



Decision by R W Maslin, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2204
- Site address: Glebe Street, Inverness IV1 1RF
- Appeal by Vastint Hospitality B V against the decision by the Highland Council
- Application for planning permission 18/01248/FUL dated 16 March 2018 refused by notice dated 24 September 2018
- The development proposed: erection of hotel with associated landscaping, car parking and ancillary uses
- Date of site visit by Reporter: 18 February 2019

Date of appeal decision: 01 April 2019

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan consists of the Highland-wide Local Development Plan and the Inner Moray Firth Local Development Plan. The Highland-wide Local Development Plan was adopted in April 2012. The Inner Moray Firth Local Development Plan was adopted in July 2015. In February 2018, the Inverness City Centre Development Brief was adopted as supplementary guidance. It thus forms part of the development plan. The appeal site is within the area covered by the brief.

2. The proposed development would be within a conservation area. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Within the vicinity of the proposed development there are listed buildings. I am required to have special regard to the desirability of preserving the setting of listed buildings.

3. Having regard to the foregoing, the main issues in this appeal are:

the principle of constructing a hotel on the appeal site;

whether the design of the proposed development would meet the design requirements of the development plan;



whether the proposed development accords with other requirements and policies of the development plan;

the previous use of the appeal site;

planning permissions that have been granted for other developments on the appeal site; and

the economic benefits of the proposed development.

The principle of constructing a hotel on the appeal site

4. In the Inner Moray Firth Local Development Plan, the appeal site is identified as IN 10: Site at Glebe Street. Uses for this site are listed as hotel, business, tourism, 50 homes. Requirements are listed as development in accordance with Inverness City Centre Development Brief and subject to completion of flood alleviation scheme or flood risk assessment.

5. I find that the proposed development is one of the uses listed for the site. Submissions indicate that a flood alleviation scheme along the River Ness has been completed. I shall give consideration to Inverness City Centre Development Brief in relation to the issue of design. That aside, I find that, in principle, the proposed development accords with the provisions for site IN 10.

6. In the Inverness City Centre Development Brief (2.4), the approach to development is to create and promote a vibrant, high-density mix of uses that, among other things:

showcases and expands the range of visitor, leisure and cultural attractions;

maximises the role of the River Ness as an important open space corridor and civic asset;

brings vacant or underutilised space back to active use; and

delivers high quality development, including an attractive public realm.

Developers are to be supported in bringing redundant spaces back into use (page 10). One of the priorities is to support the development of high-quality tourist accommodation (page 14). New tourism proposals that attract footfall to the riverside will be supported (page 15).

7. I find that the proposed development accords with the principles of bringing vacant space back to active use, developing high-quality tourist accommodation and attracting footfall to the riverside.

Design requirements of the Highland-wide Local Development Plan – the Inverness City Centre Development Brief

8. In the development plan, comprehensive design policy relevant to the appeal is contained in the Inverness City Centre Development Brief.

9. Map 2.1 and table 2.1 in the Inverness City Centre Development Brief identify key projects. The appeal site is identified as a “site with significant residential planning permission”. This reflects the fact that planning permission for 60 residential units was granted on 11 October 2016.

10. In the Inverness City Centre Development Brief (page 32), one of the priorities is to enable innovative, high quality, contemporary design through the application of place-making principles. Redevelopment will be supported if it creates a high-quality development that makes a positive contribution to the visual and spatial character of the surrounding area (page 34). All new development should accord with the fifteen key place-making principles set out in Table 7.1. I give consideration to the place-making principles in the following paragraphs.

Place-making principle 1 – contextual analysis

11. The Appellant has carried out a contextual analysis. This has been used to inform the elevational treatment of the proposed building.

Place-making principle 2 – key views

12. In relation to key views, Inverness City Centre Development Brief (page 39) says:

When viewed from key locations within and on approach to the city, the scale, height and massing of development must not obscure or have an adverse impact on key views, as shown on Map 7.5 [sic, should be 7.4], in particular:

the city’s historic skyline, riverfront, townscape or roofscape;

sightlines towards Ben Wyvis, the Moray Firth or the Great Glen; or

the setting of historic buildings and spaces.

Map 7.4 shows key viewpoints. These include: Friars’ Bridge, the Greig Street-Church Lane Footbridge, Ness Bridge and both banks of the River Ness upstream from Friars’ Bridge.

13. From my site visit, I find that, when looking downstream from Ness Bridge, to one’s left and right there are prominent buildings of modern character. These are associated with the commercial core of the city. In the central part of the view is the river, flanked on both sides by a townscape of a scale and texture that, notwithstanding the presence of some twentieth-century buildings, is predominantly of nineteenth-century character. The general impression, reinforced by the effect of increasing distance, is that building heights decrease as one goes further downstream.

14. The Appellant's "Artist Impression – Ness Bridge" shows how the proposed development would look from the Ness Bridge key viewpoint. The three upper storeys of the proposed hotel would be seen above the roofs of houses along Douglas Row.
15. With one exception, all of the buildings on Douglas Row are listed and designated as category B.
16. I find that the stepped profile of the proposed hotel would be end-on as seen from Ness Bridge. From this viewpoint, the stepped profile would have little or no effect in creating a satisfactory relationship with Douglas Row. The upper part of the south elevation of the rear wing would be seen above Douglas Row. This elevation, with its ten bays, would have a monolithic character. It would be incompatible with the much smaller-scale texture of Douglas Row as seen from Ness Bridge. The overall mass of the proposed building would dwarf Douglas Row. It would conflict with the general impression of building heights decreasing as one goes downstream from Ness Bridge to Friars' Bridge.
17. About half way between Ness Bridge and Friars' Bridge is the Greig Street-Church Lane Footbridge key viewpoint. The perspective from here might result in a slightly greater proportion of the rear wing being concealed by Douglas Row. In addition, taller buildings beyond Friars' Bridge are more noticeable. Despite these considerations, the adverse features described in the preceding paragraph would be considerably accentuated by the footbridge viewpoint being so much closer to the proposed development.
18. Curvature of the river and riverside buildings mean that the proposed development would be less visible from parts of the east bank of the River Ness between Ness Bridge and Friars' Bridge, but from some sections it would be seen above Douglas Row and this would be detrimental. Views across the river would not be affected.
19. From the west bank immediately south of Friars' Bridge, I find that the townscape on the opposite bank is characterised by buildings that are mostly of two storeys and that are domestic in scale. This character extends as far south as the telephone exchange building. On the riverfront itself, Douglas Row presents a modest and informal appearance.
20. The Appellant says that the proposed building responds sympathetically to the adjacent context through a stepped building form. I find that the stepped form would still result in a building not in keeping with the scale of the nearby existing buildings. For example, and apart from the overall height, the elevation to the river would include, at first and second floor levels, twelve continuous bays from the south-west corner of the building to the end-of-corridor glazing of the tower feature. Such a long extent of bays would be discordant in relation to the adjacent context.
21. The Appellant says that the vertical emphasis and height of the tower feature would be in keeping with the numerous church spires that are prominent along the River Ness skyline.
22. I find that a church spire achieves its intended effect by rising above the level of the main mass of the building to which it is attached and above the general height of surrounding buildings so that it punctuates the skyline with a relatively slender profile. The proposed tower feature would not share the characteristics of a spire. The more

appropriate ecclesiastical benchmark for the height of the proposed building would be the roof height of the churches, but this is of limited significance because the scale of the nearby residential development is more relevant than the church buildings further to the south-east.

23. I find that the most important views from Friars' Bridge are those obtained when looking upstream. In most of these views, the proposed development would have a limited effect because it would be off to one side. I give further consideration to the appearance from Friars' Bridge and Shore Street roundabout later in this notice (paragraphs 55 to 60).

24. From the foregoing, my conclusion is that the proposed development would have a significantly adverse effect on a number of key views. For this reason, the development would not accord with the second of the fifteen place-making principles contained in the Inverness City Centre Development Brief.

Place-making principle 3 – historic buildings and spaces

25. The third place-making principle relates to historic buildings and spaces. It includes: "Development must safeguard the setting of the built heritage and retain the character and distinctiveness of heritage assets. Development impacting on a Listed Building or structure should highlight its importance and be subservient to it in height and scale."

26. As already noted, when seen from Ness Bridge and from the much nearer footbridge, the proposed building would have a monolithic character. It would dwarf and be incompatible with the much smaller-scale texture of Douglas Row. When seen from the opposite side of the river, the continuous run of twelve bays would be discordant in relation to the scale and pleasingly varied detail of Douglas Row. For these reasons, the proposed development would have an adverse impact on the setting of the listed buildings in Douglas Row. It would not highlight the importance of the listed buildings, nor would it be subservient to them in height and scale. It would thus conflict with the third place-making principle.

Place-making principle 4 – contemporary design

27. The fourth place-making principle is contemporary design. I find that the proposed development is a contemporary design and that, in principle, this is acceptable. For reasons described elsewhere, particularly in relation to scale and overall shape of the building mass, I find that the proposed development does not respond appropriately to the site and its context.

Place-making principle 5 – block structure and permeability

28. The fifth place-making principle of the Inverness City Centre Development Brief is block structure and permeability. I note that, on the south-east side of Glebe Street, on the north-east side of the north-west part of Friars' Street, on the south-west side of Friars' Street and along Douglas Row, there is residential development that is characterised by buildings set close to the street frontages, with space to the rear for parking and other uses. The character of this area accords with what is included in the fifth place-making principle:

Development should preserve and reinforce the existing pattern and scale of perimeter blocks that is a key feature of the city's historic urban fabric.
Block structure should replicate the existing strong, relatively continuous building lines that define streets and other movement routes. It should ensure that streets and lanes are principally defined by the position of buildings rather than the layout of carriageways for vehicle movement.

29. I find that the proposed development would go some way towards achieving the perimeter block pattern, with car parking enclosed in the space between proposed and existing buildings and Friars' Bridge, but it fails to define the north-west side of Glebe Street in accordance with the perimeter block pattern. The proposed hard and soft landscaped areas, especially where available to the general public, would go some way to compensate for this. The fact remains that the south and east elevations of the proposed building are at uncomfortable angles to and set back from Glebe Street.

30. Following on from this last point is the appearance of the proposed building when seen from Friars' Street. I find that the south-east end of Friars' Street is dominated by the telephone exchange building. The vista to the south-east is closed by the Old High Church. By contrast, the vista to the north-west is framed by houses that are nearly all two storeys in height. Beyond these houses, the converging parts of the south and east elevations of the proposed building would be seen, their alignment at odds with that of Friars' Street and their scale much greater than that of the houses. Positioning the hotel entrance so that it is in the centre of the view from Friars' Street is a positive feature, but this does not outweigh the discordance that there would be between the scale and layout of the Friars' Street houses and the size and shape of the proposed building.

31. My conclusion is that the proposed development would not reinforce the existing pattern and scale of perimeter blocks. It would not adequately replicate the existing strong, relatively continuous building lines that define streets. For these reasons, it would not be in accordance with the fifth place-making principle.

Place-making principle 6 – height, scale and massing

32. The sixth place-making principle is height, scale and massing. The appellant submits that the stepped massing design responds to the adjacent historic urban fabric, with the proposals stepping down in height, from six to three storeys, towards Douglas Row and the conservation area. The appellant says that "the feature corner and stepped massing bookend the river vista with the castle".

33. As indicated in paragraph 16 above, I find that, when seen from key viewpoints on Ness Bridge and on the footbridge, the stepped profile would have little or no effect in creating a satisfactory relationship with Douglas Row. From the opposite side of the river, the width of the building at ground, first and second floor levels would be seen to amount to twelve bays plus the corner tower feature. This scale would be hugely greater than and discordant in relation to the scale of the buildings on Douglas Row. As indicated in paragraph 30 above, when seen from Friars' Street, there would be discordance between the size of the proposed building and the scale of the Friars' Street houses.

34. Regarding a bookend effect that relates to the castle, I find that, in townscape terms, the castle is relatively remote from the appeal site. The castle is beside the commercial core of the city, in a part of the conservation area that has a character different from that of the part of the conservation area in which the appeal site is located.

35. The varied character of different parts of the conservation area is identified in the City of Inverness Conservation Area Appraisal (September 2004). I note that the conservation area boundary in 2004 appears to differ from the present boundary, but I find that the identification of distinct character areas within the overall conservation area remains valid. In the appraisal, one of the character areas is Douglas Row.

36. I also note that the City of Inverness Conservation Area Appraisal (page 18) refers to buildings with an unfortunate mixture of styles, heights and materials. "There are several examples where the scale greatly exceeds that of the surrounding older buildings and immediate neighbours." I find that, if the character and appearance of the conservation area are to be preserved or enhanced, particular care must be taken to ensure that the scale of development is in keeping with the scale of existing buildings that are immediate neighbours.

37. From the preceding paragraphs, I find that it is appropriate to give particular attention to the relationship between the proposed development and its more immediate surroundings.

38. My conclusion in relation to the sixth place-making principle is that the height, scale and massing of the proposed development do not relate satisfactorily to the more immediate surroundings.

Place-making principle 7 - frontages

39. The seventh place-making principle refers to development that fronts onto routes where footfall is concentrated. I find that one such route is the footway between the appeal site and the river. The place-making principle requires provision of a continuous active frontage. I find that this would be achieved by the proposed use of glazing and provision of entrance doors.

Place-making principle 8 – elevational treatment

40. For reasons already mentioned, in particular with regard to place-making principles 2, 3, 5 and 6, I find that the proposed development would not accord with the eighth place-making principle. In particular, the proposed elevations would not relate well to the predominant pattern of surrounding historic fabric regarding scale, proportion, geometry, plot width and architectural rhythm.

41. Regarding roof profile, the proposal to screen roof plant is a beneficial feature, but the strongly horizontal character of the proposed rooflines does not relate well to the pattern of pitched roofs exhibited by existing older buildings adjacent to the north-east end of the site and along Douglas Row, a pattern that is reinforced by the design of the more recent houses on Friars' Street.

Place-making principle 9 – materials and colour

42. I find that the materials proposed for use on the exterior of the building would largely accord with the ninth place-making principle.

43. One aspect of the ninth principle is that the overall colour range be neutral. I find that the submitted sample of ceramic panel indicates that the overall effect might be slightly brighter than neutral and thus a little brighter than the colours of existing nearby buildings. My reservation in this regard is addressed by the proposal that any permission be subject to a condition requiring approval of further details of external materials and finishes.

Place-making principle 10 - access

44. I accept that the proposed development would be accessible for pedestrians, cyclists and disabled people. I note the lack of objection from either Transport Scotland or the council's roads department. My conclusion is that the proposed development accords with the tenth place-making principle.

Place-making principle 11 – parking and servicing

45. The appellant says that the amount of proposed car parking has been agreed with the council. Local residents have expressed concern about parking.

46. I find it likely that steps could be taken to address any inappropriate parking that might occur if the proposed development were to proceed. My conclusion is that the proposed development accords with the eleventh place-making principle.

Place-making principle 12 – public realm

47. I note that the southernmost tip of the appeal site is designated as “riverfront seating & public art area”. From the drawings, this area is continuous with the “southern terrace area”, creating a significant addition to the public realm. I find that this accords with the twelfth place-making principle.

Place-making principle 13 – open space

48. I note that the thirteenth place-making principle is concerned chiefly with existing publicly-accessible open space. The proposed development would have no impact on any such open space.

Place-making principle 14 – trees and planting

49. The fourteenth place-making principle says that, as far as possible, there should be planting at footpath boundaries and regularly-spaced, semi-mature trees that reinforce a sense of street enclosure. I note that the proposed development, among other landscaping, includes tree-planting where the site adjoins the river front. I find that the proposed development accords with the fourteenth place-making principle.

Place-making principle 15 - security

50. The fifteenth place-making principle applies to new residential development and so is not relevant to the proposed development.

The Inverness City Centre Development Brief - conclusions

51. I find that the proposed development accords with certain important parts of the Inverness City Centre Development Brief. The proposed development would bring vacant space back to active use. It would provide high-quality tourist accommodation. It would attract footfall to the riverside. At the same time, the proposed development would be contrary to many of the place-making principles. I find that this conflict clearly outweighs the accordance with other parts of the brief. My conclusion is that the proposed development is contrary to the terms of the brief.

Highland-wide Local Development Plan – policy 29

52. In the Highland-wide Local Development Plan, policy 29: Design Quality and Place-Making includes the following.

New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located

Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the architecture, design and layouts

Where relevant, the Council will judge proposals in terms of their contribution to place-making. Proposals should have regard to the historic pattern of development and landscape in the locality

53. For reasons given in detail in relation to the Inverness City Centre Development Brief, I find that the proposed development would not:

make a positive contribution to the architectural and visual quality of the place in which it is located;

demonstrate sensitivity and respect towards the local distinctiveness of architecture, design and layout;

make a positive contribution to place-making; and

have regard to the historic pattern of development in the locality.

54. My conclusion is that the proposed development does not accord with policy 29.

The Friars' Bridge elevation

55. The council's reason for refusal of planning permission refers to "the large mass of uniform height on the Friars' Bridge elevation".

56. Regarding the Friars' Bridge elevation, the appellant makes the following points. The building steps back from the bridge. This and the parapet design reduce the perceived height of the elevation. The vertical fins provide animation and rhythm to the elevational composition, with the recessed panels between windows creating depth and emphasising the vertical rhythm to the elevation. The ground level of the proposed building is 1.5 metres to three metres lower than the bridge carriageway. The Friars' Bridge elevation is appropriate in scale and mass with the surrounding townscape.

57. From my site visit, I find that, from the viewpoint used to create the drawing entitled "Artist Impression – Sheet 4", the outlook is very open, with wide views across the river and built-up area to the hills in the distance. From the vicinity of Shore Street roundabout, views towards the appeal site are also open, but framed to the left by the two- and three-storey buildings that adjoin the appeal site.

58. When crossing Friar's Bridge from the south-west, the setting of the appeal site includes the adjoining buildings just mentioned, the two- and three-storey houses around Friars' Street and along Douglas Row, above these the upper parts of the telephone exchange building and the spires of the riverside churches.

59. I find that the height of the proposed building would be much greater than that of any building in the more immediate surroundings. When seen from the vicinity of Shore Street roundabout and from Friars' Bridge, notwithstanding the elevated level of the bridge and the proposed set-back from the bridge, the greater height of the proposed building would be emphasised by its proximity. It would be relatively isolated from any other building of comparable height and mass. I take into account the attention that has been given to detailing, including the vertical fins, the recessed panels and the parapet treatment, but my conclusion is that the scale and mass of the proposed building would not be appropriate.

60. My conclusion is that the proposed development, as seen from Shore Street roundabout and Friars' Bridge, would not make a positive contribution to the architectural and visual quality of the locality and would not demonstrate sensitivity and respect towards the distinctiveness of the local townscape, as sought by local development plan policy 29.

Policy 28: Sustainable design

61. In the Highland-wide Local Development Plan, policy 28 says that proposed developments will be assessed on the extent to which they fulfil thirteen aspects of sustainability. I find that the proposed development would accord with a number of these aspects, including compatibility with public service provision, accessibility, use of brownfield sites, promotion of varied and well-used environments and contributing to the economic development of the community.

62. For reasons already described, I find that the proposed development would not accord with the following aspect of policy 28:

demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment

I find that the proposed development would be significantly detrimental to the above aspect. For this reason, the proposed development would be contrary to policy 28.

Policy 42 - Previously-used land

63. In the local development plan, policy 42: Previously Used Land says that the council will support development proposals that bring previously-used land back into beneficial use. This is subject to two provisos, one of which is that the proposed development accords with all other relevant policies of the plan.

64. The appeal site is previously-used land, having once been occupied by a swimming pool building. In view of my findings that the proposed development does not accord with the Inverness City Centre Development Brief and does not accord with policies 28 and 29, I find that the support mentioned in policy 42 does not apply to the proposed development.

Policy 44 - Tourist accommodation

65. In the Highland-wide Local Development Plan, policy 44: Tourist Accommodation says that proposals for tourist accommodation within settlement boundaries will be supported if the Council is satisfied that, among other things, the proposal complies with policy 28. I have found that the proposed development would be contrary to policy 28. In view of this, the proposed development does not have the support of policy 44.

Policy 56 - Travel

66. In the Highland-wide Local Development Plan, policy 56: Travel says that development proposals, among other things, should be well-served by the most sustainable modes of travel available in the locality. Opportunities for encouraging walking and cycling should be maximised. I find that the proposed development is relatively close the Inverness city centre, where there are bus and rail services. The proposed development would adjoin the riverside, where there are good facilities for walking and cycling. I find that the proposed development accords with policy 56.

Policy 57 – Natural, built and cultural heritage

67. The appeal site is within a conservation area. The proposed development would affect the setting of the Douglas Row listed buildings. In terms of Highland-wide Local Development Plan policy 57, conservation areas and listed buildings (categories B and C) are classified as local and regionally important features. Policy 57 says, among other things, that, with regard to features of local and regional importance, development will be allowed if it can be demonstrated that there will be no unacceptable impact on amenity and heritage resource.

68. I find that the shortcomings of the proposed development in relation to the place-making principles indicate that the proposed development would have an unacceptable impact on amenity and the heritage resource. For this reason, the proposed development would be in conflict with policy 57.

Development plan - conclusions

69. In the preceding sections of this notice, I have given consideration to those parts of the development plan that have relevance to the determination of the appeal. The proposed development gains support from some provisions of the development plan. I find that this support is clearly outweighed by those provisions of the development plan with which the proposed development is in conflict. My conclusion is that the proposed development is contrary to the development plan.

Other material considerations - the former swimming pool

70. The appellant says that the proposed development has regard to the historic pattern of development within the area. The site was the location of the former swimming pool which established a large footprint and associated mass on the site.

71. I note that the swimming pool building was demolished in 2000. Pictures submitted by the Council indicate that the swimming pool building was large, bulky and utilitarian in appearance.

72. I find that the swimming pool building does not set a desirable precedent for the kind of building that should be erected in its place. This finding is reinforced by the considerable period of time that has elapsed since the swimming pool building was demolished. The length of this period makes it unlikely that there is any general expectation that the appeal site should be occupied by a building that resembles the demolished building.

73. I find that the appropriate historic pattern of development to which regard must be paid is the pattern within the adjacent area, in particular to the south-east of the appeal site. As already explained, I find that the proposed development does not pay proper regard to this pattern.

Other material considerations – length of time site has been vacant

74. The site has been vacant since 2000. Thus it has been vacant for a very long period. I find that this neither justifies permitting the proposed development nor weakens the case for refusal of permission.

Other material considerations – previous proposals

75. The appellant refers to an extant consent for construction of 60 flats on the appeal site. The approved development ranges from three to seven stories in height. The principle of a significant development on the site (specifically in terms of height) has therefore already been established. The appellant also refers to a grant of planning permission in 2010 for a hotel development containing 166 bedrooms. This earlier hotel development was for an amount of development similar to that now proposed. It included a 'stepped' approach, with storey height ranging from four to six storeys. In approving the previous proposals, the Council is acknowledging that the site can support a significant level of built development without having an adverse impact on the surrounding townscape.

76. The council points out that earlier versions of the development plan are no longer in force.

77. I note the two previous decisions to grant planning permission. I have examined carefully the design of the development that is now proposed and I have assessed it against the current development plan. I find that the extent to which the proposed development is contrary to important provisions of the development plan is such that I can attach little weight to the previous decisions, decisions that were taken in the context of different development plan documents.

Other material considerations – economic benefits

78. The appellant says that the proposed development would provide a significant level of inward investment within the Inverness economy. Jobs would be created during both construction and operation of the hotel. There would be additional tourism opportunities.

79. I accept that the proposed development would have economic and tourism benefits. I find that similar benefits might well arise from developing the appeal site with a hotel that accorded with development plan requirements. I find that the lack of compatibility between the design of the current proposal and its surroundings would be detrimental to aspects of the city centre townscape that make the city attractive to tourists. I conclude that the economic benefits argument carries little weight.

Overall conclusions

80. My overall conclusions are as follows.

The proposed development does not accord with the development plan.

There is no material consideration that would justify granting planning permission despite the conflict with the development plan.

New development on the appeal site should preserve or enhance the character and appearance of the conservation area. The proposed development fails to do this.

New development on the appeal site should preserve the setting of the listed buildings on Douglas Row. The proposed development fails to do this.

Planning permission should not be granted.

R W Maslin

Reporter