

Agenda Item	6.6
Report No	PLS-032-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 27 April 2021
Report Title: 21/00780/FUL: B & L Properties (Scotland) Ltd
14A Ardross Street, Inverness, IV3 5NS
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of three serviced apartments (replacement building to 20/02642/FUL)
Ward: 13 – Inverness West
Development category: Local
Reason referred to Committee: Manager's Discretion

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 proposal is to erect three serviced apartments for holiday letting purposes. The building will have an L-plan form with a flat roof. The external material finishes are a mix of horizontal timber cladding, buff cast sandstone and K-rend cladding. Low profile rooflights are placed over the living areas. Additional car and cycle parking spaces for the apartments are to be provided. The building is 17.2m along the boundary with No.13 Ardross Street to the eastern side of the site and is 9.4m along the boundary with Ardross Place to the north. It is around 1m from these boundaries.
- 1.2 The proposal is identical in form to that granted planning permission by this Committee at its meeting in December 2020 (20/02642/FUL). The requirement for this application arose during the commencement of construction works on site, whereby the fabric and structure of the original building was assessed to be in a very poor state of repair and for safety reasons it was demolished. The permission did not authorise this demolition; it was clearly intended to be an alteration and extension only. The current proposal therefore would replicate that original building, including the approved extension, all to a modern standard.
- 1.3 Pre-Application Consultation: the applicant was advised that the existing building could be extended towards Ardross Street, but the build line should not be forward of the main entrance to Ross House on the side of the building.
- 1.4 Variations: None

2. SITE DESCRIPTION

- 2.1 Ardross Street is one of the most prominent, intact Victorian streets in the city centre, featuring a significant number of listed buildings including Inverness Cathedral and the Northern Meeting Park. The site is located opposite and to the north of the Northern Meeting Park Pavilion, within the grounds of the Category B listed Ross House. The site is located within the Inverness (Riverside) Conservation Area.

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|-----------------------------------|
| 3.1 | 23.08.2019 | 19/02215/LBC - Serviced Apartments | Listed building consent granted |
| 3.2 | 13.08.2019 | 19/02069/FUL - Construction of 8 new mews style serviced apartments to the rear of Ross House | Planning permission refused |
| 3.3 | 01.08.2018 | 18/02791/CON - Demolition of building | Conservation area consent granted |
| 3.4 | 14.11.2018 | 18/04690/FUL - Change of use from offices to 8 serviced apartments | Planning permission granted |

3.5	22.10.2018	18/04015/LBC - Re-development & change of use of existing office building to form eight serviced apartments	Listed building consent granted
3.6	20.12.2018	18/03108/FUL - Demolition of existing flat roofed building & construction of new infill apartment block comprising eight serviced apartments (as amended)	Planning permission refused
3.7	14.12.2020	20/02642/FUL Conversion & extension of existing former office building to provide three serviced apartments (as amended)	Planning permission granted

4. PUBLIC PARTICIPATION

4.1 Advertised: s65 Affecting Conservation Area

Date Advertised: 26 February 2021

Representation deadline: 26 March 2021

Timeous representations: 1 (from 1 household)

Late representations: 1

4.2 Material considerations raised are summarised as follows:

- a) Protect stone wall between properties (12 & 13, and 14a Ardross Street), and access to the rear of 12 & 13 Ardross Street during construction.

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 **Transport Planning:** No objection. No change to the site proposals over those previously granted. The site layout, parking and servicing arrangements for the proposed 3No. serviced apartments appear to remain as previously approved.

The submission also suggests that these latest proposals do not alter the approved arrangements for the conversion of the Ross House building within the wider site, approved through the Planning Permission 18/04690/FUL. The only notable change appears to be the location of the proposed bin store, which has been moved to the north western corner of the wider site. However, the capacity of that store appears to remain as previously approved.

5.2 **Historic Environment Team:** "As a conversion of an existing building that had very limited architectural merit and detracted from character of the Conservation Area, the previous application was acceptable and made the existing situation better; even with the extension there was, overall, a resultant net improvement to the character of the Conservation Area and listed building.

This application, by contrast, starts from a different position, where there is no existing building (and the site is now historically and architecturally as intended and

as it should be). This is no longer an application for a conversion, renovation or refurbishment of an existing building, but an entirely new development on an otherwise clear site within the curtilage of a listed building and in the Conservation Area. So, the question is, in this context, would we support this development on this site in this location? The answer is no.

We would accept that this is a nuanced position, especially given that the result is the same in both cases. However, in terms of the principle of developing within the curtilage of a listed building and in such a prominent and important part of the Conservation Area, the original application and the current application are quite different and the distinction between the two is an important one.”

5.3 **Contaminated Land:** No objection

5.4 **Scottish Water:** No objection

6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

28 - Sustainable Design

29 - Design Quality & Place-making

34 - Settlement Development Areas

35 - Housing in the Countryside (Hinterland Areas)

43 - Tourism

44 - Tourist Accommodation

57 - Natural, Built & Cultural Heritage

6.2 **Inner Moray Firth Local Development Plan 2015**

No specific policies apply

6.3 **Highland Council Supplementary Planning Policy Guidance**

Highland Historic Environment Strategy (January 2013)

Inverness City Centre Development Brief (ICCDB) (2018)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

Not applicable

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 states that, the Planning Authority has to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation 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.

Planning Considerations

- 8.4 The key considerations in this case are:
- a) compliance with the Development Plan and other planning policy;
 - b) siting and design, taking into account the impact on amenity of adjacent owners, listed buildings and the conservation area;
 - c) any other material considerations.

Development Plan/other planning policy

- 8.5 Highland wide Local Development Plan Policy 44 - Tourist Accommodation supports the principle of tourist accommodation in the city centre where it can be accommodated without adverse impact upon neighbouring uses and not prejudice the residential housing supply.
- 8.6 Policy 28 – Sustainable Design requires development to be considered in terms of its impact on community and individual residential amenity.
- 8.7 Policy 57 – Natural, Built and Cultural Heritage applies given that the proposal lies within the curtilage of the Category B listed Ross House and within the Inverness (Riverside) Conservation Area.
- 8.8 The development is of the same footprint and of the same design to that already granted planning permission and which is currently under construction. The principle has therefore already been established and the design accepted. This application has therefore, on the face of it, been submitted to address a procedural issue and to regularise the development on the ground. While this may be the case, it is a new application and must be considered in the context of the applicable policies to determine compliance with the development plan.

Siting and Design

- 8.9 While the principle has been established and the design solution accepted, this was on the basis that the development involved extension and conversion of an existing building on the site that was considered to be of poor visual quality. Prior to submission of that proposal, conservation area consent, for demolition of the building, had been granted. The removal of the building was not therefore a significant breach of planning control in itself. However, from a historic environment perspective, had the building been removed and Ross House effectively returned to its original feu, the starting point for consideration of any new development would

have been different. As indicated in its response, the proposal as set out now, is not supported by the Historic Environment Team.

- 8.10 The position that the Historic Environment Team take is one of principle. While this is understood, and respected, the end result is a development that for all intents and purpose is identical to that previously granted; to which the Historic Environment Team did not object. This previous permission is material to the determination of this application.
- 8.11 A contemporary design has always been seen to be the most appropriate form within the context. It is sufficiently set back and distanced to respect the setting of Ross House, a Category B listed building. While this is the case, an alternative design solution could nonetheless have been explored. This application has not provided the opportunity for that.
- 8.12 The proposal has no additional impact on overshadowing, daylight or sunlight to adjacent properties. There are no new windows on the Ardross Place elevation and therefore no overlooking of those properties. The new building remains set back from Ardross Place and will have no impact on the amenity of residents.

Parking

- 8.13 The information submitted suggests that, from a roads and transport perspective, there is no change to the site proposals over the previous approval (20/02642/FUL). The site layout, parking and servicing arrangements for the proposed 3No. serviced apartments appear to remain as previously approved.
- 8.14 The submission also suggests that these latest proposals do not alter the approved arrangements for the conversion of the Ross House building within the wider site, approved through the planning permission (18/04690/FUL). It is therefore considered that the proposal meets the Council requirements for car parking.

Other material considerations

- 8.15 There are no other material considerations.

Non-material considerations

- 8.16 There are no non-material planning considerations.

Matters to be secured by Section 75 Agreement

- 8.17 None

9. CONCLUSION

- 9.1 The site is a city centre site. The Development Plan supports the introduction of tourist accommodation in the city centre, subject to ensuring that there would be no significant adverse impact on individual or community amenity. In this case it lies within close proximity to important historic buildings and within the context of the Riverside Conservation Area. It is disappointing the way in which this application has come about and in particular that the opportunity was not taken to reconsider the

design/positioning of the development given that the form and design was largely influenced by the original building on the site. It is for this reason that the Historic Environment Team does not support this application.

- 9.2 Having said that, the fact that a decision has already been taken to grant permission for this form of development, albeit not involving demolition, is a significant material consideration. That proposal was considered appropriate in terms of its impact on the setting of the listed building and on the character and appearance of the Conservation Area. While not wishing to condone the actions of the developer, in this case, the resultant effect is the same. On this basis, it is considered that the proposal is acceptable.
- 9.3 It is considered that this proposal satisfies the test of s64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in that it does not affect the character or appearance of the Inverness (Riverside) Conservation Area. Furthermore, the proposal is considered to be acceptable with regards to Policy 57 – Natural, Built and Cultural Heritage of the HWLDP as it is considered that the proposal will not have an unacceptable impact on the natural heritage resource of the Conservation Area.
- 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	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

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

Conditions and Reasons

1. No development or work shall commence until full details of the stone cladding (including samples where necessary) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

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

2. No development or work shall commence until details of how the:

- party wall with 12 & 13 Ardross Street shall be protected, and;
- access to the rear of 12 & 13 Ardross Street shall be maintained

during construction works, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: To ensure the existing wall is protected during construction.

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 NatureScot 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 NatureScot:

<https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Designation: Area Planning Manager – South
Author: Elaine Watt
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 001 Rev 1 - Location Plan
Plan 2 - 002 Rev 1 - Existing Site Layout Plan
Plan 3 - 005 Rev 1 - Floor Elevation Plan
Plan 4 - 006 Rev 1 - Elevations Contextual
Plan 5 - 007 Rev 1 - Proposed Site Layout Plan
Plan 6 - 008 Rev 1 - General Plan
Plan 7 - 009 Rev 1 – Elevations Contextual

- - - - Application site boundary
- - - - Ownership boundary

PLANNING

1	Planning Issue	15.02.21
Revision	Description	Date

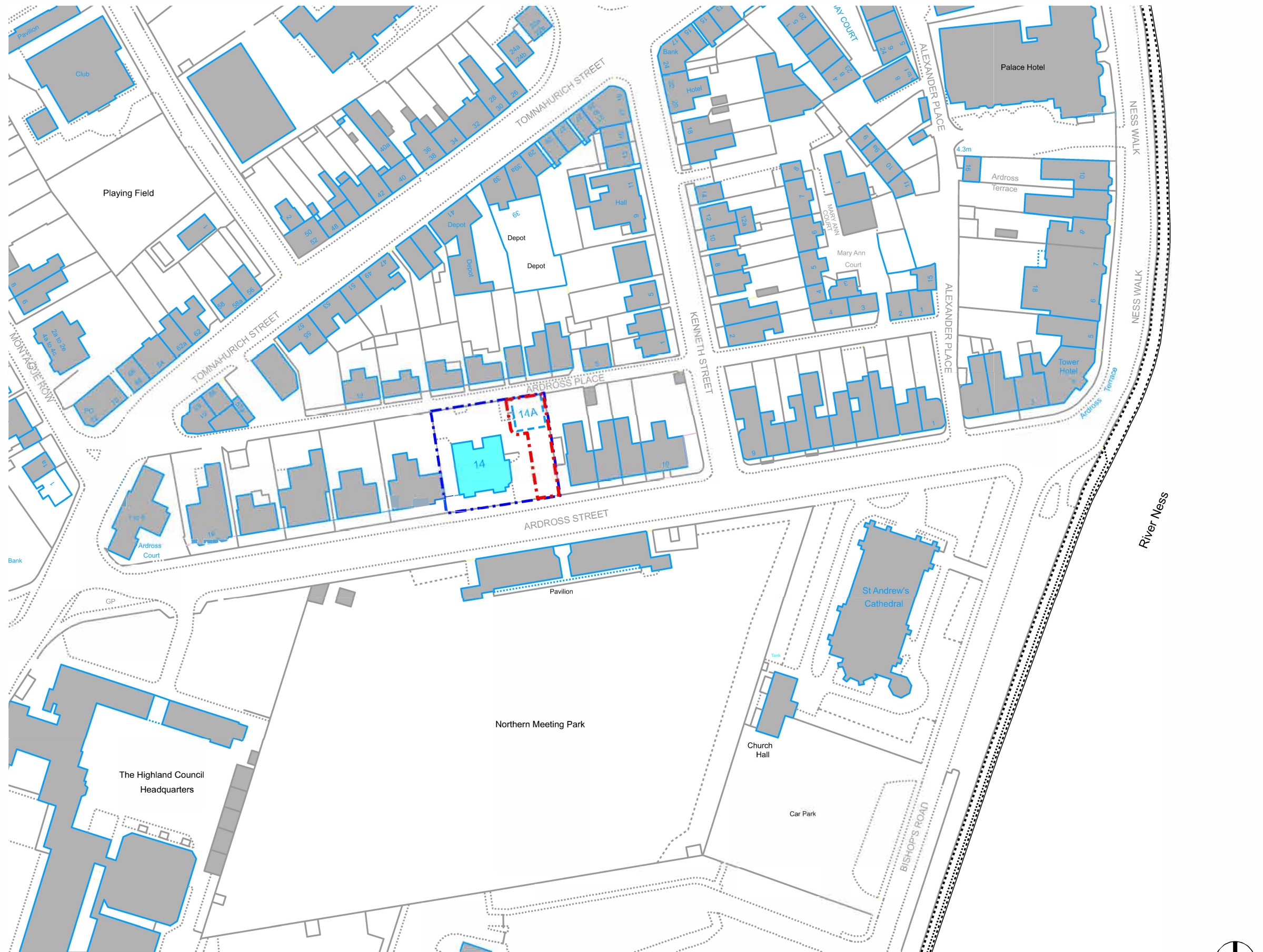
LOCATION PLAN

New Apartments 14A Ardross Street Inverness

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- - - - - Application site boundary
- . - . - Ownership boundary

PLANNING

Revision	Description	Date
1	Planning Issue	15.02.21

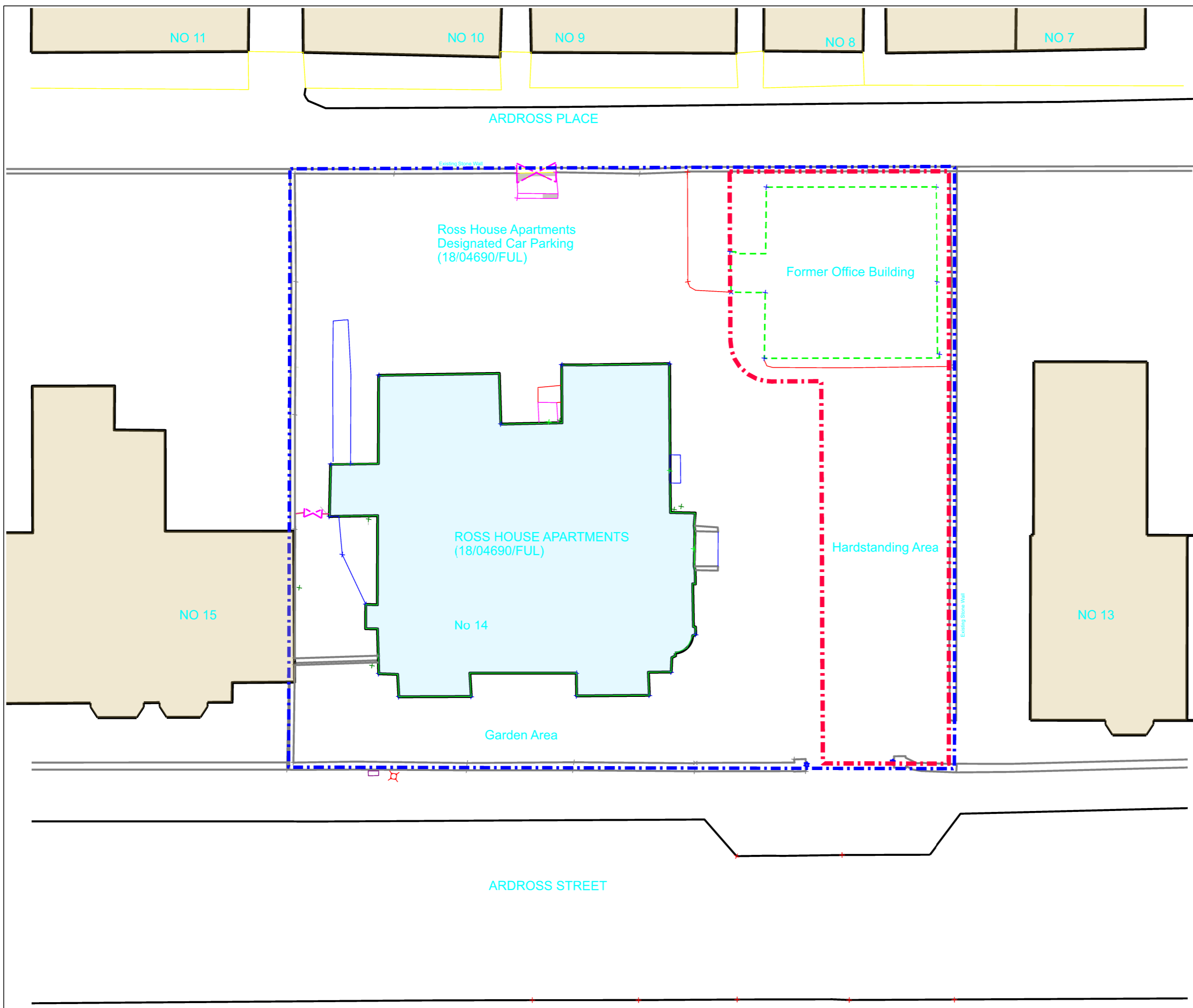
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SITE PLAN**

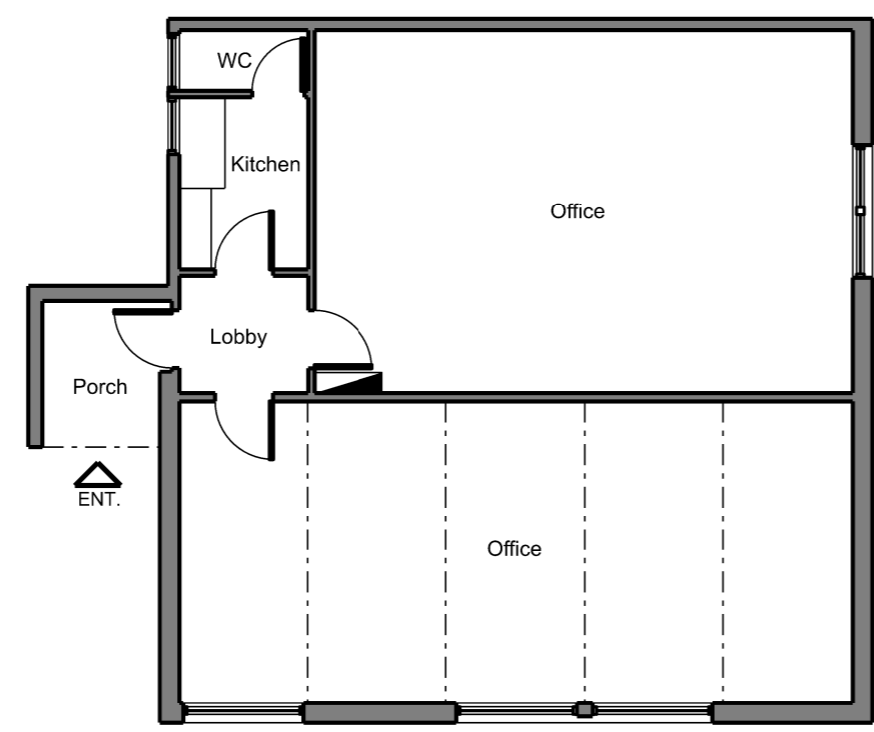
**New Apartments
14A Ardross Street
Inverness**

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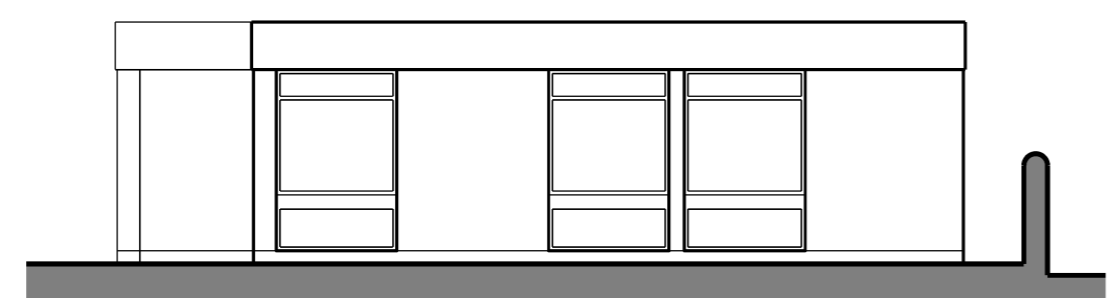
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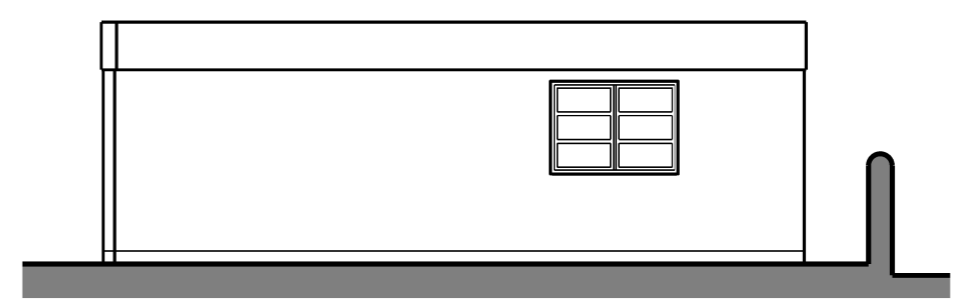




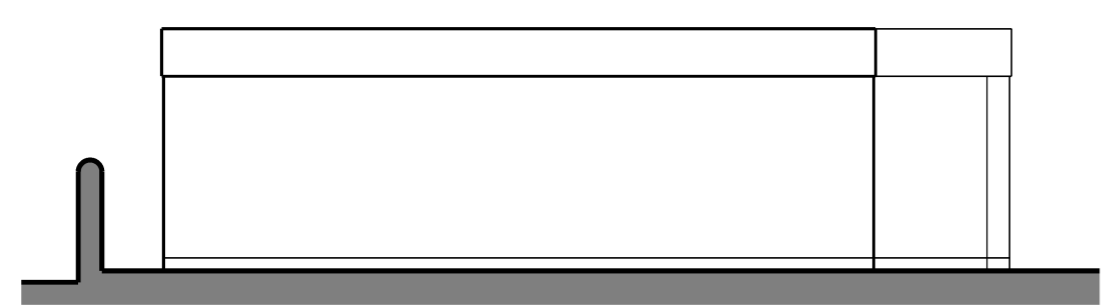
1 Former Offices Plan
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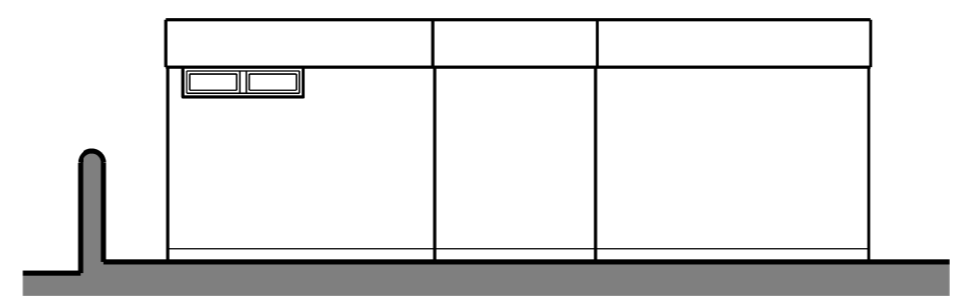
South Elevation



East Elevation



North Elevation



West Elevation

Rev	Description	Date
1	Planning Issue	15.02.21

PLANNING

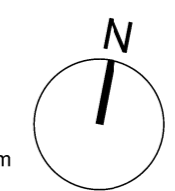
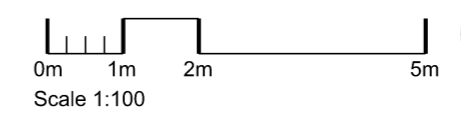
**FORMER OFFICES
PLANS & ELEVATIONS**

**New Apartments
14A Ardross Street
Inverness**

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2 Existing Elevations
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PRIOR TO ORDERING MATERIALS AND GOODS



1 South Elevation (Ardross Street)
Scale 1:100 @ A1



2 North Elevation (Ardross Place)
Scale 1:100 @ A1



3 East Elevation
Scale 1:100 @ A1

PLANNING

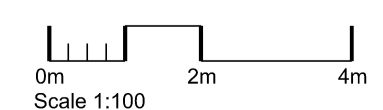
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Revision	Description	Date

FORMER OFFICES
CONTEXTUAL ELEVATIONS

New Apartments
14A Ardross Street
Inverness

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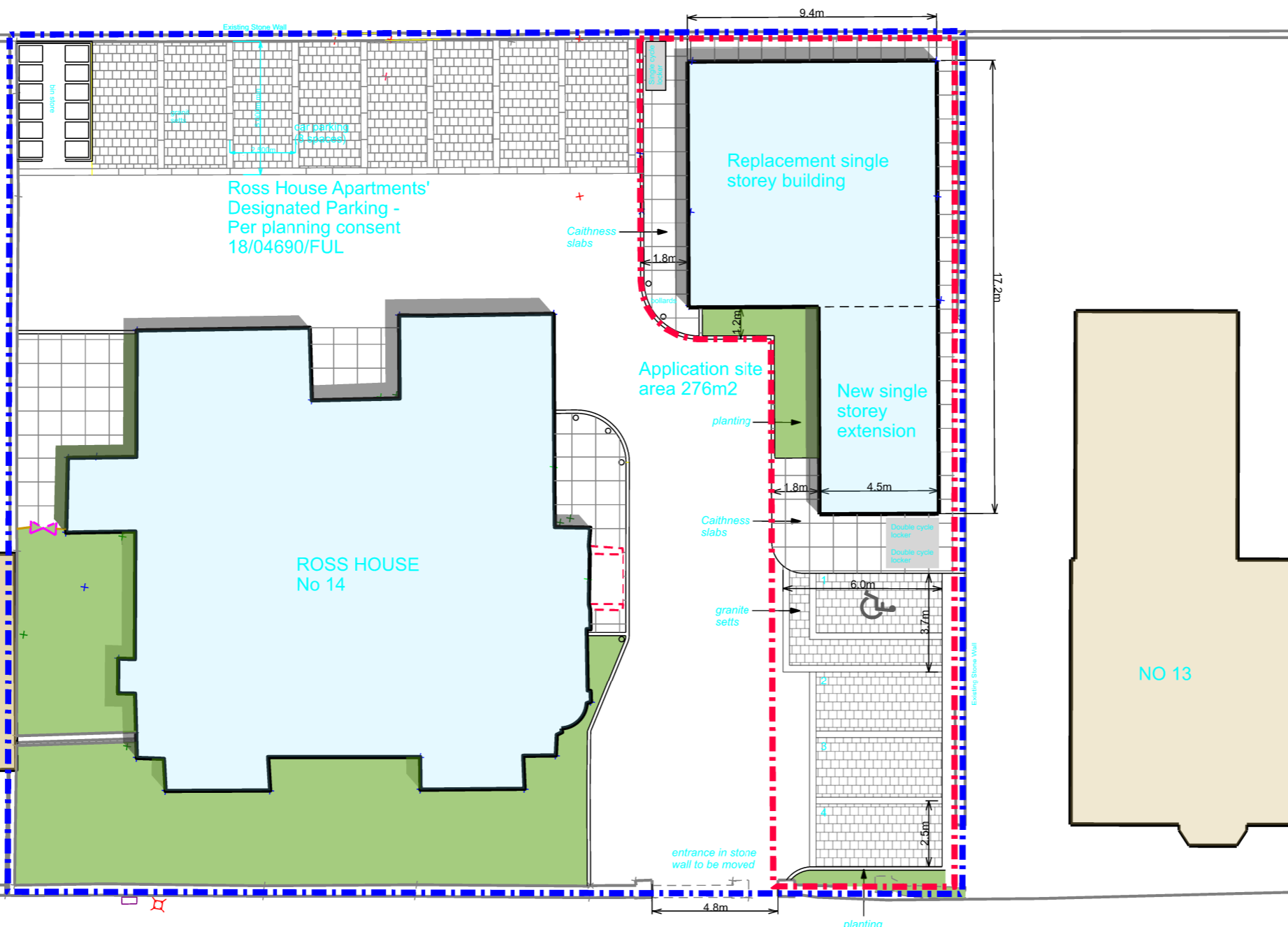
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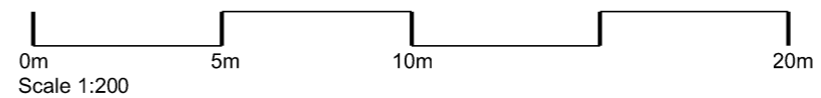
ARDROSS PLACE



existing on-street permit parking

existing on-street permit parking

ARDROSS STREET



HRI | Munro
architecture

62 Academy Street Inverness IV1 1LP
t: 01463 240066 f: 01463 717247
admin@hri-architects.com

www.hri-architects.com

- - - - - Application site boundary
- - - - - Ownership boundary

1 Planning Issue 15.02.21

PLANNING

PROPOSED SITE PLAN

New Apartments
14A Ardross Street
Inverness

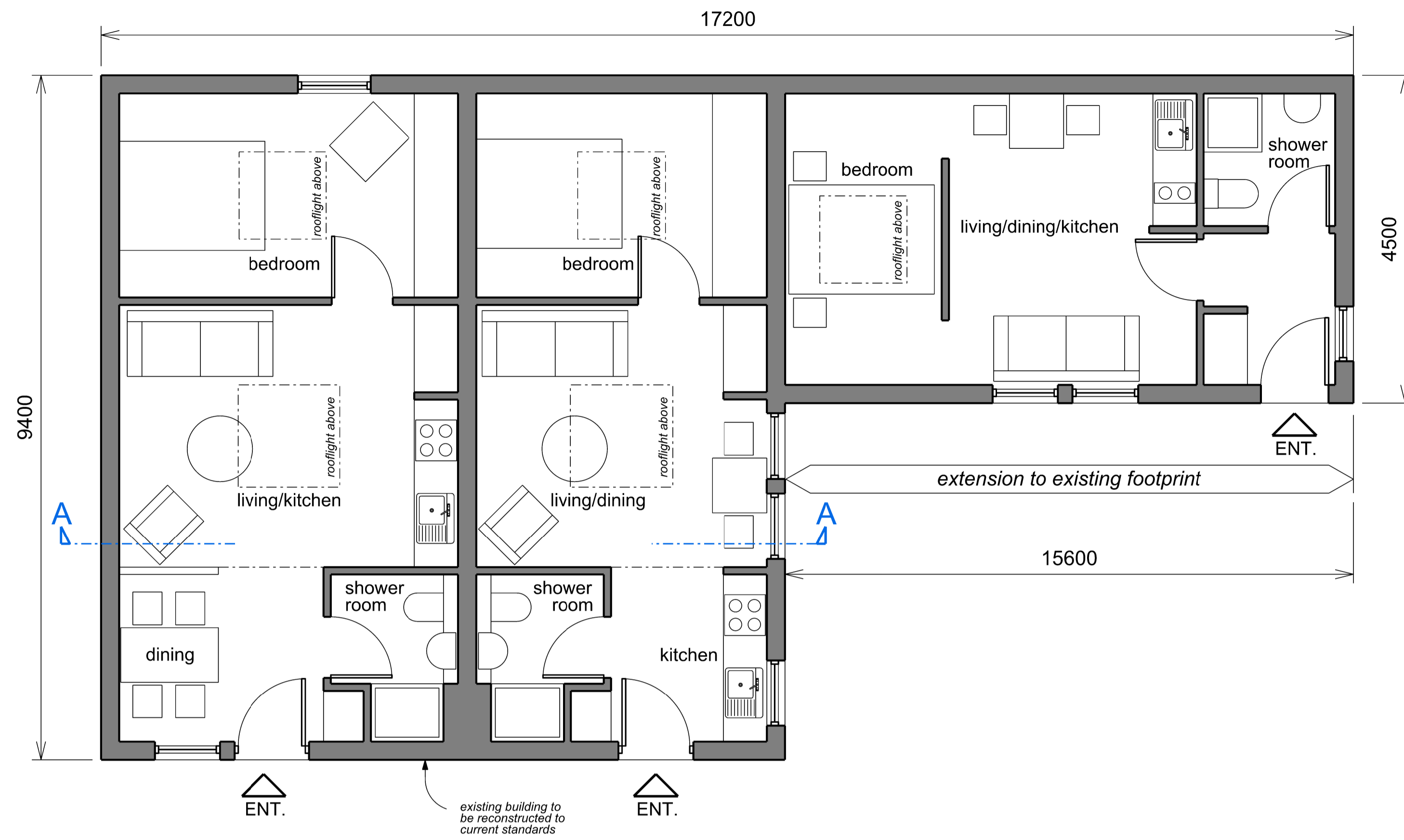
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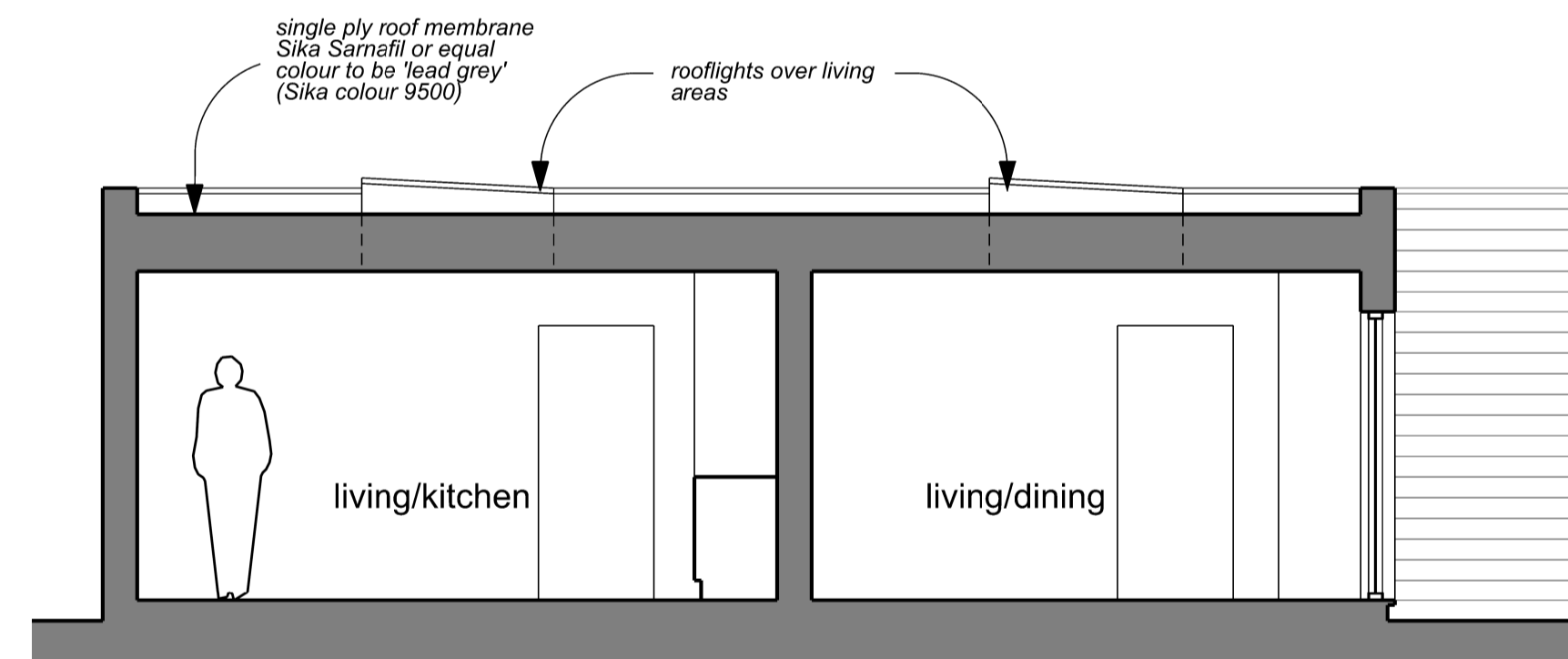
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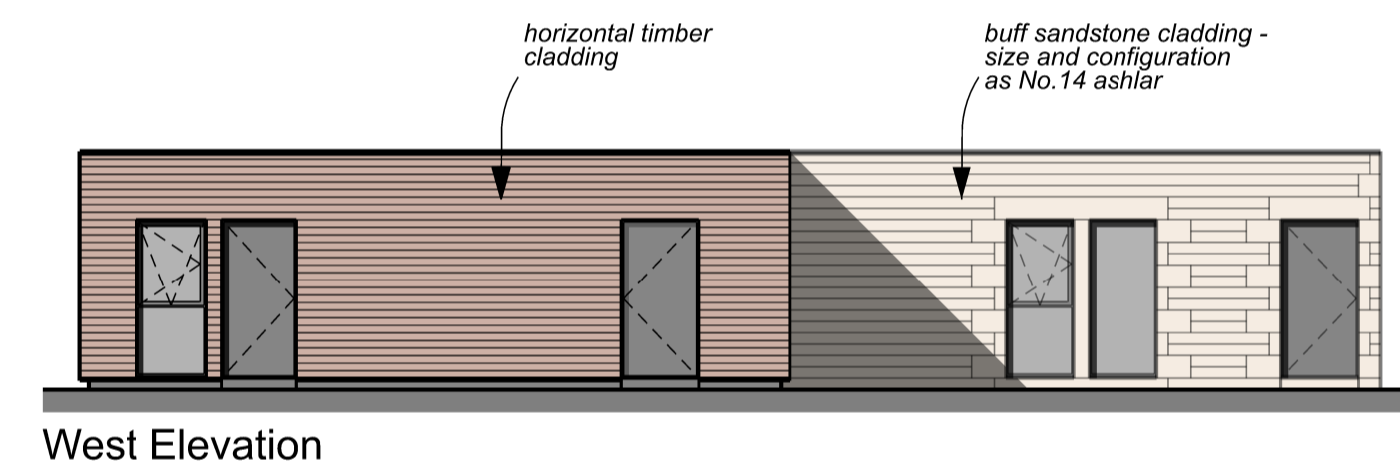
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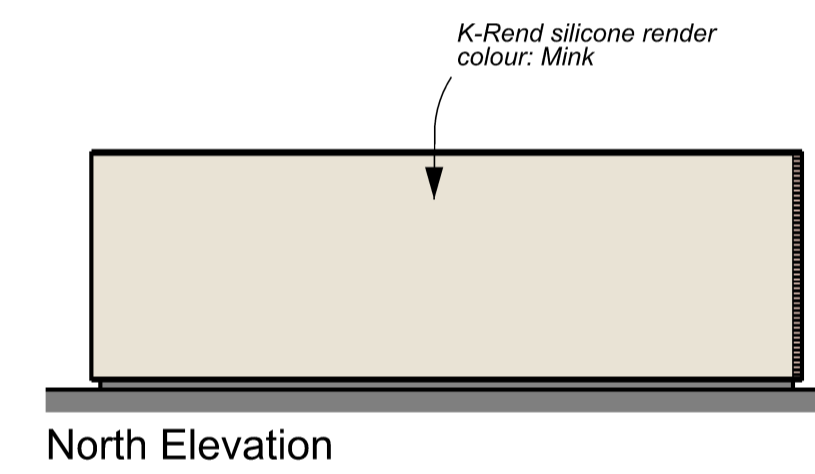
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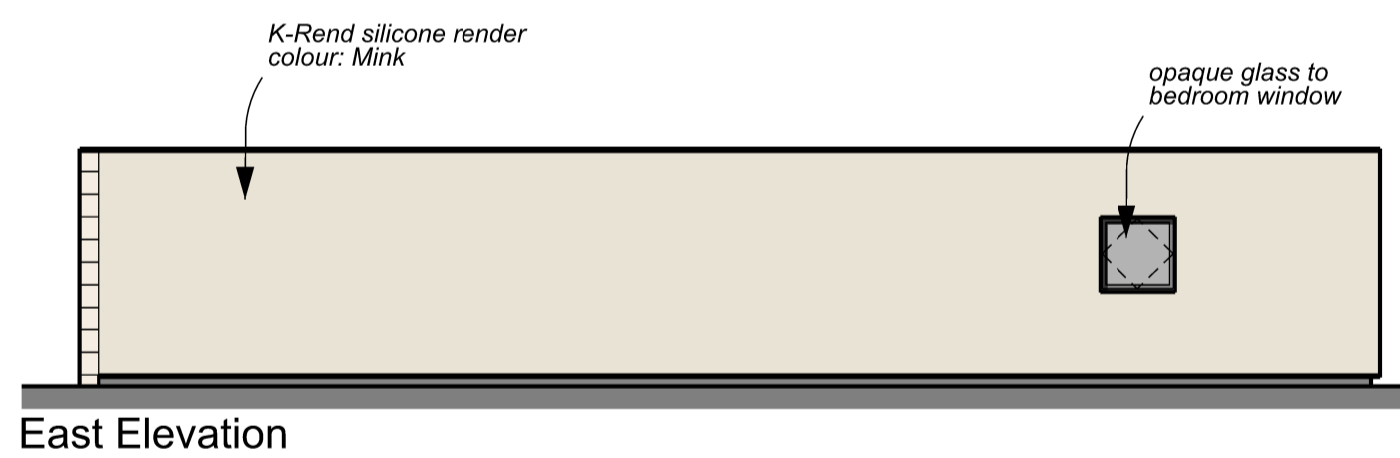
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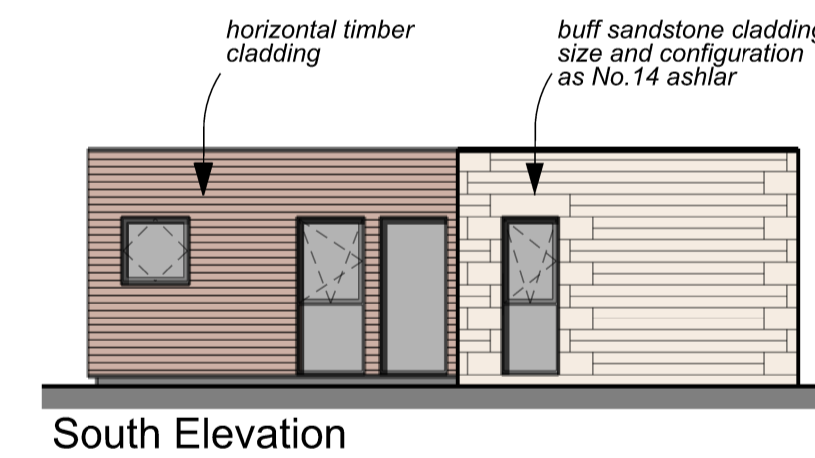
West Elevation



North Elevation



East Elevation



South Elevation

3 Proposed Elevations
Scale 1:100 @ A1

PLANNING

Revision	Description	Date
1	Planning Issue	15.02.21

PROPOSED PLAN SECTION AND ELEVATIONS

New Apartments
14A Ardross Street
Inverness

Scale:	Date:	Lead:	Drawn:	Checked:
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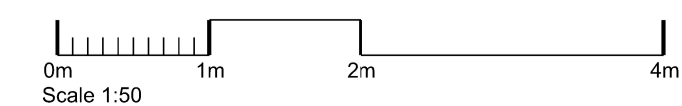
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Sanstone Cladding Example

Horizontal Timber Cladding Example

4 Proposed Cladding Materials
Scale N/A



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PRIOR TO ORDERING MATERIALS AND GOODS



1 South Elevation (Ardross Street)
Scale 1:100 @ A1



2 North Elevation (Ardross Place)
Scale 1:100 @ A1



3 East Elevation
Scale 1:100 @ A1

PLANNING

1	Planning Issue	15.02.21
Revision	Description	Date

PROPOSED CONTEXTUAL ELEVATIONS

Proposed Apartments
14A Ardross Street
Inverness

Scale:	Date:	Lead:	Drawn:	Checked:
1:100 @ A1	10.07.20	AB	MAW	AB

Project Number:	Drawing:	Revision:
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