

Agenda Item	5.1
Report No	PLS/025/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 24 April 2018
Report Title: 18/00714/FUL: Capital Developments Ltd
76-79 Academy Street, Inverness

Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Proposed residential and mixed retail/office development

Ward: 14 - Inverness Central

Development category: Local

Reason referred to Committee: Managers discretion - City Centre Development

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.

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The application is for planning permission for a total of 37 flats, 4 retail units, and associated infrastructure. The residential units comprise:

- 19 x 1 Bedroom Flats
- 18 x 2 Bedroom Flats

1.2 The retail units on the ground floor are accessed from Academy Street. The units comprise:

- Unit 1 – 51m²
- Unit 2 – 52m²
- Unit 3 – 53m²
- Unit 4 – 58m²

1.3 The applicant also presented the initial proposal for the site to the Inverness Design Review Panel. The Panels' Executive Summary is referred to below and the main report is included as Appendix 2:

The Panel welcomes the proposed mixed use development as an important opportunity to invest in and contribute to regeneration in this part of the city centre. More information is needed, however, to demonstrate the impact of the proposal on the scale, character and variety of built form in this part of the city centre, which should be clearly explained in the rationale for design put forward in the planning application. The Panel considers that no part of the development should be higher than four storeys when viewed from any one of the surrounding lanes or streets. This report provides detailed advice on the design of the Academy Street frontage in terms of scale, elevational and corner treatment, shopfront height, and a need for high quality, dark-coloured materials. The proposed distinction between this formal frontage and the separate rear block is welcomed, along with the modelling of the rear block to break up its mass. The benefits of sharing access with both the Dunbar Centre and properties served by the private pend abutting the northern boundary of the site is highlighted, in particular the possibility of creating an attractive internal street. Combining parking for the Centre and main-door access to new ground floor flats. The report also acknowledges the extent to which residential quality, density and scale will impact on the economic viability of the project and encourages the developer to explore opportunities to increase market value by, for example, the introduction of duplex and/or high quality corner apartments.

1.4 Informal pre-application advice has been provided by the Planning Authority in relation to the design, scale and mass of the proposed development.

1.5 Access to the retail units will be via Academy Street and the flats will be accessed from School Lane.

1.6 The application is supported by the following information:

- Design and Access Statement; and
- Drainage Impact Assessment.

1.7 Variations: Since the validation of the application a number of changes have been

made to the scheme to address comments from consultees and the case officer. These include:

- Addressing the fenestration on the frontage to Academy Street. Making the windows a uniform pattern and size to address the balance of wall to glazing;
- Change in material to natural stone rather than reconstituted stone on the front and part of the side elevations. This is to reflect the colouring of the adjacent church hall;
- Removal of the recess on the on the front of the building and use of a single colour of stone;
- Introduction of further glazing on the top floor on the elevations that face Academy Street and the riverside ;
- Introducing horizontal banding across the front of the scheme, including some which projects;
- Reduction in the height of the wall between the development and the Dunbar Hospital;
- Revising the design statement to provide context in relation to Conservation Area Management Plan and Waste Management;
- Modifications to the external appearance of the central core including a step down on the top floor where the glazing will wrap over the top of the building;
- Introduction of an overhang to the top floor on the frontage which faces Academy Street;

2. SITE DESCRIPTION

- 2.1 The site comprises a retail unit, originally built as a car garage and workshop, and the adjacent gap site. The retail unit was occupied by Farmfoods until mid-2017. The building is predominantly single storey in height with a two storey element to the south east. It retains some original features; however it has been heavily modified to accommodate its most recent uses.
- 2.2 To the rear (west) of the site is the former Dunbar Hospital. This is two and a half storeys in height with a large roof structure. To the south is the Old High Church Hall, this is a traditional building, 1 storey in height, with a large roof structure and a gable onto Academy Street. To the north is, at the frontage to the site, a gap site then a one and a half storey building housing a restaurant. Further there is a row of cottages which are one and a half storeys in height running east to west. There is no through access. Between the cottages and the proposed development there is a wall of approximately 2m.
- 2.3 The site is identified as having development potential in the Inverness City Centre Development Brief.
- 2.4 There are no natural heritage designations covering the site.
- 2.5 The site sits within Inverness Old Town Conservation Area. There are a number of listed buildings within the wider area. No building on the site itself is listed. Sites of archaeological interest are recorded in the Highland Historic Environment Record within the vicinity of the proposed development.

2.6 The development site is not covered by any international, national, regional or local landscape designations.

3. PLANNING HISTORY

3.1 10.01.2018 17/05709/FUL - Proposed residential and mixed retail/office development Application Withdrawn

4. PUBLIC PARTICIPATION

4.1 Advertised: Yes

Date Advertised: Unknown Neighbour and Development within Conservation Area

Representation deadline: 23.03.2018

Timeous representations: 3 (2 objections, 1 support)

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Lack of consideration of the scale of the church hall;
- b) Opportunity missed to create a public open space on Academy Street by setting the building back which may also improve sightlines for pedestrians and traffic emerging from School Lane;
- c) Loss of daylight to properties in Deacons Court;
- d) The proposal is of too big a scale;
- e) Service area is inadequate;
- f) Potential to create congestion on Academy Street
- g) Positive use of land within the City Centre;
- h) Development is complimentary to adjacent buildings;
- i) The scheme will provide economic benefit.

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.

5. CONSULTATIONS

5.1 **Crown and City Centre Community Council:** do not object to the application. They have noted the design changes between the previous scheme and the substantial change to the site but do not consider that it is inappropriate in a town centre. Concerns were raised regarding the use of reconstituted stone and assume that the arrangements for waste management collection are acceptable.

5.2 **THC Transport Planning:** do not object to the application. Further information was sought and provided in relation to waste management. Conditions are sought in relation to waste management; streetscaping works to the footpath on Academy Street; and construction traffic management.

5.3 **THC Flood Risk Management Team:** do not object to the application.

- 5.4 **THC Development Plans Team:** do not object to the application. Concerns are raised in relation to conformity with the Inverness City Centre Development Brief, in particular in relation to the scale, mass and design of the building, lack of outdoor amenity space.
- 5.5 **THC Building Standards:** do not object to the application. Building Standards were consulted in relation to the provision of cycle storage within the flats. Their approach confirmed that the proposed development would comply with standards in this regard.
- 5.6 **THC Contaminated Land:** does not object to the proposed development. A condition is sought to secure a scheme to deal with potential contamination on the site given the previous use of the site as a garage.
- 5.7 **THC Historic Environment Team:** does not object to the proposed development. Concerns are raised in relation to the design of the building, in particular the treatment of the top floor and the ground floor of the building.

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 & Place-making
31 - Developer Contributions
32 - Affordable Housing
34 - Settlement Development Areas
40 - Retail Development
42 - Previously Used Land
51 - Trees and Development
56 - Travel
57 - Natural, Built & Cultural Heritage
58 - Protected Species
63 - Water Environment
65 - Waste Water Treatment
66 - Surface Water Drainage
72 - Pollution
77 - Public Access

6.2 Inverness Local Plan 2006 (as continued in force 2015)

The provisions of the Inverness Local Plan have been superseded in relation to this application by the adoption of the Inner Moray Firth Local Plan.

6.3 Inner Moray Firth Local Development Plan 2015

Policy 1 - Promoting and Protecting City and Town Centres

Policy 2 - Delivering Development

Within Inverness City Centre Boundary

Within Inverness Old Town Conservation Area

6.4 **Highland Council Supplementary Planning Policy Guidance**

The following Supplementary Guidance forms a statutory part of the development plan and is considered relevant to the determination of this application.

- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)
- Inverness City Centre Development Brief (2018)
- Developer Contributions (March 2013)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Managing Waste in New Developments (March 2013)
- Open Space in New Residential Developments (Jan 2013)
- Physical Constraints (March 2013)
- Public Art Strategy (March 2013)
- Standards for Archaeological Work (March 2012)

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 Inverness Old Town Conservation Area Management Plan (2015)

7.2 **Scottish Government Planning Policy and Guidance**

- Scottish Planning Policy (2014)
- National Planning Framework 3 (2014)
- Designing Streets (2011)
- Creating Places (2013)
- PAN 61 - Sustainable Drainage Systems
- PAN 68 - Design Statements
- PAN 75 - Planning for Transport
- PAN 77 - Designing for Safer Places
- PAN 1/2011 Planning and Noise

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 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on the Planning Authority, when considering development proposals with a conservation area, to have regard to the desirability of preserving and enhancing the character or appearance of that area.

Determining Issues

- 8.3 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 including the desirability of preserving and enhancing the character or appearance of that area.

Planning Considerations

- 8.4 The key considerations in this case are:
- a) compliance with the Development Plan and other planning policy
 - b) Design
 - c) Impact on Built Heritage
 - d) Access and Parking
 - e) Services
 - f) Impact on Education Provision
 - g) any other material considerations.

Development plan/other planning policy including Inverness City Centre Development Brief

- 8.5 Development plan policy is set out in the Highland-wide Local Development Plan (HwLDP) and the Inner Moray Firth Local Development Plan (IMFLDP) and statutorily adopted supplementary guidance. The site is within the settlement development area where there is general support for development. Further the site is within Inverness City Centre where the Council will support proposals which maintain and strengthen the vitality and viability of the City Centre. Furthermore, residential development at first floor level and above is actively supported by the Local Development Plan.
- 8.6 The site is identified for the following in the Inverness City Centre Development Brief (ICCD):
- Potential for new office / business development;
 - Potential for new retail; and
 - Potential for mixed use development including residential development.
- 8.7 There is support through Criterion L1 in the ICCDB for residential development at key sites (of which this is one), providing they accord with the criteria for adaptive re-use, re-development and place making principles set out in Section 7 of the ICCDB. The criteria set out in Section 7 are considered in the “Design” Section of this report.
- 8.8 The applicant has set out that the current use of the site is no longer viable. Criterion D2 in the ICCDB sets out that where current uses may not be viable and where the space around the building or space has no heritage value, support will be given subject to the replacement being of a high quality. Whilst it can not be said that the existing site has no heritage value, the existing built development has

limited heritage value. Further, the Inverness Old Town Conservation Management Plan identifies the vacant land in the north of the site as having the potential for development.

- 8.9 Consideration against all of the criteria set out in the ICCDB is set out in Appendix 3 to this report.
- 8.10 The Development Plan contains a number of policy tests that must be taken into account in determining this application, in particular matters related to layout, design, place-making and infrastructure provision. However, the principle of development such as the one proposed in this application site is clearly supported by the Development Plan. If there are no significant impacts arising from these matters then the application could be supported.

Design

- 8.11 The design of the development is critical given its location within the City Centre and the Old Town Conservation Area. In designing a building in the City Centre there needs to be consideration of the context of the building in the site, block and street as a whole.

Scale and Mass

- 8.12 The existing buildings on the site, while covering a large area, are of a modest height reflecting their original use as a house (81 Academy Street) and a car sales and repair garage (71-79 Academy Street). The buildings adjacent to the site vary in height from 2 and a half storeys (former Dunbar Hospital) to single storey (Thai Restaurant and Old High Church Hall). Across the street buildings are of a much larger scale, with 5 storey buildings being prominent features. To the south of the site lies the Penta Hotel which was formerly a telephone exchange, this is the only post-war building of more than 5 storeys on the same side of Academy Street as the proposed development.
- 8.13 When one looks along the length of Academy Street, at each corner of a block, the corner is articulated by a building of height. The lowest being the 3 storey block which houses the Nickle and Dime store at the corner of Post Office Avenue and the tallest being the building on the corner of Queensgate which houses a number of bars / restaurants and shops on the ground floor. The proposed development site is on a corner at the junction between School Lane and Academy Street, and as such it is considered that a building of height can be accommodated here and continue to respect the pattern of development along the rest of Academy Street.
- 8.14 With that said the height of a building in this location needs to consider the context of the adjacent buildings. There had been concern at the pre-application stage that a building of 5 storeys in height would have an adverse impact on the street scene. This concern continues to be reflected in the Development Plans Team response to the application. The Inverness Design Review Panel recommended that the development *should be no higher than four storeys when viewed from any one of the surrounding lanes or streets*. From the majority of views the proposed development will not appear as a five storey building. This is due to the significant setback of the 5th floor. This has been modelled in a way which means that except

for limited areas along Academy Street, the building will read for the most part as a 4 storey building.

- 8.15 In the earlier application on the site, where the corner of the building adjacent to School Lane was 5 storeys, the relationship with the Old High Church Hall was an uncomfortable one. The applicant has sought to address this relationship by utilising the set back of the 5th floor and provision of further articulation and design details (including the removal of the set back in the centre of the building, and the horizontal banding and use of reflective materials which will appear as glazing) helps to create a clear distinction between the blocks. Further on this corner, the ground floor has been cut away to reflect the design feature of the existing building on the site and also of other buildings on Academy Street (i.e. Nickle and Dime). This has added benefits of improving pedestrian visibility. While there is no question that this building is of a much larger scale than those adjacent, it is considered that the use of the set back and design detailing has created a building which acknowledges the height difference but no longer overwhelms or dominates the Old High Church Hall.
- 8.16 The depth of the building has presented some challenges in relation to mass. The use of glazing in the core of the building, a glazed step down in the roof and a change in materials at the rear of the building has however helped to break up the mass. As one moves from the front of the building on Academy Street through to the rear, the height of the building does not change. The height on Academy Street being accepted, consideration has also been given in the determination of the application to the scale of the building in comparison with the former Dunbar Hospital. Again the set back of the 5th storey helps in this respect and it will not be viewed as a 5 storey building from School Lane either. There will be a small part of Church Street from which the 5th storey may be visible but there will be a clear separation between the 5th storey and the former Dunbar Hospital. It is not considered that the proposed height will have an adverse effect.
- 8.17 A representation suggested the entire frontage should be set back to allow the creation of a public space on Academy Street and avoid impacts on the Old High Church Hall. It is considered that the maintenance of the building line is crucial to the flow of Academy Street. Any change to the building line would adversely affect the character of the street by creating a significant visual break.
- 8.18 It is considered that the amenity space to the rear (west) and north side of the property, although modest, is adequate given the city centre location.

Design and Use of Materials

- 8.19 The original proposal presented at the pre-application stage comprised a 5 storey flat block finished in a combination of render and rain screen cladding. In addition there was no articulation to the elevations, poor consideration of fenestration and inappropriate shop front detailing. Through a period of negotiation with the applicant at the pre-application stage, during the previous application and through this application a number of modifications have been progressed. This has included a reduction in the scale and mass of the building with a reduction from 40 flats to the 37 flats in the current proposal.

- 8.20 The application as submitted was split into 4 separate elements on the Academy Street elevation:
- The shopfronts on the ground floor with a horizontal emphasis;
 - The zinc clad top floor with a horizontal emphasis;
 - Two towers articulated in red reconstituted stone with a vertical emphasis; and
 - A recessed centre above the shopfronts finished in a yellow reconstituted stone with a horizontal emphasis.
- 8.21 Through the application, taking into consideration discussions with the Council's Urban Designer, Historic Environment Team and the case officer, the applicant has simplified the frontage giving the building a more horizontal emphasis. The height of the development was previously extenuated by the vertical elements on the building. By removing the central recess, finishing the frontage in one colour of natural stone, articulation of the edges of the building in a dark grey finish, including enhancements to the horizontal banding on the building to reflect the traditional buildings on Academy Street, it is considered that the building now has a more horizontal emphasis and is of a higher quality design.
- 8.22 The shopfronts are considered to be of a modern style while reflecting traditional proportions and materials. The height of the shopfronts reflects those more traditional shopfronts on Academy Street while the use of timber facia will reflect the traditional materials used. This is considered to accord with the Council's Shopfront Guidance. However, the final finish of these facias requires careful detailing to ensure the quality is delivered in the final product. As this is the case the final design of these will be secured by condition which will require the submission of 1:20 scale plans.
- 8.23 The proportions of the windows are considered to be appropriate. The use of larger windows, thus reducing the amount of blank wall reflects the pattern and rhythm on the traditional buildings on Academy Street. The elevations show alu-clad timber windows split into 4 panes. While the material is considered appropriate for a modern building in the conservation area, it is considered that the windows should be further broken up into smaller panes. On the northern elevation of the existing building there are buildings of a similar proportion to those being proposed and these are split into 20 panes. While considered impractical in this building, it would be appropriate to increase the number of panes in the windows on the Academy Street elevations to a minimum of 6. The final design of the windows can be secured by condition, including details of the window reveals, and will also require the submission of 1:20 scale plans.
- 8.24 The application was initially submitted with a range of finishes on the building, including two colours of reconstituted stone, render and zinc cladding. The use of reconstituted stone is not considered appropriate within the conservation area. Having discussed the matter with the applicant a commitment to the use of natural stone has been given. This will reflect the colour of the Old High Church Hall. The final choice of stone, including the proportions of the stone work, horizontal banding (both flat and projecting), will be subject to condition requiring submission of samples to be agreed on site. The remainder of materials are considered

appropriate in the areas proposed on the building but the final finish will be subject to condition.

- 8.25 The top floor of the building, while rarely visible due to the set back, required some further articulation to break up the box style of the top floor. Improvements negotiated have included the glazed step downs in the central core, increased use of glazing, the use of a reflective material to give the appearance of glass and the inclusion of an overhang at the front of the top floor. These are all considered to improve this element of the building. The applicant set out that the entire top floor could not be glazed due to the potential overheating of living spaces.

Impact on Views

- 8.26 The ICCDB sets out a number of key views from key locations within and on approach to the city. The criterion set out in table 7.1 requires development to not have an adverse impact on key views as identified on map 7.4 of the ICCDB. It goes on to list important views of the skyline, riverfront, townscape or roofscape; sightlines toward Ben Wyvis or the Great Glen; or setting of historic buildings and spaces. The key views relevant to this proposal are those identified as south along Academy Street; North along Academy Street; and riverside views.
- 8.27 The building whilst tall, will not be seen from much of the wider city centre due to the design and location of the building. Where it is seen in these wider views it is considered to fit well with the city centre townscape and roofscape as it is not overly dominant and the material finish of the roof is recessive.
- 8.28 An element of the roof will be visible from a small area of the riverside at Huntly Street in the vicinity of the junction with Grieg Street and the Greig Street Bridge. The whole of the top floor will not be visible and large areas of glazing have been provided to increase the recessive nature of the finish of the top storey. This also includes the use of a reflective material which, from a distance, appears as glazing. Further from this area the building will be partially screened by trees. There will be no views of the building from Bank Street. It is not considered that this limited area of visibility from the riverside will have an adverse impact.
- 8.29 The views north and south along Academy Street will be altered by this development, particularly when viewing the site from the junction between Chapel Street, Academy Street and Friars' Lane. Here the building will appear as a large new structure. However the impact of this has been reduced through the use of the set back of the top floor, articulation of the corners and the use of natural stone. Views of the development looking north along Academy Street will be very limited until one is in close proximity of the development. With the features which have now been included to reflect some of the traditional features of buildings on Academy Street and maintaining the building line, it is not considered that the proposed development will have an adverse impact on key views along Academy Street.
- 8.30 Overall, the applicant has taken on board many of the comments made by the Inverness Design Review Panel, the Council's Urban Designer and Historic Environment Team and the case officer, presenting what is now an acceptable scheme in design terms.

Impact on Built Heritage

- 8.31 The proposed development sits within the Inverness Old Town Conservation Area. The Inverness Old Town Conservation Area Management Plan (CAMP) was adopted by the Council in 2015 and is a material consideration. This document acknowledges that the best form of conservation is to ensure that the City Centre is a successful place with thriving businesses. This application provides opportunities to deliver this, however it needs to be balanced against other conservation objectives.
- 8.32 Whilst it is acknowledged that the development on the site at present has been modified over time, it has some limited heritage value. A photographic record of the building can be secured by condition. With that said it is considered that for the purposes of the CAMP this site would fall into the category of a site where a poor quality or inappropriate building exists and a gap site. There is no specific guidance for this site. In terms of the documents' recommendations those applicable to this application include:
- Encourage and promote city centre living generally;
 - Aim for high quality shop signage;
 - In general seek to minimise visual clutter.
- 8.33 Appendix B of the Conservation Area Management Plan sets out that developments should:
- be context sensitive, this is considered in para 8.12-8.14 of this report above;
 - be of an appropriate scale and orientation, this is considered in para 8.12-8.16 of this report above;
 - consider the relationship with the river and to key buildings. The building will be barely perceptible from the river side, with it not being visible at all from the east bank of the River and with only a small part of the building visible from the west bank of the River. The building will not have an adverse impact on the setting of the Castle, Town House, Town Steeple or the church spires;
 - have an appropriate roofline and elevation. The elevation of the building and roofline is considered in para 8.19-8.25 of this report above. Further the applicant presented street elevations for the whole of Academy Street which has helped to inform the discussion in the earlier paragraphs in relation to this matter;
 - have an appropriate volume and massing. Generally the applicant has used a mid sized floorplate for the building and broken this up through a glazed central core. It is not considered that, following the modifications to the design, that the building reads as one very large volume;
 - consider entrances and boundaries. The entrances are appropriately placed and seek to provide some further movement and activity on School Lane. The boundaries to the development are limited. The only place where a new boundary is being proposed is to the rear of the site. This has been reduced in height since the submission of the proposal to better reflect the street scene.
 - Consider windows and glazing, this is considered in para 8.23 of this report

above;

- Include high quality appropriate materials and detailing, this is considered in para 8.24 of this report above where it sets out there will be further consideration of the final detailing and material finish;
- Consider overall character, this is considered in para 8.13-8.14 of this report above;
- Encourage mixed uses, including city centre living. This application achieves a mix of uses.

8.34 Overall, while there are some challenges to the guidance set out in the CAMP by this proposal, the proposal can be considered to accord with its principles and recommendations.

8.35 It is considered that, following the modifications secured through the application process, that the proposal protects the character of the conservation area and goes some way to towards enhancement. However, the detailing of the development to be secured by condition will be critical to achieving both protection and enhancement.

8.36 The application would not have an adverse impact on the integrity or setting of any listed building using the approaches set out in Historic Environment Scotland's Managing Change in the Built Environment.

Access and Parking

8.37 The retail units will be accessed and serviced via Academy Street. Given the scale of the units it is not anticipated that their servicing will be via large vehicles, however if it is the current arrangements for servicing retail units on Academy Street outwith restricted hours is considered appropriate. Transport Planning has not objected.

8.38 The flats will be accessed via School Lane. There is an aspiration that School Lane will be a key active travel link in the future, the proposed development would provide overlooking of the route and help it to feel safer. The applicant has provided a supporting statement with the application that sets out that the tenants of the flats would be made aware that no parking will be available. Where this has been done elsewhere it has not caused significant issues with regard to on-street parking. Transport Planning has accepted the lack of parking for the development but have suggested that there should be a contribution to active travel improvements within the City Centre. This can be secured via a legal agreement.

8.39 Cycle parking will be included in the development via a combination of a communal internal cycle store on the ground floor and dedicated cycle storage within each flat. Building Standards have confirmed that this approach is acceptable as the bikes will not be narrowing the corridors below the required standards. Transport Planning have raised concerns about the size of the lift and whether it could accommodate a bike. The applicant has confirmed that a larger lift can be put in to ease the movement of cycles to flats on upper floors. This will be secured by condition.

Services

- 8.40 Transport Planning raised concerns regarding the adequacy of the waste service to the flats given the proposed bin storage location and size. The applicant has confirmed that waste will be collected by private contract. This allows larger communal bins to be used and therefore less bins. It is proposed that a waste management plan is secured via condition for precise details of the proposed arrangements including how any potential conflict with pedestrian movements and the refuse vehicle will be managed when the bins are being collected. With that said it should be noted that bin collection via private contractors currently operates down School Lane. For the avoidance of doubt all bin storage will be off-street.
- 8.41 The Flood Risk Management Team has confirmed that the Drainage Impact Assessment is adequate. The development will connect to the public water and waste water network.

Impact on Education Provision

- 8.42 The development is located within the Crown Primary School Catchment Area and the Millburn Academy Catchment Area. Table A below sets out the likely pupil generation from the proposed development

<i>Table A - Pupils Generated by the Development</i>				
	Pupil Product Ratio	Number of Units	Number of Exempt units (1 bedroom flats)	Total Pupils Generated
Primary (Flats)	0.17	37	19	3.06
Secondary (Flats)	0.07	37	19	1.33

- 8.43 It is anticipated that the development will generate 3.06 primary school pupils and 1.33 secondary school pupils based on the pupil product ratios set out in the draft Developer Contributions Supplementary Guidance.
- 8.44 Table B below sets out the current capacity of the school estate which will serve the proposed development:

<i>Table B - Current School Capacities</i>					
	Capacity	Current Roll (% of capacity)	Academic Year when school surpasses 100% Capacity	Academic year when school roll peaks (without any further	Number of pupils over/under capacity at school roll peak

			(without any further intervention)	intervention)	(without any further intervention)
Crown Primary School	341	296 (87%)	n/a	2032/2033 (End of Forecasted Period)	-5
Millburn Academy	1200	1044 (93%)	2020/2021	2032/2033 (End of Forecasted Period)	+324

- 8.45 It has been identified that the school roll at Crown Primary School will be over 90% without any further intervention. However it will not hit the 100% threshold as set out in the adopted guidance. On this basis no contributions to enhancements to primary education are required.
- 8.46 Millburn Academy is forecast to be at capacity from 2021 onwards. As this is the case an extension to Millburn Academy will be required. Developer contributions will be sought to deliver enhanced capacity at Millburn Academy to address this. Consistent with the approach currently being taken to other secondary schools in the Inverness associated schools group extension rates will continue to apply until such time the revised DCSG is adopted. Two classroom extension rates therefore apply as set out in the current SG but index linked to Q4 2017 at £71 per flat.

Other material considerations

- 8.47 A representation has raised concerns about loss of daylight as a result of the proposed development. The applicant has presented a shadow analysis of how the proposed building will affect daylight of the properties in Deacons Court. This shows that at the times of year and day modelled that there will be overshadowing created by the proposed development to some but not all of the properties in Deacons Court. It should however be noted that during spring and autumn these properties currently sit in shadow due to the existing surrounding buildings and the adjacent boundary wall.
- 8.48 Given the location of the site within the City Centre it is considered that a construction environmental management approach should be taken to the construction of any development on the site. This should include construction traffic management. This can be secured by condition.
- 8.49 There are three trees to the rear of the site. Tree protection measures should be put in place to protect these trees throughout the construction process.
- 8.50 There are no other material considerations.

Non-material considerations

- 8.51 None.

Matters to be secured by Section 75 Agreement

- 8.52
- Contribution towards active and / or sustainable travel improvements in Inverness City Centre;
 - Contributions to enhancement of Secondary Education provision - £82 per 2 bedroom flat (£1,558).
 - Affordable Housing 100% across the site.
- 8.53 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months, the application shall be refused under delegated powers.

9. CONCLUSION

- 9.1 The proposed development provides an opportunity to deliver a mixed tenure development of affordable homes with retail units on the ground floor. In doing so it utilises a vacant site within the City Centre. This is welcomed and supported by the development plan.
- 9.2 The design of the development is not without its challenges but on balance, and subject to securing high quality detailing and finish to the building as set out in this report, it is considered that the mass, scale and design of the building is acceptable in design terms.
- 9.3 The application in the round accords with the provisions of the Development Plan when read as a whole and is seen to reflect many of the aspirations of the Inverness City Centre Development Brief and the Inverness Old Town Conservation Area Management Plan.
- 9.4 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. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Obligation Y

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons / Reasons for Refusal

1. For the avoidance of doubt and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (As Amended) the ground floor units shall be used for the following use classes as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997 (As Amended) - Class 1 (Shops) or Class 2 (Financial and Professional Services) only.

Reason: To clarify the terms of the permission and in the interests of ensuring a sustainable mixed use development.

2. No development shall commence until a detailed specification, including detailed plans at a scale of 1:20, showing the detail of the stonework on the building, which shall be finished in red natural sandstone, supported by sample panels, has been submitted to and approved in writing by, the Planning Authority.

Thereafter, development and work shall progress in accordance with these approved plans.

Reason: In the interests of visual amenity and to aid protection of the character of the Conservation Area.

3. No development shall commence until a detailed specification, including detailed plans at a scale of 1:20, for each of the windows, glazed units (inclusive of the entrances and exits of the building and the glazing on the central core), and reflective material on the top floor and showing the material finish of the frames and detailing, and approved in writing by, the Planning Authority.

Thereafter, development and work shall progress in accordance with these approved plans.

Reason: In the interests of visual amenity and to aid protection of the character of the Conservation Area.

4. No development shall commence until a detailed specification, including detailed plans at a scale of 1:20, showing the detail of the frontage of the retail / office units on the ground floor, including details of the facia, locations of any external units, has been submitted to and approved in writing by, the

Planning Authority.

Thereafter, development and work shall progress in accordance with the approved plans.

Reason: In the interests of visual amenity and to aid protection of the character of the Conservation Area.

5. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) with the exception of those referenced under Conditions 2, 3, and 4 above, 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 and to aid protection of the character of the Conservation Area.

6. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority. The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:

- i. Change control procedures to manage/action changes from the approved CEMD and Construction Environmental Management Plans;

- ii. Construction Environmental Management Plans (CEMPs) for the construction phase, covering:

- a. Pre-commencement species surveys;

- b. Pollution Prevention and Control;

- c. Dust Management;

- d. Construction Noise Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise;

- e. Construction Vibration Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise;

- f. Site Waste Management;

- g. Surface and Ground Water Management;

- i. Drainage and sediment management measures from all construction areas; and
 - ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
- h. Public Water Supply Protection Measures;
- i. Emergency Response Plans; and
 - j. Other relevant environmental management as may be relevant to the development.
- iii. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- iv. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

Reason: In the interests of the protection of the environment and amenity of residents during construction.

7. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s). The CTMP, which shall be implemented as approved during all period of construction, must include:
- i. A description of all measures to be implemented by the developer in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;
 - ii. The identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating construction related traffic and the operational requirements of the development to the satisfaction of The Highland Council, including;
 - An initial route assessment report for construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigations measures as necessary;
 - iii. A procedure for the regular monitoring of road conditions and the

implementation of any remedial works required during construction periods.

- iv. A detailed protocol for the delivery of loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of larger load movements in the local media. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events.
- v. Details of any upgrading works required at the junction of the site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays.
- vi. Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.
- vii. Wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;
- viii. Appropriate reinstatement works shall be carried out, as required by Highland Council, at the end of the construction of the development.
- ix. Measures to ensure that construction traffic adheres to agreed routes.

Thereafter the approved Construction Traffic Management Plan shall be implemented in full, unless otherwise approved in writing by the Planning Authority.

Reason: In the interests of managing construction traffic for the purposes of road safety.

8. No development shall commence until full details of the cycle parking strategy, inclusive of visitor cycle parking; internal communal cycle parking; dimensions of the lift; and details of in flat parking, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the cycle parking strategy shall be implemented in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason: To ensure the proposed development includes appropriate cycle parking and storage in the interests of promoting active travel connectivity.

9. No development shall commence until a scheme to upgrade the streetscape along the length of the proposed development on its Academy Street

frontage inclusive of the junction with School Lane and delivery of waymarking at the junctions to and along School Lane, has been submitted to and approved in writing by the Planning Authority. ("the approved scheme"). 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.

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, 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 prior to first occupation of any element of the development.

Reason: To ensure delivery of high quality hard landscaping in the vicinity of the development in the interests of the creation of place.

10. No development shall commence on site until a scheme for the inclusion of public art within the development, including types and locations of artworks and the management and maintenance thereof, has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be implemented prior to occupation of the development and maintained in perpetuity.

Reason: To ensure the delivery of a development with a unique identity which facilitates the creation of place.

11. Prior to any site excavation or groundworks, all retained trees adjacent to the site are to be protected against construction damage using protective barriers (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

Reason: To ensure the protection of retained trees throughout the construction period.

12. No development shall commence until details of a scheme of hard and soft landscaping works 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 proposed boundary treatments inclusive of walls, fences and gates;
 - iii. A scheme for the layout, design and construction of all hard landscaped

spaces shown on the approved site layout.

iv. 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

v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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 order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

13. No development shall commence until a Waste Management Strategy has been submitted to and approved in writing by the Planning Authority. This shall detail an approach to sustainable waste management in the operation of all aspects of development and; identify bin collection points and off-street bin stores; set out procedures to ensure that no refuse or recycling materials associated with the development are stored or places for collection on the public highway or pavement, except on day of collection; the proposed collection schedule for refuse and recycling; identify size of and routes for waste collection vehicles, management of these routes and any conflicts between vehicular movements and pedestrians; and details of any required infrastructure. Thereafter the strategy shall be implemented in accordance with the approved details.

Reason: To ensure the development is appropriately serviced and the waste management arrangements do not have an adverse impact on the amenity of the area.

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

Accordance with Approved Plans & Conditions

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

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.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

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.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: Simon Hindson, Principal Planner
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Proposed Site Plan A10-01-10 Rev A
Plan 2 - Ground Floor Plan A20-01-01 Rev C
Plan 3 - Upper Floor Plan A20-02-01 Rev B
Plan 4 - Fourth Floor/Roof Plan A20-05-01 Rev B
Plan 5 - Roof Plan A20-06-01 Rev B
Plan 6 - Elevations Front and School Lane A30-01-01 Rev D
Plan 7 - Elevations Side and Rear A30-01-02 Rev D
Plan 8 - Section of Academy Street A30-01-10 Rev B
Plan 9 - Section Plan A32-01-01 Rev C

Inverness Design Review Panel

Panel Report

Mixed-use development at 79 Academy Street, Inverness

14 December 2017

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 the proposed mixed use development as an important opportunity to invest in and contribute to regeneration in this part of the city centre. More information is needed, however, to demonstrate the impact of the proposal on the scale, character and variety of built form in this part of the city centre, which should be clearly explained in the rationale for design put forward in the planning application. The Panel considers that no part of the development should be higher than four storeys when viewed from any one of the surrounding lanes or streets. This report provides detailed advice on the design of the Academy Street frontage in terms of scale, elevational and corner treatment, shopfront height, and a need for high quality, dark-coloured materials. The proposed distinction between this formal frontage and the separate rear block is welcomed, along with the modelling of the rear block to break up its mass. The benefits of sharing access with both the Dunbar Centre and properties served by the private pend abutting the northern boundary of the site is highlighted, in particular the possibility of creating an attractive internal street combining parking for the Centre and main-door access to new ground floor flats. The report also acknowledges the extent to which residential quality, density and scale will impact on the economic viability of the project and encourages the developer to explore opportunities to increase market value by, for example, the introduction of duplex and/or high quality corner apartments.

1. INTRODUCTION

- 1.1. This report relates to a revised design for the development on the site of the former Farmfoods retail outlet at 79 Academy Street. It should be read in conjunction with pre-meeting papers that describe the outline proposal, including concept diagrams, massing models, ground floor plan and a 3-D photomontage.

2. RECOMMENDATIONS

- 2.1. The Panel's recommendations for taking forward this proposal are as follows:
 - Prepare a thorough contextual analysis of surrounding urban fabric and use this to:
 - Refine and develop the design proposal;

- Mitigate any potential negative impact on the scale and character of surrounding streets, lanes, pends and properties;
- Underpin the design rationale put forward with the planning application.
- Ensure that no part of the development is higher than four storeys when viewed from any one of the surrounding lanes or streets.
- Consider ways to reduce residential density by increasing the market value of some units, such as duplex apartments or generous corner flats.
- On the Academy Street frontage:
 - Prioritise a prestigious, well-balanced elevational treatment, as set out in Para 5.2, ensuring materials are high quality and dark in colour.
 - Match the height of ground floor retail/commercial accommodation with historic precedents, as set out in para 5.3.
 - Make the most of corner treatments, as described in Paras 5.6 and 5.7.
- Explore potential to share access with adjacent properties, as described in Paras 5.9-5.11.
- Address opportunities to deter anti-social behaviour by increasing natural surveillance as set out in Paras 7.1 and 7.2.
- Prioritise provision of high quality, secure cycle parking.

3. OVERVIEW

- 3.1. The Panel warmly welcomes the proposed mixed use development as an important opportunity to invest in and contribute to regeneration in this part of the city centre. It is glad of the opportunity to provide early comments on key design challenges, in particular the need for a sensitive response to the scale, massing and character of surrounding urban fabric, which also makes the most of existing access arrangements and respects neighbouring properties' rights of light.
- 3.2. The Panel acknowledges the extent to which residential quality, density and scale will impact on the economic viability of the project. It encourages the developer to be guided by a thorough analysis of the site context together with an assessment of opportunities to increase market value by, for example, the introduction of duplex apartments.

4. CONTEXT AND ANALYSIS

- 4.1. The Panel acknowledges the challenge of designing and delivering new-build development that is sympathetic to the variety of scale and built form in this part of the Conservation Area. It recommends that to progress the scheme, a thorough analysis of surrounding urban fabric should be carried out, taking into account the need to mitigate any potential negative impact on the scale and character of surrounding streets, lanes and pends, including the important sense of "old Inverness" intrinsic to many adjacent properties.
- 4.2. In due course the planning application should demonstrate how:
- the proposal has been informed by analysis and appraisal of the site context;
 - it will impact on all nearby streets and routes, including Church Street and properties accessed from the pend next to 85 Academy Street;
 - the Academy Street frontage relates to properties of similar scale on the street, as well as the street as a whole;
 - the proposal fits with Council policy on development in the Conservation Area, including placemaking principles and shopfront design.

5. RELATIONSHIP WITH SURROUNDING BUILT FORM: SCALE, MASSING & ACCESS

- 5.1. The Panel firmly recommends that no part of the development should be higher than four storeys when viewed from any one of the surrounding lanes or streets. Height, scale and massing of discrete parts of the development should also take account of a need to:
- Protect daylight rights for residents of neighbouring 1½ storey cottages;
 - Avoid dwarfing adjacent buildings, in particular the neighbouring Old High Church Halls on Academy Street and, as far as possible, the street's traditional frontage to the north of the site;

The potential to exploit level changes across the site should also be considered.

Academy Street

- 5.2. It is important to present a prestigious frontage to Academy Street, mimicking the quality and scale of nearby historic precedents with frontages of similar length, such as the Clydesdale Bank and the William Hill building. To do so, this elevation should read as a homogenous whole by, for example:
- Presenting a cohesive frontage that is not unduly broken down into discrete sections by massing/material;
 - Creating a symmetrical elevation;
 - Replicating some of the richness of former facades, such as the pilasters of the old Empire Theatre.
- 5.3. Setting an appropriate floor-to-ceiling height for ground floor retail/commercial accommodation is critical to achieving an attractive active frontage and appropriately generous scale. This height should match historic precedents (e.g Clydesdale Bank) - not the considerably lower ground floors of nearby post-war buildings. Any impact on the overall height of the building could be offset by a dormered top floor.
- 5.4. The Panel therefore strongly endorses advice presented in the Planning Issues Note to avoid taking any visual cue from the nearby Penta Hotel building, and encourages measures that counterbalance this building's overpowering, bland façade.
- 5.5. The Academy Street frontage must reinforce the street's horizontal emphasis, previously achieved through strong stone banding courses.
- 5.6. The potential to create generous corner flats at both corners facing Academy Street (north and south) should be considered. These corners would benefit from full-height, special treatment, enabling rooflines on either side to drop away. Precedents include Clydesdale Bank, M&Co and Nickle and Dime.
- 5.7. The corner of School Lane should be designed to achieve a strong sense of connection between the lane's attractive public realm and Academy Street. Options to create a corner café with south-facing spill-out space should be explored. Development must build on and enhance the attractive character of School Lane.
- 5.8. The Panel considers adequate rear service access to be a priority – for deliveries to both retail/commercial tenants and all residents, and for waste storage/collection.

Rear Block

- 5.9. The distinction between the formal block facing Academy Street and the separate rear block is welcomed. The Panel notes the clever footprint used to model the rear block and break up its mass. As an alternative, it may be beneficial to create a tight urban courtyard/lightwell

between both blocks providing this does not prejudice the creation of generous courtyard space abutting the existing landscaped car park at the rear of the Dunbar Centre.

- 5.10. The provision of safe, attractive access to the rear block is considered to be a priority, including a need to explore the potential to share access with the Dunbar Centre, and properties served by the private pend abutting the northern boundary of the site.
- 5.11. Design and layout of the rear block should respect and, where possible, improve the Dunbar Centre's carpark, making best use of existing trees. The potential to create an attractive internal street should be explored, combining parking for the Centre and main-door access to new ground floor flats or duplex apartments.
- 5.12. The developer is strongly encouraged to avoid the creation of two segregated, parallel access routes on either side of the northern site boundary. A shared pend would be far preferable.

6. MATERIALS & COLOUR

- 6.1. Attention is drawn to a need for development to make use of high quality materials at this prominent location in the Conservation Area, in accordance with Council policy and advice.
- 6.2. Use of dark coloured materials, including stone cladding, is encouraged on the Academy Street frontage, where white or light coloured render is considered inappropriate.
- 6.3. Spend should be concentrated on the most prominent parts of the development, avoiding past mistakes such as the legacy of shabby finishes at Bridge House. For example, materials at eye-level/street-level should match current practice in other Scottish cities where, for example, use of polished stone is commonplace.

7. PUBLIC SAFETY

- 7.1. The proposal should address opportunities to deter anti-social behaviour by increasing natural surveillance on and around School Lane, such as the introduction of one or more new entrances off the lane, apartment lighting and windows/doors overlooking the lane and Dunbar Centre carpark, where surveillance is currently poor.
- 7.2. The design of any access route along the northern boundary of the site must avoid the creation of secluded corners/dens that could attract similar problems to those recently encountered at Mealmarket Close.

8. PARKING

- 8.1. While the Panel welcomes the potential to relax car parking standards at this location, it strongly encourages the provision of high quality, secure cycle parking in anticipation of an increased role for cycle travel in the longer term.

Appendix 3 - Assessment against the criteria of the Inverness City Centre Development Brief (ICCDB)

Criterion B1 is related to footfall generating uses being sequentially considered with city centre first principles being applied. The proposal accords with this criterion.

Criterion B2 sets out that developments including a mix of uses will be supported on sites identified on map 3.1 of the ICCDB will be supported if they accord with table 7.1 of the ICCDB. The site 79 Academy Street is identified as a site for new business / office development on map 3.1. The criteria in table 7.1 of the ICCDB are considered elsewhere in this report.

Criterion V1 sets out that footfall generating uses at ground floor level will be preferred land use at ground floor. The proposal accords with this criterion.

Criterion V2 relates to increasing 24/7 activity. This criterion is not applicable to the proposal.

Criterion V3 relates to the adaptive reuse of Inverness Castle. This criterion is not applicable to the proposal.

Criterion V4 sets out developments for new retail (and other uses) will be supported in key opportunity sites identified on map 4.1 of the ICCDB if they accord with table 7.1 of the ICCDB. The site 79 Academy Street is identified as a site for mixed use development on map 4.1. The criteria in table 7.1 of the ICCDB are considered elsewhere in this report.

Criterion V5 relates to riverside activity. This criterion is not applicable to the proposal.

Criterion L1 sets out residential developments will be supported in key opportunity sites identified on map 5.1 of the ICCDB if they accord with table 7.1 of the ICCDB. The site 79 Academy Street is identified as a site for new residential development on map 5.1. The criteria in table 7.1 of the ICCDB are considered elsewhere in this report.

Criteria L2 and L3 relate to exemptions for conversions. This criterion is not applicable to the proposal.

Criteria L4 relates to houses of multiple occupation. This criterion is not applicable to the proposal.

Criterion A1 requires integration of new development with priority routes for active travel improvements. The site is adjacent to School Lane which is identified as a key route for active travel. The site will create an overlooked environment along School Lane. Further a contribution will be sought to enhance active travel improvements.

Criterion A2 requires developments to promote new or enhanced facilities for walking and cycling. The proposed development includes appropriate cycle storage, will provide enhancements to public realm along Academy Street and enhances safety along School Lane by providing overlooking of the route.

Criterion A3 relates to the wayfinding strategy. This criterion is not applicable to the proposal.

Criterion A4 relates to seeking contributions towards active travel improvements. The proposal will make a contribution to active travel improvements.

Criterion A5 relates to Inverness Railway Station. This criterion is not applicable to the proposal.

Criterion A6 identifies the issues which will be taken into account in determining parking requirements in the City Centre. Transport Planning have undertaken this exercise and the findings are set out elsewhere in the report.

Criterion D1 relates to the development of underused or neglected heritage assets. This criterion is not applicable to the proposal.

Criterion D2 sets out that where current uses are not viable the redevelopment will be supported subject to it providing the development is high quality and makes a positive contribution to the visual and spatial character of the surrounding area. Despite the presumption against demolition in the conservation area, re-development of the site is supported due to the limited heritage value of the existing proposal. Further part of the scheme utilises a gap site which has, at present, a negative impact on street character.

Criterion D3 requires all new development to accord with the key place making principles set out in table 7.1 of the ICCDB. These are considered in turn below:

Principle 1 - Contextual Analysis - while limited a contextual analysis has been provided within the Design Statement which accompanies the application.

Principle 2 - Key Views - this is addressed in para 8.26 - 8.29 of the report. It is considered that the proposal accords with the principle set out.

Principle 3 - Historic Buildings and Spaces - the site is at the corner of a block of development within Inverness Old Town which has survived relatively intact. The current building on the site is understood to be built in the 1920s/1930s, much more recently than the rest of the block. The building will contrast sharply with the rest of the block but in the context of the street and the way the corners have been addressed historically on Academy Street one can see a fit with the wider context. However in relation to the adjacent block there are challenges presented by the buildings mass. This has however been broken up by the use of the set back on the top floor; appropriately scaled shopfrontages on the ground floor and the horizontal banding providing horizontality to the building to match that presented in the rest of the block.

Principle 4 - Contemporary Design - the building is of a contemporary design but responds to the historic features and context of Academy Street, through the use of detailing and material choice.

Principle 5 - Block Structure and Permeability - The proposal reinforces the corner of this block of development within the Old Town, it does increase the floor plat of this plot within the block but in doing so it ensures that a gap site which has an adverse impact on the

character of Academy Street is appropriately utilised. The development will provide enhancements to Academy Street by delivering streetscaping works and will provide overlooking of the key active travel link along School Lane. The existing building lines are followed and the use of boundary treatments to the rear of the building provide a clear definition between public and private space.

Principle 6 - Height, scale and massing - The height, scale and mass is considered appropriate following the design modifications that lead to a horizontal emphasis on the building when the wider street is taken into consideration. Further the set back of the top floor ensures that the building will be viewed as a 4 storey block from the majority of Academy Street. It is accepted that in relation to the immediately adjacent buildings there are some challenges. This is considered further in section 8.12-8.15 of the report. There is a contrast between the proposed building and the former Dunbar Hospital to the rear as one moves back along School Lane from Church Street to Academy Street, however to address this the building's core has been glazed and the roof stepped down to give the perception of a reduced depth in the building to blocks which are similar to the depth of the former Dunbar Hospital (approximately 15m). The use of a flat roof helps to articulate the contemporary design and the use of materials on the roof is considered appropriate.

Principle 7 - Frontages - The proposed development appropriately addresses Academy Street and School Lane. On Academy Street there is a continuous active frontage which wraps around onto School Lane. Further, there is overlooking from the flats onto School Lane at ground floor level. Through negotiations on design there has been an increase in glazing in the flats facing School Lane.

Principle 8 - Elevational Treatment - Following negotiation with the applicant and secured the use of a single colour of natural stone on the Academy Street frontage, horizontal banding (both flat and projecting), removal of the central recess and significantly improved fenestration, it is considered the proposal accords with this principle.

Principle 9 - Materials and Colour - it is considered that the range of materials now proposed is appropriate. Final details of the materials can be secured by condition.

Principle 10 - Access - it is considered that the proposed development will be easy to access for pedestrians, cyclists and disabled people. The active travel routes bounding the site are appropriately addressed.

Principle 11 - Parking - the proposed development contains no car parking. This has been accepted by Transport Planning. Servicing arrangements have also, in principle been accepted by Transport Planning. The level of cycle parking provision is appropriate.

Principle 12 - Public Realm - The applicant is committed to streetscaping improvements to Academy Street and no detriment to the streetscape on School Lane. Public art will require to be delivered in line with the Council's Public Art Strategy and this can be secured by condition.

Principle 13 - Open Space - no publically accessible open space is proposed within this development, nor is any existing open space going to be adversely affected by this proposal.

Principle 14 - Trees and Planting - some limited planting is proposed in the private amenity space of the properties. The trees adjacent to the site will require to be protected during the construction works. This can be secured by condition.

Principle 15 - Security - The proposal has had regard to the principles of Secured by Design and promotes an improvement to the security and sense of safety on School Lane.

Criterion D4 relates to specific development sites. This criterion is not applicable to the proposal.

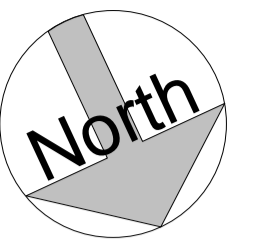
Criterion D5 seeks to ensure that significant developments incorporate public art. The development will deliver streetscaping works on Academy Street. This provides an opportunity to secure an appropriate scheme of public art.

Criterion D6 relates to alteration, reinstatement or improvement of shopfronts. This criterion is not applicable to the proposal.

Criterion D7 seeks to ensure that sufficient off-street bin storage are provided. Based on the submissions provided by the application, it is considered that the proposed development is acceptable in this regard. With that said the details of the strategy they will be employing for the site will be secured by condition.

Criterion D8 seeks to safeguard and enhance landscape structure, green infrastructure, and avoid impact on the condition of the River Ness. It is considered that the existing landscape structure will not be adversely affected. The landscaping proposed within the site is limited but can provide some enhancements within the area. Exact details of the landscaping can be secured by condition.

Criterion D8 requires consideration of developments that may impact on air quality. The uses proposed are unlikely to impact on air quality. Therefore this criterion is not applicable to the proposal.



Rev	Date	Details	Drawn	Checked
A	26.03.18	Updated as per comments from THC Planning	BPW	

Issued for: **PLANNING**

Project/Client: Capital Developments (Scotland) Ltd
 Project No: IAIV16-0029
 Dwg No: A10-01-10
 Rev: A
 Scale: 1 : 200 @A1

Drawn By: JDS
 Date: _____
 Checked By: GD
 Date: _____

Site Plan - As Proposed
1 : 200



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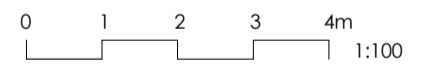
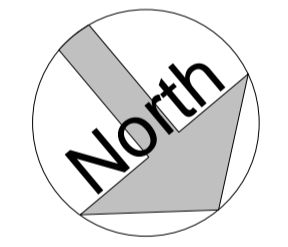
Bow Court

Dunbar Hospital

School Lane

School Lane

Academy Street



Rev	Date	Details	Drawn	Checked
C	26.03.18	Risers added at Gground floor level		
B	27.03.18	Updated following further comments from THC Planning		
A	26.03.18	Updated as per comments from THC Planning	BPW	

Issued for:		PLANNING	
Project/Client:	Capital Developments (Scotland) Ltd	Project No:	IAIV16-0029
Dwg No:	A20-01-01	Rev:	C
Scale:	1 : 100 @A1	Drawn By:	Date:
Checked By:	GD	Date:	

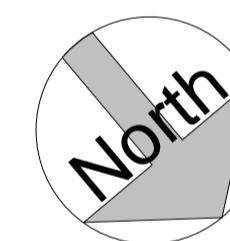
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1st - 3rd Floors
1 : 100



0 1 2 3 4m
1:100

Rev	Date	Details	Drawn	Checked
B	27.03.18	Updated following further comments from THC Planning		
A	26.03.18	Updated as per comments from THC Planning	BPW	

Issued for:		PLANNING	
Project/Client:	Capital Developments (Scotland) Ltd	Project No:	IAIV16-0029
Dwg No:	A20-02-01	Rev:	B
Scale:	1 : 100 @A1	Drawn By:	JDS
Upper Floors		Date:	
		Checked By:	GD
		Date:	

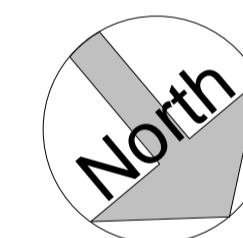
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4th Floor
1 : 100



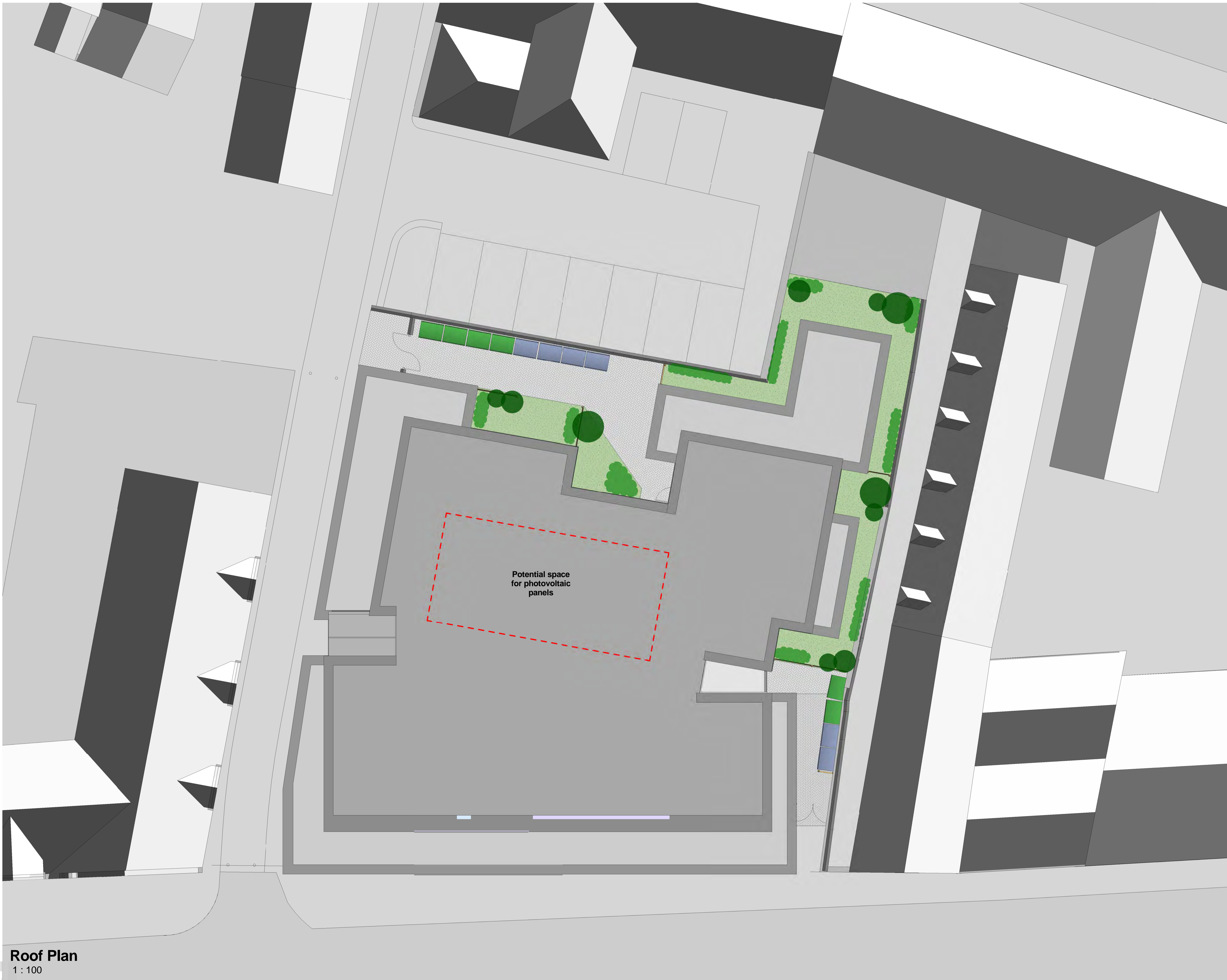
Rev	Date	Details	Drawn	Checked
B	27.03.18	Updated following further comments from THC Planning		
A	26.03.18	Updated as per comments from THC Planning	BPW	

Issued for: **PLANNING**

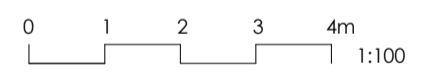
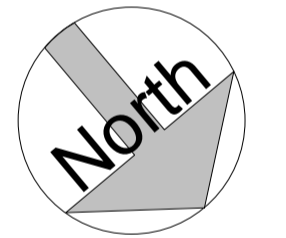
Project/Client: Capital Developments (Scotland) Ltd
 Project No: IAIV16-0029
 Dwg No: A20-05-01
 Rev: B
 Scale: 1 : 100 @A1
 Drawing: 4th Floor & Roof Plan
 Drawn By: JDS
 Checked By: GD

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Roof Plan
1 : 100



Rev	Date	Details	Drawn	Checked
B	27.03.18	Updated following further comments from THC Planning		
A	26.03.18	Updated as per comments from THC Planning	BPW	

Issued for: **PLANNING**

Project/Client: Capital Developments (Scotland) Ltd

Project No: IAIV16-0029

Dwg No: A20-06-01

Rev: B

Scale: 1 : 100 @A1

Drawn By: JDS

Checked By: GD

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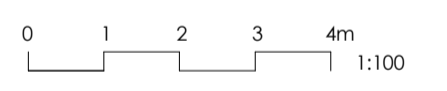


ELEVATION TO ACADEMY STREET
1 : 100



ELEVATION TO SCHOOL LANE
1 : 100

- Materials**
1. Natural stone (red sandstone)
 2. Dark grey shopfront
 3. Zinc Cladding
 4. Light coloured render
 5. Light grey / buff coloured render
 6. Dark grey flashings / copings
 7. Dark grey windows / curtain walling
 8. Curtain walling / Reflective panels



Rev	Date	Details	Drawn	Checked
D	03.04.18	External materials to top floor amended		
C	27.03.18	Updated following further comments from THC Planning		
B	26.03.18	Updated as per comments from THC Planning	BPW	
A	10.01.18	Elevations Updated		

Issued for: **PLANNING**

Project/Client: Capital Developments (Scotland) Ltd
 Project No: IAIV16-0029
 Dwg No: A30-01-01
 Rev: D
 Scale: 1 : 100 @A1
 Drawing: JDS
 Elevations (NE & SE)
 Drawn By: JDS
 Checked By: GD

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ELEVATION TO REAR.

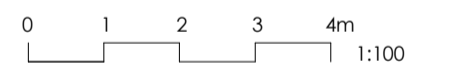
1 : 100



ELEVATION TO SIDE

1 : 100

- Materials**
1. Natural stone (red sandstone)
 2. Dark grey shopfront
 3. Zinc Cladding
 4. Light coloured render
 5. Light grey / buff coloured render
 6. Dark grey flashings / copings
 7. Dark grey windows / curtain walling
 8. Curtain walling / Reflective panels



Rev	Date	Details	Drawn	Checked
D	03.04.18	External materials to top floor amended		
C	27.03.18	Updated following further comments from THC Planning		
B	26.03.18	Updated as per comments from THC Planning	BPW	
A	10.01.18	Elevations Updated		

Issued for:

PLANNING

Project/Client:	Project No:
Capital Developments (Scotland) Ltd	IAIV16-0029
	Dwg No:
	A30-01-02
	Rev:
	D
Drawing:	Scale:
Elevations (SW & NW)	1 : 100 @A1
	Drawn By: Date:
	JDS
	Checked By: Date:
	GD

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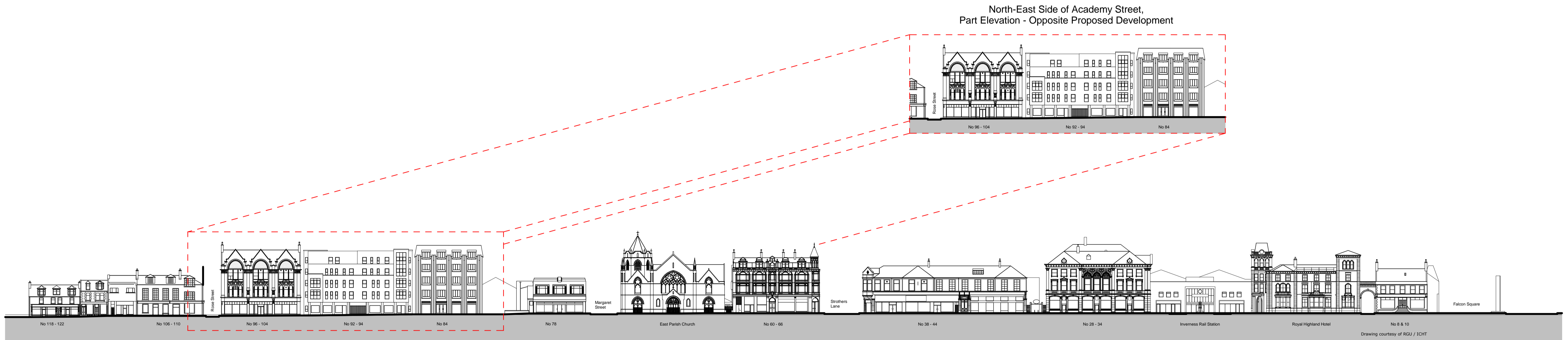
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Academy Street (South-West Side)
As Existing



Academy Street (South-West Side)
As Proposed



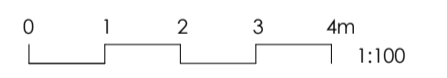
Academy Street (North-East Side)

Rev	Date	Details	Drawn	Checked
B	27.03.18	Updated following further comments from THC Planning		
A	26.03.18	Updated as per comments from THC Planning	BPW	

Issued for:

PLANNING

Project/Client:	Capital Developments (Scotland) Ltd	Project No:	IAIV16-0029
Dwg No:	A30-01-10	Rev:	B
Scale:	1 : 500 @A1	Drawn By:	BPW
Checked By:	GD	Date:	



Rev	Date	Details	Drawn	Checked
B	27.03.18	Updated following further comments from THC Planning		
A	26.03.18	Updated as per comments from THC Planning	BPW	

Issued for: **PLANNING**

Project/Client: Capital Developments (Scotland) Ltd

Project No: IAIV16-0029

Dwg No: A32-01-01

Rev: B

Drawing: Section

Scale: 1 : 100 @A1

Drawn By: BPW

Date:

Checked By:

Date:

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