitive facelift of the stairs will improve visual appearance and provide valuable small residential units in the city centre. Difficult topography and accessibility of the site would not enable residents' parking on site which is accepted. The wider Hill area is experiencing parking difficulties particularly overnight when permit parking does not apply and if this is exacerbated by the development the Council may have to consider further parking controls in the area. Supports application and note proposal has gone through an evolving design process to produce a sensitive and attractive solution.

5.6 **Community Services – Waste:** despite concerns regarding the location of the

proposed bin compound, which will require reversing of the refuse vehicle from Ardconnel Street to service the bins, there are no specific objections to these arrangements given the particular characteristics of the site.

5.7 **Flood Risk Management Team:** Satisfied with the drainage arrangements for the site. Request a condition that all surface water discharge from the site is directed to the Scottish Water network. This will require a formal agreement with Scottish Water. It is noted that the existing properties below the site will be protected from overland flow by a bund and landscaping which is considered acceptable. The onsite surface water drainage network will be privately owned and maintained. A maintenance schedule for the drainage infrastructure (both foul and surface water), will be required and this can be covered by condition.

5.8 **Conservation Officer:** The application site has historically been used for housing and, in principle, a proposal to redevelop what is currently a redundant and underused space is accepted and welcomed. The current proposal does, however, raise a number of concerns:

The site is very prominent and will be visible from multiple locations within Inverness and especially visible on the skyline when viewed from Inverness Castle, which in light of future aspirations to open the building to the public must be considered 'a highly sensitive receptor'. Concerns are raised with regard to aspects of the design particularly in its context within the conservation area and proximity to listed buildings. In particular, although the difficulties of the site topography are recognised, the current design does not fully reflect the varying heights and massing of surrounding buildings which is considered a feature of the conservation area. It is noted that the design and layout do incorporate changes in the orientation of the roof pitches and effort has been made to introduce interest to the main elevations fronting the public realm.

The impact when viewed from the Castle has to be considered carefully and a variety of colours and hues other than grey may be more appropriate. The use of contemporary materials is noted and it is recognised that due to constraints on construction an innovative solution is required. It is essential that good quality complementary and contrasting materials are used which add variety, character and accent. Opportunity exists for sensitively coloured renders, sandstone and timber and these would help with break up large expanses of the cladding and elevate the treatment of the elevations which otherwise appear drab and featureless. Likewise, the proposed uniform treatment of the roofs promotes what is considered an industrial character and appearance. The proposal is not considered to relate to the wider conservation area as well as it might and the use of a more sensitive palette of materials and finishes is encouraged.

In this respect, a condition is requested to ensure that samples are provided and agreed before development commences. The predominance of greys and introduction of yellow panels is not considered appropriate but subject to these details being reserved by appropriate condition, satisfied that an appropriate palette can be secured. This will help ensure that the building relates better to the wider conservation area.

The application does not consider in detail the construction methodology and concerns regarding if (and how) construction will affect the integrity of the

buildings along Castle Street. Evidence should be provided (either pre-determination or as a pre-commencement condition) that demonstrates that the development can be built without adversely impacting the structural integrity of neighbouring buildings – especially those on Castle Street – a number of which are listed.

There are concerns that the proposal does not fully meet the objectives of SPP, HESPS and Policy 57 of HwLDP and for this reason the importance of ensuring good quality materials of an appropriate colour and tone is stressed.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

3	City Centre Development
28	Sustainable Design
29	Design Quality and Place-Making
31	Developer Contributions
32	Affordable Housing
34	Settlement Development Areas
42	Previously Used Land
56	Travel
57	Natural, Built and Cultural Heritage
66	Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Inverness City Centre Development Brief
Highland Historic Environment Strategy
Managing Waste in New Developments
Developer Contributions
Public Art Strategy

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (SPP)
Historic Environment Scotland Policy Statement (HESPS)
PAN71 Conservation Area Management

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

8.3.1 The proposal represents the development of a significant vacant site within the city centre. Scottish Planning Policy makes clear the planning system for town centres should consider opportunities for promoting residential use within such areas where this fits with local need and demand. Policy encourages a mix of uses to support and encourage vibrancy and vitality. The proposal is considered to meet these objectives through the erection of flats and a commercial unit within a city centre location.

8.3.2 The local policy context for assessment of the proposal involves the adopted Highland-wide Local Development Plan (HwLDP), and the Inverness City Centre Development Brief (ICCDB). The policies of these documents are generally supportive of the principle of the development. Policy 3 of the HwLDP supports 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. The relevant criteria of Policy 28 are assessing the extent to which the following are satisfactorily met:

Accessibility by public transport, cycling and walking as well as car

Use of a brownfield site

Impact on individual and community residential amenity

Impact on cultural heritage

Demonstration of sensitive site and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials

The site is accessible by public transport, cycling and walking and makes use of a brownfield site. The impact on individual and community residential amenity is acceptable. The impact on the Conservation Area in this location is considered acceptable and the contemporary design an appropriate design solution for a challenging site. The use of a mix of materials including natural stone and timber cladding will add interest and takes into account the older stone properties located within the wider area. These issues are set out in greater detail in paragraphs 8.3.6 to 8.3.11 on Design and Layout.

The site lies within the City Centre and is also covered by Policy 34 of the HwLDP given that it is located within a Settlement Development Area. This policy requires proposals to be assessed on their compatibility with the existing pattern of

development and landscape character, conformity with existing land uses and the effect on any built and cultural heritage feature (in this case it is the Conservation Area).

The development is viewed as compatible with the existing pattern of development, addresses the difficult topography and sloping site while also introducing variety in massing, height, roof profile and materials. It conforms with existing uses in the area through the formation of flats and a commercial unit. The impact on the Conservation Area is viewed as acceptable for the reasons mentioned in paragraphs 8.3.6 to 8.3.11 on Design and Layout.

8.3.3 The Inverness City Centre Development Brief forms a statutory part of the development plan. One of its 5 key themes is creating a strong and diverse city centre population as this has a range of social, economic and environmental benefits. The key aim is to attract people back to the City Centre to re-establish a diverse and strong inner-city community. Affordable housing will assist in meeting housing needs and contribute to the regeneration of the city centre. The flats are intended to be delivered as affordable and developed for the Council in conjunction with the Highland Housing Alliance. The proposal will help to achieve these objectives.

8.3.4 On the basis of the above assessment, therefore, the principle of the erection of flats and a commercial unit 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, the impact on residential amenity and the Conservation Area.

8.3.5 The principle of residential development is considered acceptable and involves the redevelopment of an otherwise vacant semi derelict brownfield site. It occupies an important site within the city and although there are limited locations from where the development will be viewed in its entirety, it is nevertheless essential to ensure that the impact of the development on both the character of the conservation area and existing residents is acceptable. In terms of the height of the proposed flats, at 3 storeys, this is similar to the height of the flats on Ardconnel Street to the east of the site. In terms of the impact on the amenity of existing residents, it is accepted that there will be some impact on the rear outlook from these flats which currently enjoy an open aspect across the city. There is however no right to a view and the proposed height of the flats does not exceed that of the existing flats with the result that the residential amenity of those properties is unlikely to be adversely affected.

8.3.6 **Design and layout**

One of the main issues in the assessment relates to the quality of the design. The site presents a significant challenge in terms of the slope of the site and the surrounding properties. It is also within the Conservation Area and prominent when viewed from the Castle esplanade. The design selected reflects the need to introduce an acceptable design while also recognising the difficulties in its construction and maintenance in terms of the materials selected. In terms of views the development is visible from viewpoints on the south side of Castle Street and the elevated position of the Castle esplanade. A photomontage has

been submitted to provide an impression of the visual impact of the buildings. In terms of the Design and Access Statement, it identifies that several options were considered as design solutions to take account of the topography and in particular to tie in with the stairs. The Inverness Design Review Panel has had an opportunity to comment and consider the proposed design prior to submission. The suggestions made have in part been taken on board in this current proposal. The key issues raised may be summarised:

- Reduce the visual impact on views from the Castle esplanade
- Introduce a greater variety in massing, height, roof profiles and materials
- Amplify the effect of the built form stepping down and across the site.
- Use Raining's Stairs as a stepped street and design around this feature

8.3.7 The current proposal has sought to address these points. The roof profile has been amended to introduce a stepped configuration with varied roof planes, particularly within the middle section. The main entrance arrangements now more obviously relate to the configuration on the stairs with entrance doors to each block. This in turn adds interest and better policing of the stairs and landscaped areas. The introduction of lighting, landscaping and improvements to the stairs themselves all contribute to an improvement of the existing situation.

There will inevitably be an impact on views from the Castle esplanade. This has to be taken in the context of the current situation where the vacant site and condition of the stairs provides little value and makes little positive contribution to the conservation area. There is no doubt that the proposed buildings will be prominent when viewed from the Castle esplanade but the introduction of a contemporary design incorporating a range of colours and materials together with improvements to the main west facing elevations will, it is considered, do much to reduce the visual impact and will, in any event, add interest to the area promoting a contemporary design incorporating traditional and contemporary materials.

8.3.8 The topography of the site provides a challenge not only in terms of construction but also in achieving a commercially viable development. The proposal provides an opportunity to improve an important site within the city, to revitalise the connection between Castle Street and the wider Crown area and address issues associated with an area which is currently underused. The scale of development demands careful use of appropriate materials. A contemporary solution is considered acceptable but requires further detailed assessment of the colours and range of materials to be used. This can be governed by appropriate pre commencement condition.

8.3.9 On balance therefore, the design as now proposed is considered acceptable in this location and has taken on board elements of the issues raised by the Review Panel. The contemporary design proposed differs from previous proposals which were granted consent but which offered a more traditional design of building. This current proposal represents a solution to address the very particular construction difficulties, including minimising the need for foundations and associated piling and seeks to introduce a style of building which incorporates traditional

proportions but contemporary finishes.

- 8.3.10 The improvements to Raining's Stairs, the introduction of landscaping, better lighting and a general upgrade of the existing situation are each to be welcomed. The provision of public art as a series of plaques with historical facts and details along the stairs is also to be welcomed. The siting of the building back from the stairs also allows for landscaping and privacy for the residents. Not all flats will have views across to the north and beyond but each has a degree of amenity afforded by the areas to the front and rear of the site.
- 8.3.11 The concerns of the Conservation Officer are noted, in particular the colour of materials proposed and the dependence on profile sheeting. This can in part be dealt with by condition. The further concerns regarding the impact on the conservation area are also noted: the applicant is aware of the need to take into account the sensitivities of the location and to ensure that the impact does not have an adverse impact on the integrity of the conservation area.

While a contemporary design with use of more modern materials will differ significantly from the more traditional buildings within the immediate vicinity, the use of render and timber panels should serve to provide continuity between the more contemporary metal cladding and traditional stone buildings within the area.

In terms of the materials and finishes there is also an opportunity to reduce the visual prominence through a reduction in the extensive use of grey tones in the design. The historic built environment incorporates a wide range of colours with greys confined to slate roofs but it is the multiple red, pink, yellow, brown, white and cream tones that predominate. Discussions with the agent has reached agreement on a more sensitive colour for the cladding of the walls which compliments the sandstone finish of other buildings in the area.

A balance has to be achieved between support for a development on a site where the principle of residential use is established and the impact that development may have in terms of its design. The site provides a challenge for development given the topography, proximity to adjacent buildings and its relative prominence when viewed in particular from the Castle esplanade. The design takes account of the conservation area and maintains a traditional format in roof pitch and general massing. The incorporation of contemporary materials allows for an innovative approach to construction and will add interest to the vista when viewed from the Castle. Castle Street comprises a range of architectural styles incorporating traditional and more recent developments. This proposal provides an opportunity to broaden the range of architectural styles adding interest to the conservation area and in that context is considered an acceptable and appropriate design solution. The support of the community council is welcomed in this regard.

8.4.1 **Servicing and Infrastructure**

As a development in the city centre, it has not been possible to provide on-site car parking other than for 2 disabled spaces. Transport Planning is satisfied the Transport Statement has demonstrated that the development is able to operate effectively as car-free accommodation. This is similar to other more recent developments, for example the flats on Academy Street. While the absence of on-

street parking is noted it has to be balanced against other issues in the consideration of the proposal. There is a substantial demand for affordable housing in the city and is a key priority for the Council. The scheme allows for the development of a brownfield site which has lain vacant for many years. As there is no on-site parking provision then it is reasonable to seek developer's contributions towards active travel provision to reflect the Inverness City Centre Parking Report and Draft Action Plan (3 December 2015). The re-surfacing of the Raining's Stairs car park would seem reasonable to include in this contribution. The suggestion of a barrier to restrict access to the parking area to the rear of Connel Court would prove difficult given the need for waste collection by the Council.

8.4.2 Cycle provision is another relevant issue and this is to be met through the erection of an internal store which will cater for cycle parking and bin storage. The Guidelines can be met and an appropriate level of secure cycle facilities provided. The bin storage area will require careful management to ensure that the refuse vehicle can be accommodated but this has been considered in detail and while the Area Waste Manager has indicated that it does not meet the current standards generally required, a relaxation can be offered in this particular situation. Given this is an infill site access arrangements for such collection and servicing are going to be a problem but this has to be balanced with the need to develop this site.

8.4.3 The Drainage Statement confirms surface water will be dealt with by means of an attenuation tank which will then connect to the public sewer. The Flood Team is satisfied with this approach subject to conditions.

8.5 **Other Considerations – not material**

8.5.1 The impact on views, particularly from adjacent flats, has been raised. Whilst views will be lost, Members will be aware there is no right to a view. Restriction of the hours of operation from 09.00 till 16.00 on weekdays only is not generally included as a condition as this can be controlled through Environmental Health legislation. However, in this instance, given the proximity of surrounding residential properties, it is considered appropriate to include a condition restricting deliveries of construction materials.

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

8.6.1 Developer contributions towards active travel provision should be secured through a Section 75 obligation or other appropriate legal mechanism.

9. **CONCLUSION**

9.1 This site has lain vacant for many years and as a brownfield site, provides an opportunity within the heart of the city for development. The use of the site to provide much needed residential accommodation, all of which will be delivered as affordable homes, is to be welcomed and meets the objectives of both Council and national planning policy.

The principle of redevelopment is therefore accepted. The site lies within the Conservation Area and is visually prominent particularly when viewed from the

Castle Esplanade. There is a requirement to ensure developments within such areas accord with the principles of relevant policies, those of Historic Environment Scotland and do not have an adverse impact on the character and setting of the conservation area. The scale and massing of the proposal will undoubtedly have some impact on the character of the area and introduce a change to the otherwise vacant site. The impact of the development has to be balanced against the benefits of improving an otherwise semi derelict site, of bringing much needed improvements and enhancement of Raining's Stairs and the positive benefits of providing residential accommodation within the city centre.

Policy requires developments to be of an appropriate scale and design commensurate with their location. This proposal provides a contemporary solution to a challenging site with a historical residential use. When viewed from the main vantage points, including the esplanade, it will be seen in the wider context and juxtaposed with a mix of buildings of varying scale, massing and material finishes.

Subject to final agreement on the range of colours of the materials to be used to ensure a sensitive palette in keeping with the surrounding properties, it is considered that the development can be supported subject to the following conditions.

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	<u>Y</u>	
Notification to Scottish Ministers	N	
Notification to Historic Scotland	N	
Conclusion of Section 75 Agreement	Y	Developer Contributions
Revocation of previous permission	N	

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons:

1. Consent is hereby granted for the provision of on-site affordable housing (which meets the definition of affordable housing outlined in The Highland Council's Affordable Housing Supplementary Planning Guidance dated August 2008 (as amended, revoked or replaced; with or without modification)) as part of the development hereby approved has been submitted to, and approved in writing, by the Planning Authority. The scheme shall include:
 - i. the numbers, type, tenure and location of the affordable housing provision to be made, which shall consist of not less than 100% of the total number of

housing units proposed within the application site;

ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii. the arrangements for the transfer of the affordable housing to an affordable housing provider;

iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Thereafter, the affordable housing shall be provided in accordance with the approved scheme.

Reason: To meet Council policy on affordable housing provision.

2. 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.

3. Consent is hereby granted for the covered and secure communal bicycle storage/racking system for 29 bicycles submitted to, and approved in writing by, the Planning Authority. 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.

4. Prior to occupation of the first flat 2 disabled spaces shown on the approved drawing shall be demarcated and completed to the satisfaction of the Planning Authority.

Reason: To comply with Council Guidelines on disabled parking provision.

5. No development shall commence on site unless details of service facilities have been submitted to and agreed in writing by the Planning Authority and thereafter implemented before first occupation of any part of the development hereby granted planning permission. For the avoidance of doubt, the existing service arrangements for adjacent properties shall be maintained throughout the construction of the development to the satisfaction of the Planning Authority.

Reason: In the interests of the free flow of traffic and public safety.

6. No development or work (including site clearance) shall commence until a

programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason : In order to protect the archaeological and historic interest of the site.

7. No development shall commence until a construction method statement has been submitted to and received the written approval of 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 dust and noise for adjacent premises. The development shall thereafter proceed in accordance with the approved construction method statement.

Reason : In the interests of residential amenity.

8. All building material, plant and equipment shall be stored within the boundaries of the application site throughout the construction period.

Reason : To ensure that there are no obstructions to the public road.

9. No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete.

Reason : In the interests of road safety.

10. The delivery of construction materials to the site shall be restricted to 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).

Reason: In the interests of residential amenity.

11. No later than 6 months from the first occupation of the development, a Travel Plan, which sets out proposals for reducing dependency on the private car, shall be submitted to and agreed in writing by the Planning Authority. The approved Travel Plan shall thereafter be implemented from the date of approval.

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

12. Construction work shall not begin until details of the construction methodology prepared by a suitably qualified structural engineer, detailing the construction of the development including and how construction will affect the integrity of the buildings along Castle Street has been submitted to and approved. Evidence shall be provided to demonstrate the development can be built without adversely impacting the structural integrity of neighbouring buildings to the satisfaction of

the Planning Authority.

Reason: In the interests of amenity.

13. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed 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 BS10175:2011 and A1:2013 Investigation of Potentially Contaminated Sites –Codes 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 that the scheme has been implemented, completed and, if required, monitoring measurements are 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 previous uses/processes on the site.

14. Prior to occupation of the first flat the approved scheme for bin storage along with the cycle store shown on the approved drawings shall be implemented to the satisfaction of the Planning Authority.

Reason : In the interests of amenity.

15. Prior to occupation of the first flat a scheme for a contribution towards primary and secondary education, the provision of public art, active travel provision and open space as outlined in The Highland Council's Supplementary Planning Guidance on Developer's Contributions (as amended, revoked or replaced; with or without modification) as part of the development hereby approved shall be submitted to, and approved in writing, by the Planning Authority, and thereafter implemented in accordance with the agreed scheme to the satisfaction of the Planning Authority and prior to occupation of the first flat.

Reason : To comply with Policy 31 of the Highland-wide Local Development Plan

16. No development shall commence on site until a landscaping plan for hard and soft landscaping, including details of street furniture, lighting and surface treatment has been submitted to and approved in writing by the Planning Authority, and this shall include trees and bushes of maturity and height to be agreed as part of this process. The plan shall include details of the mechanism for maintenance of the landscaped areas. 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.

Reason : In the interests of visual amenity.

17. No development shall commence on site until details of lighting columns, street furniture and public art have been submitted to and approved in writing by the Planning Authority and thereafter implemented in accordance with the approved scheme. On-site provision for public art shall be made in accordance with the Supplementary Guidance for the Public Art Strategy, the location and design of which shall be approved in writing with the Planning Authority before the start of development. The timing for such provision shall be approved in writing by the Planning Authority before the start of development.

Reason : In the interests of visual amenity and to accord with the Supplementary Guidance on Developer Contributions and the Public Art Strategy.

18. 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. All surface water discharge from the site shall be directed to the Scottish Water network.

Reason : To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

19. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted; with or without modification) retail unit hereby approved shall be used solely for Class 1 Retail and for no other use or purpose.

Reason : In the interests of the amenity of the area.

20. For the avoidance of doubt there shall be no roof plant, bird netting or ventilation equipment located in any part of the roof without the express consent of the

Planning Authority.

Reason : In the interests of amenity.

21. Unless a successful temporary Stopping Up Order under Section 208 of the Town and Country Planning (Scotland) Act 1997 has been confirmed to close off Raining's Stairs during the construction phase the Stairs shall remain open for public use and free from obstruction before, during and after construction to the satisfaction of the Planning Authority.

Reason : To uphold access rights and protect core paths and public rights of way under the Land Reform (Scotland) Act 2003 and the Countryside (Scotland) Act 1967.

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.

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. The disposal of surface water will require a formal agreement with Scottish Water.

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>

Car Parking Space

Prior to first occupation of the development, the pay and display car parking space across the proposed pedestrian access to the residential flats will need to be removed which will require an amendment to a Traffic Regulation Order (TRO). The costs associated with an amendment to a TRO will need to be met by the applicant.

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.

Foulwater and Surface Water Drainage

A maintenance schedule and the name and contact details for the party responsible for the drainage infrastructure (both foul and surface water), shall be provided to the Council. Thereafter, the named party will be solely responsible for the drainage infrastructure. If the party responsible for drainage infrastructure changes, the Council must be notified within 28 days of the change in responsibility.

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.

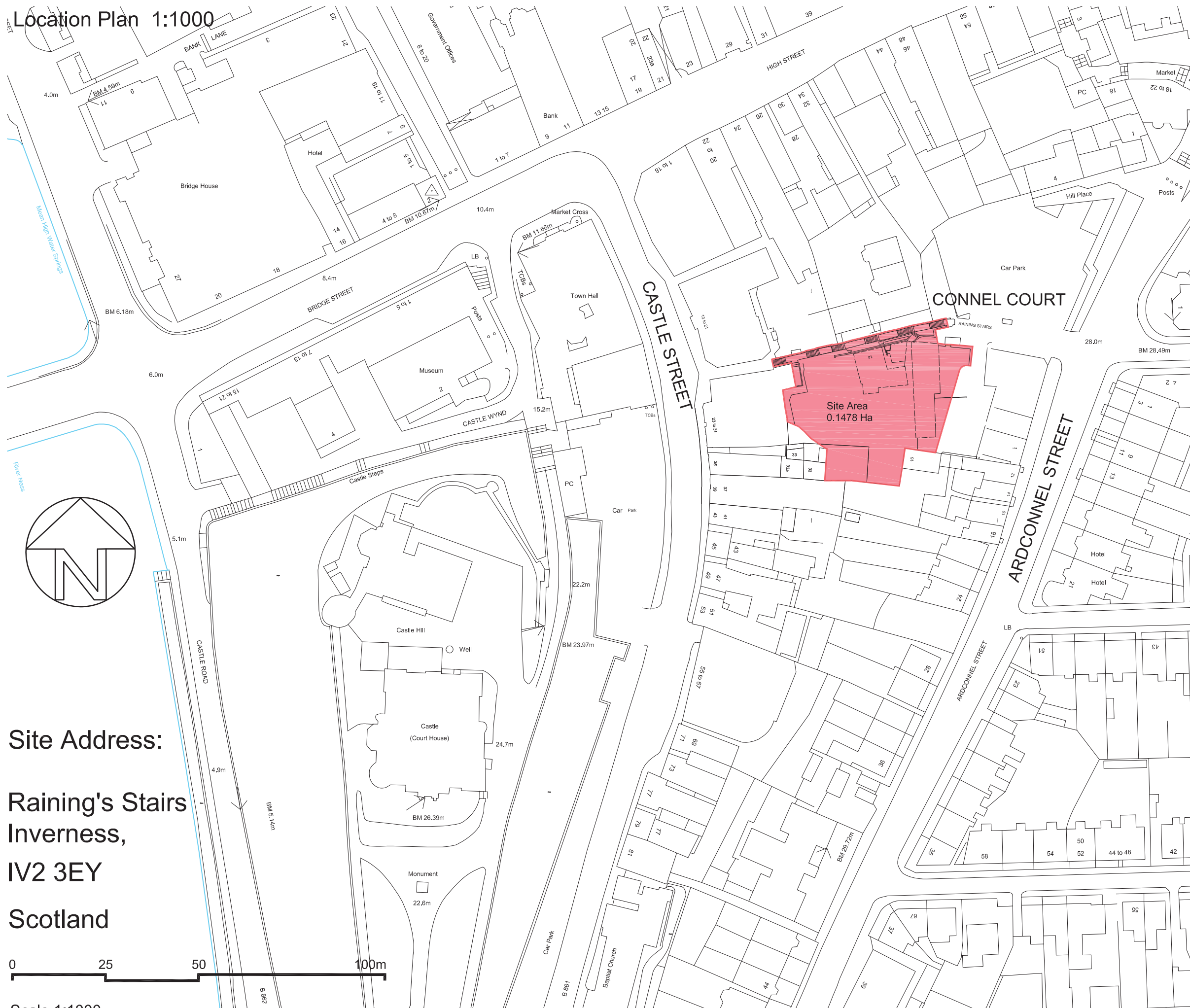
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: Keith Gibson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 –Site Layout Plan
Plan 3 –Section Plan
Plan 4- Site Section Plan
Plan 5 – Elevation Plan
Plan 6 – Elevation Plan

Plan 7 - 3D Visuals

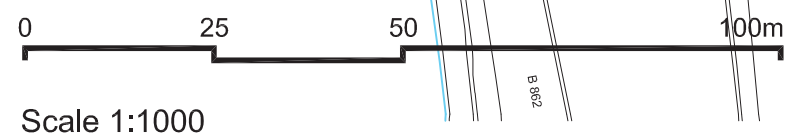
Plan 8 - Photomontage

Location Plan 1:1000



Site Address:

Raining's Stairs
Inverness,
IV2 3EY
Scotland



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		JR	MPE
A	26-07-16 Issued for Planning	JR	MPE
B	01-09-16 Red line boundary amended	JR	MPE



SCALE	DATE	DRAWN	CHECKED
1000	26-07-16	JR	MPE

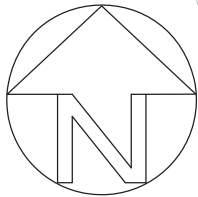
PROJECT
Ark Estates
Raining's Stairs
Inverness

DRAWING
Location Plan



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PL(90)001



NOTES

ORIGINAL A1

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Site Plan



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100	26-07-16	JR	MPE

PROJECT
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Raining's Stairs
Inverness

DRAWING
Site Plan

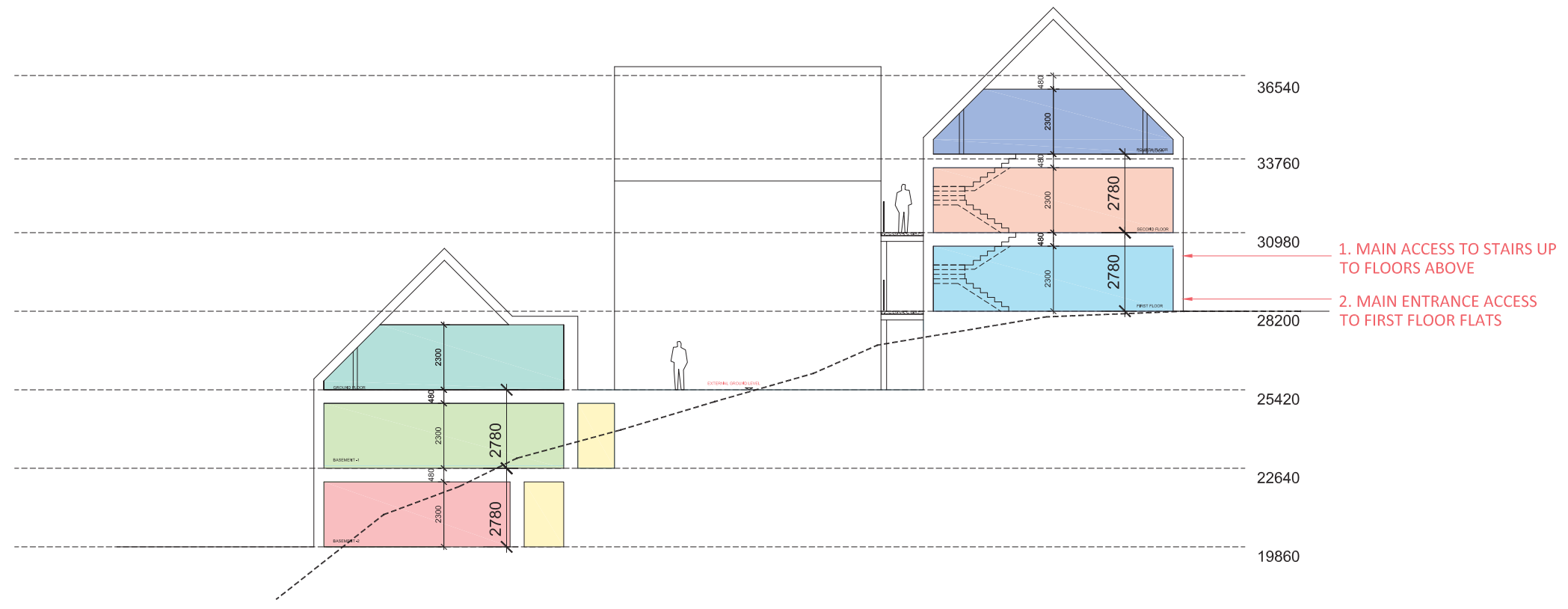


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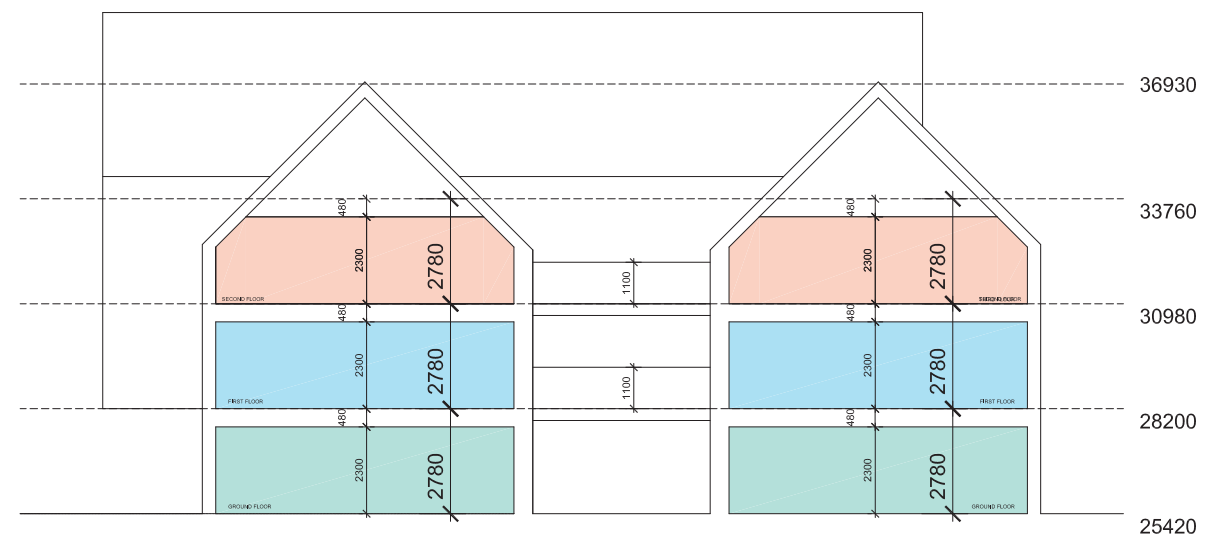
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A	26-07-16	Issued for Planning	JR MPE



Section A-A



Section B-B



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 Cross Sections

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0 20m
Scale 1:200

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200	01-09-16	JR	MPE

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Site Section

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Hillside Elevation

Scale - 1 : 100



Stair Elevation

Scale - 1 : 100

NOTES

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REVISION

REVISION	DATE	ISSUED FOR	LC	MPE
A	26-07-16	Issued for Planning	LC	MPE
B	01-12-16	Timber cladding to central block amended	KM	EW



SCALE	DATE	DRAWN	CHECKED
1:100	26.07.16	LC	MPE

PROJECT
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Inverness

DRAWING
Elevations
Sheet 1 of 2



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DRAWING No.
PL(25)001_B



Front Elevation
Scale - 1 : 100



Back Elevation
Scale - 1 : 100

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REVISION			
A	26-07-16	Issued for Planning	LC MPE
B	01-12-16	Timber cladding to central block amended	KM EW



SCALE	DATE	DRAWN	CHECKED
1:100	26.07.16	LC	MPE

PROJECT
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DRAWING
Elevations
Sheet 2 of 2



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REVISION

A 26-07-16 Issued for Planning LC MPE



Panorama View from Castle



View from Car Park



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1:100	26.07.16	LC	MPE

PROJECT
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Inverness

DRAWING
3D Visuals



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DRAWING No.
PL(20)100

RAINING'S STAIRS INVERNESS



EXISTING STAIRS



PROPOSED STAIRS