

Agenda Item	6.2
Report No	PLS-73-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 12 December 2023

Report Title: 23/03015/FUL: Hercules Unit Trust
Everlast Fitness Club, Eastfield Way, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Change of use of health and fitness centre to ten-pin bowling centre and indoor inflatable activity course with associated bar and dining facilities and amusements

Ward: 16 – Inverness Milburn

Development category: Local

Reason referred to Committee: 5 or more objections

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** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the change of use of an existing large detached two storey building at Eastfield Way, Inverness Retail and Business Park, to a ten-pin bowling centre and inflatable activity centre, with associated bar and dining facilities and amusements. The building is currently split into two separate uses with a health and fitness centre (trading as Everlast Gym) on the ground floor featuring a gym, pool and related facilities, and a retail sales unit (trading as Sports Direct) on the upper floor selling sportswear, sports equipment, and related items. Both current occupiers are part of the Frasers Group who lease the building from the applicant. The total size of the unit is understood to be 4,264sqm gross floor space, comprising 2,321sqm at ground floor and 1,943sqm at first floor.
- 1.2 The proposed development would see the ground floor converted to form the ten-pin bowling centre, with associated bar, diner and amusements. The upper floor would be converted to form the inflatable activity centre with a café and amusements.
- 1.2 The site is accessed off the A96 Trunk Road which connects with the existing internal road network servicing the retail and business park.
- 1.3 Pre Application Consultation: Not required. The applicant did engage with the Council's Pre-application Advice Service in July 2022.
- 1.4 Supporting Information: The following information has been submitted in support of the application:
- Planning Statement; and
 - Transport Statement
- 1.5 Variations: None.

2. SITE DESCRIPTION

- 2.1 The site lies within the Inverness Retail and Business Park which is located to the east of the Raigmore Interchange and accessed off the A96 Trunk Road. It comprises a large two storey detached building, on a rectilinear footprint. External materials consist primarily of a light brown coloured facing brick and vertical composite light grey cladding with a low pitched roof. The main entrance, located on the south east corner of the building, is extensively glazed and features a mono pitch roof. It faces onto a large external car park occupying the front curtilage of the building and forming part of the wider car parking facilities serving the commercial units within the retail park.
- 2.2 The main retail park units are located parallel with the eastern and southern sides of the wider car parking area. The Tesco retail development comprising store, dedicated car parking area, and petrol filling station lie to the northeast of the application site, at the northernmost section of the retail park. To the south are two fast food drive through restaurants and a cinema complex.

3. PLANNING HISTORY (RELEVANT TO THIS APPLICATION)

- 3.1 29.11.2005 05/00806/FULIN: Erection of new health and fitness centre and extension to unit 6 with alterations to car park, service area and assoc. road works Planning Permission Granted

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour

Date Advertised: 28.07.2023

Representation deadline: 11.08.2023

Timeous representations: 199 including two petitions signed by 279 and 334 parties respectively.

Late representations: 5

- 4.2 Material considerations raised are summarised as follows:

- a) Proposal does not comply with Development Plan;
- b) Proposal does not comply with terms of existing planning permission and would adversely impact on neighbouring land uses;
- c) Over provision of facilities;
- d) There are other locations better suited for proposed use; and
- e) Adverse impact on local roads/parking infrastructure.

- 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 **Development Plans Team:** The policy issues raised in the Development Plan team's original consultation response dated 25 September 2023 have now been addressed, subject to reaching agreement with the applicant on mitigation for traffic impacts.

- 5.2 **Transport Planning Team:** No objection subject to an appropriate level of developer contribution being sought in mitigation of additional peak traffic impacts.

- 5.3 **Environmental Health:** No objection. Recommend an informative is added requiring kitchen layout plans to be submitted to Environmental Health when available.

6. DEVELOPMENT PLAN POLICY

- 6.1 National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers and published on 13 February 2023. It is now part of the statutory development plan, while also replacing NPF3 and Scottish Planning Policy.

6.2 The following Development Plan policies are relevant to the assessment of the application

6.3 National Planning Framework 4

- 1 – Tackling the climate and nature crises
- 2 – Climate mitigation and adaptation
- 3 – Biodiversity
- 9 – Brownfield, vacant and derelict land and buildings
- 13 – Sustainable Transport
- 14 – Design quality and place
- 18 – Infrastructure first
- 27 – City, town, local and commercial centres

6.4 Highland Wide Local Development Plan 2012

- 28 – Sustainable Design
- 29 – Design Quality & Place-making
- 31 – Developer Contributions
- 34 – Settlement Development Areas
- 40 – Retail Development
- 42 – Previously Used Land
- 56 – Travel

6.5 Inner Moray Firth Local Development Plan 2015

- 1 – Promoting and Protecting City and Town Centres

6.6 Inner Moray Firth 2 Proposed Local Development Plan 2023

- 1 – Low Carbon Development
- 6 – Town Centre First
- 8 – Place Making
- 9 – Delivering Development and Infrastructure
- 14 – Transport

6.7 Highland Council Supplementary Planning Policy Guidance

- Developer Contributions (March 2013)
- Managing Waste in New Developments (March 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Inverness East Development Brief (June 2018)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 None.

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.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy;
 - b) suitability of the site for the proposed use, and impact on existing centres;
 - c) impact on infrastructure and services and proposed mitigation (developer contributions); and
 - d) any other material considerations

Development plan/other planning policy

- 8.4 The proposed development would fall under Class 11 (Assembly and leisure) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended (“the Order”) and would be located within an established retail park. Class 11 could be considered as appropriate supporting land use to the primary retail uses predominating in the retail park. In principle, the development complies with the Development Plan.
- 8.5 The Development Plan supports the ‘Town Centre First’ principle in assessing development proposals to ensure that the vitality and viability of town and local centres are protected. NPF4 Policy 27 (City, town, local and commercial centres) and Policy 1 (Promoting and Protecting City and Town Centres) of the Inner Moray Firth Local Development Plan intend to ensure that land uses that generate significant footfall, including leisure developments, will only be supported outwith those centres where all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable, and where the scale of development cannot be reasonably altered or reduced to allow it to be accommodated in a centre.
- 8.6 Policy 18 (Infrastructure first) of NPF4 intends to ensure that the impacts of development proposals on infrastructure are mitigated. The junction of Eastfield Way and the A96 Trunk Road is subject to significant congestion at peak times. Any additional development that would result in an increase in vehicles existing the retail park at this junction will exacerbate this problem.
- 8.7 Subject to the proposal having no significant adverse impact on existing centres and any adverse traffic impacts arising from the development being suitably mitigated, the proposal would comply with the Development Plan.

Suitability of site for proposed use and impact on existing centres

- 8.8 The existing building was granted planning permission in November 2005 (05/00806/FULIN) for the erection of health and fitness centre. Condition 4

imposed on the permission restricted the use of the building as a health and fitness centre and “ancillary items thereto...” and for no other use or purpose, including any other activity falling within Class 11 (Assembly and leisure) of the Order. The reason for this condition was to “allow the Planning Authority to retain effective control over the use of the site, in the interests of the amenity of adjacent occupiers.”

- 8.9 The applicant’s supporting Planning Statement asserts that the existing health and fitness centre falls under Class 11 of the Order and that the proposed use for ten-pin bowling and an inflatable activity course also falls within Class 11. It further states that the inflatable activity course can be considered a health and fitness use consistent with the existing planning permission. The Planning Statement goes on to highlight the restriction imposed by Condition 4 and suggests that the inflatable activity course, being a health and fitness use, arguably does not require planning permission “but for the avoidance of doubt it is included within the change of use application.”
- 8.10 There is no dispute that the existing Everlast gym operation that exists on the ground floor of the building comprising a gym, pool and other related facilities, is clearly a Class 11 use. Similarly, the proposed use of the ground floor as a ten-pin bowling alley would also fall under Class 11. Nevertheless, the restriction imposed by Condition 4 means that any change from one Class 11 use to another use within the same Class requires planning permission.
- 8.11 Following the grant of planning permission for the health and fitness centre in 2005 the Council confirmed in writing that, notwithstanding the terms of Condition 4, the Class 1 retail operation proposed for the upper floor did in fact form part of the planning approval as an “ancillary” use relating to the overall operation of the health and fitness centre. Whilst it was agreed at the time that there was a link between the operation of the ground floor health and fitness centre and a sports clothing and equipment retailer on the upper floor, this link is tenuous at best and there can be no doubt that the lawful use of the upper floor is in fact as a retail use falling under Class 1A of the Order. Consequently, any change from Class 1A to an inflatable activity course falling within Class 11, requires planning permission.
- 8.12 The predominant use of the retail park is for the retail sale of goods. Complimentary land uses support this primary function and include a cinema and restaurants, two of which have drive through facilities. These complimentary uses would include the existing Everlast gym. Only the existence of Condition 4 prevents the change of use of the gym to a ten-pin bowling centre (or any other Class 11 use) without planning permission. Condition 4 seeks to ensure that any subsequent change of use falls under planning control in order that its impact on the amenity of adjacent occupiers can be assessed. As a leisure use compatible with the wider operation of the retail park, the proposed ten-pin bowling centre is not considered to raise any issues of significance in terms of impact on amenity of adjacent neighbours. Similarly, the use of the upper floor as an inflatable activity centre does not give rise to any amenity concerns for adjacent occupiers.
- 8.13 The applicant utilised the Council’s pre-application advice service in July 2022 and was advised that the proposal would likely be supported provided it could be adequately demonstrated through a sequential assessment that there were no suitable alternative premises available within the city centre of Inverness. The

applicant's Planning Statement includes such an assessment, (followed by a brief commentary on town centre impact) with an analysis of 60 sites both within the city centre and on the edge of centre. This assessment found that there were no suitable sites capable of accommodating the proposal.

- 8.14 The assessment was appraised by the Development Plans Team which advised that whilst it contained some information on the relevant criteria required to support the proposed development, it lacked detail in other aspects, including minimum floor space requirements, although it was acknowledged that a ten-pin bowling centre and inflatable centre would require a site with a relatively large floor area. Development Plans also highlighted that no reasoned justification had been provided as to why the two leisure uses could not be standalone entities, and that no details had been provided of the potential operator who may have specific reasons for co-locating the uses.
- 8.15 The pre-application advice response provided had indicated that it was unlikely that a detailed town centre impact assessment would be required. However, the subsequent adoption of NPF4 and the requirements of Policy 27 (City, town and commercial centres) indicating that both a sequential approach and a town centre first assessment should be provided, resulted in the applicant being asked to provide additional supporting information, as set out in the Development Plans Team initial consultation response.
- 8.16 The applicant subsequently provided additional information, advising that the scale of development could not be reasonably altered or reduced to enable it to be accommodated in the city centre and that to do so would fundamentally change the form of development proposed. The proposals as submitted demonstrate flexibility in scale in that it would be accommodated over two floors, reducing the footprint required to provide the facilities, as well as making use of existing shared car parking and thereby reducing land take. The applicant also provided details of the intended operators and set out details of the average size of such facilities as further justification for the proposal.
- 8.17 The applicant has highlighted that no additional floor space would be created as a result of the development and that the proposal is of an appropriate scale and type for the hierarchical scale and function of the retail park as a commercial centre identified in the Inner Moray Firth Local Development Plan 2015. The applicant also reiterated their previous comments that as there are no leisure facilities within the city centre that are comparable or will directly compete with the bowling centre and inflatable activity course, there is unlikely to be an adverse effect on the vitality and viability of the city centre.
- 8.18 Whilst the Development Plans Team has highlighted that there is a trampoline park and climbing wall at Telford Street Retail Park, it acknowledged that these are not afforded any particular policy protection in NPF4 and that given the distance from the retail park, Telford Street Retail Park as a commercial centre is unlikely to be adversely impacted by the proposals. It also acknowledged that the existing Rollerbowl ten-pin bowling centre on Culduthel Road lies outwith any defined centre and, similarly, is not afforded any specific policy protection by the Development Plan.

- 8.19 The applicant has also provided a breakdown of expected employment numbers arising from the proposed development. Whilst the proposal, if implemented, would result in the closure of the existing gym and retail unit and inevitably result in the loss of existing jobs, there is no policy protection afforded under the provisions of the Development Plan to safeguard against this. The applicant has also subsequently provided details of the proposed operators; Hollywood Bowl and Innoflate. Whilst this is useful in providing indicative information in terms of space requirements and layout (for ten-pin bowling centre) it should be noted that this is not a directly relevant material planning consideration as any planning permission granted will benefit the land/building and not a specific operator.

Impact on infrastructure and services and proposed mitigation (developer contributions)

- 8.20 The applicant's supporting Transport Statement advises that the retail park has provision for 926 car parking spaces. This excludes Tesco's dedicated car park at the northern end of the retail park. Traffic survey data arose from a parking survey undertaken on Thursday 5th and Saturday 9th September 2019, representing the core opening hours of the retail park. The survey demonstrated that at peak times there is spare capacity within the retail park (over 300 spaces available). The proposed change of use of Unit 12 is predicted to have a negligible impact on car park capacity. Whilst there will be a slighter higher predicted number of vehicles during peak periods on a Saturday (1pm to 3pm) over the course of an average week, overall numbers will decrease. It is therefore considered that the proposal will have no demonstrable negative impact on car parking provision at the retail park.
- 8.21 It is however recognised that the exit from the retail park at Eastfield Way on to the A96 Trunk Road can become very congested at peak times. The Transport Statement submitted by the applicant predicts that there will be an overall reduction on average weekly trips to Unit 12 when comparing the existing and proposed uses. However, there will likely be an increase of approximately 13 additional inbound trips during peak weekend hours. Transport Planning's own calculations indicate a slightly higher figure of 17 additional trips. Therefore, an average of 15 additional trips has been derived as the representative figure.
- 8.22 Where it can be demonstrated that new development is likely to increase congestion the Council has sought developer contributions towards road improvements and/or active travel improvements within and around the wider business and retail park area. In relation to road improvements, the Council carried out a preliminary cost appraisal in early 2018 for the provision of a third lane existing out of Eastfield Way. This has been used, where appropriate, as the basis for informing developer contribution requirements for developments within the Retail and Business Park.
- 8.23 As it has been adequately demonstrated that the development is likely to result in an increase in vehicle trips during peak Saturday operating hours, the applicant is required to make a financial contribution towards local road improvements. This is set out in Appendix 2.

Other material considerations

- 8.24 There is a need to ensure that the ancillary development associated with the proposed bowling centre and inflatable centre i.e. bar, dining/café, and amusement facilities, remain as ancillary elements. This is to ensure that they do not become primary uses in their own right, as that would require further assessment in relation to compliance with the Development Plan and any other material considerations. It is considered that this can be adequately addressed by condition, in the event that members agree to grant planning permission for the proposals.

Non-material considerations

- 8.25 The application has attracted a significant volume of objections. The majority of the representations received are from people that will be directly affected by the potential closure of the Everlast gym. There are also objections from people concerned with the impact of the proposed development on the operation of the existing Rollerbowl ten-pin bowling centre at Culduthel Road, Inverness.
- 8.26 It is clearly evident from the comments received by parties concerned with the potential closure of the health and fitness centre that the existing facilities are held in high regard. Many of the representations received have highlighted the physical health, mental wellbeing, and social benefits that the centre provides and the negative impacts that closure could bring. Nevertheless, these are not material planning considerations relevant to the determination of this application.
- 8.27 The applicant has advised that: "Everlast Gym occupies the premises on a short-term concessionary lease that can be terminated by either the landlord (i.e. the applicant) or the tenant on one month's notice. Following lengthy negotiations, in an attempt to agree market terms, Frasers Group made the applicant aware that they could not make the Everlast Gym and Sports Direct financially viable on the proposed terms and that they would therefore look to vacate the premises. In light of this situation, the applicant has explored alternative uses for the premises in order to secure the long-term viable use of this large unit. The planning application proposals will secure the long-term active use of the existing building."
- 8.28 Whilst the Council as Planning Authority seeks to manage the use of land and buildings in the public interest it has no locus in compelling a landowner to agree terms of occupation of any land or building with a particular third party, or require that a particular third party must occupy, or continue to occupy, land or buildings. Such decisions are private legal matters to be negotiated and agreed between the relevant interested parties. The role of the Planning Authority in this case is simply to assess the suitability of the proposed use at this location, and not the impact of the existing use terminating, being a matter in which it has no regulatory or policy control.

Matters to be secured by Section 75 Agreement

- 8.29 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:

Letter of Undertaking signed by the applicant agreeing to pay the required developer contribution as set out in Appendix 2 of this report upon first use of any part of the building. This method of securing the developer contribution has been used by the Council in relation to various other development proposals brought forward by the applicant within the retail park.

9. CONCLUSION

- 9.1 Planning permission is sought for the change of use of an existing two storey building forming Unit 12 Eastfield Way, Inverness Retail and Business Park, to a ten-pin bowling centre and indoor inflatable activity centre with associated bar and dining facilities and amusements. The proposed development, if implemented, would replace the operation of a health and fitness centre on the ground floor and retail sales unit on the upper floor of the building.
- 9.2 The proposed use is considered to be an acceptable use within the existing retail park and the applicant has been able to provide sufficient evidence to demonstrate that the proposed development would not have a significant adverse impact on the city centre of Inverness, or other nearby commercial centres.
- 9.3 The Transport Statement submitted in support of the application predicts that the proposed use, over the course of an average week, will generate less trips to the unit than as currently exists. However, there is likely to be a minor increase in trip rates during peak weekend hours cumulating in a predicted increase, on average, of approximately 15 vehicle trips to the retail park. Although small, this increase will nevertheless place additional burdens on the congestion experienced on the local road network at peak times. This impact is cumulative as further developments take place within and around the retail park. Consequently, the applicant has agreed to pay a proportionate developer contribution towards future road improvements at the retail park to mitigate this impact.
- 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

Notification to Scottish Ministers N

Conclusion of Section 75 N
Obligation

Revocation of previous permission N

Subject to the above actions, it is recommended to

GRANT the application subject to the following conditions and reasons

1. 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development or work associated with the fitting out of the ground floor for the ten-pin bowling centre shall commence until a detailed floor layout plan has been submitted to, and approved in writing by, the Planning Authority.

No development or work associated with the fitting out of the upper floor for the inflatables activity centre shall commence until a detailed floor layout plan has been submitted to, and approved in writing by, the Planning Authority.

Following approval of the respective layout plans, development and work shall progress in accordance with the approved details. For the avoidance of doubt, development and works may commence independently on each floor following subsequent approval of the proposed layout of that floor.

Reason: To ensure that the use of the floors for the consumption of food and drink associated with the primary use of each floor as a ten pin bowling centre and inflatable centre respectively remains as a complimentary use and does not become a primary use of the premises, in order to clarify the terms of the planning permission hereby granted.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted; with or without modification) and Article 3 and and Classes 10 to 13 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), the development hereby approved shall be used solely as a ten pin bowling centre and inflatables centre and for no other use or purpose or use without the express permission of the Planning Authority being granted upon application for planning permission.

Reason: In order to enable the Planning Authority to retain effective control over

future development within the application site so that it is carefully managed and does not result in an adverse impact on the amenity of the area in terms of parking or trip generation.

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.

INFORMATIVES

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.

Environmental Health – Food Safety/Health and Safety Etc

As the development must comply with the Food Hygiene (Scotland) Regulations 2006 and the Health and Safety at Work etc. Act 1976, we would advise the applicant that, when they are available, detailed kitchen layout plans should be submitted to the Highland Council's Environmental Health Service for review. env.health@highland.gov.uk

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>

Signature: David Mudie
Designation: Area Planning Manager – South
Author: John Kelly
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Proposed Floor Plan

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Road Improvements	Eastfield Way and A96 Roundabout	n/a	n/a	£25,335.60	BCIS	Q4 2023	First use of development	Apr/Oct	20

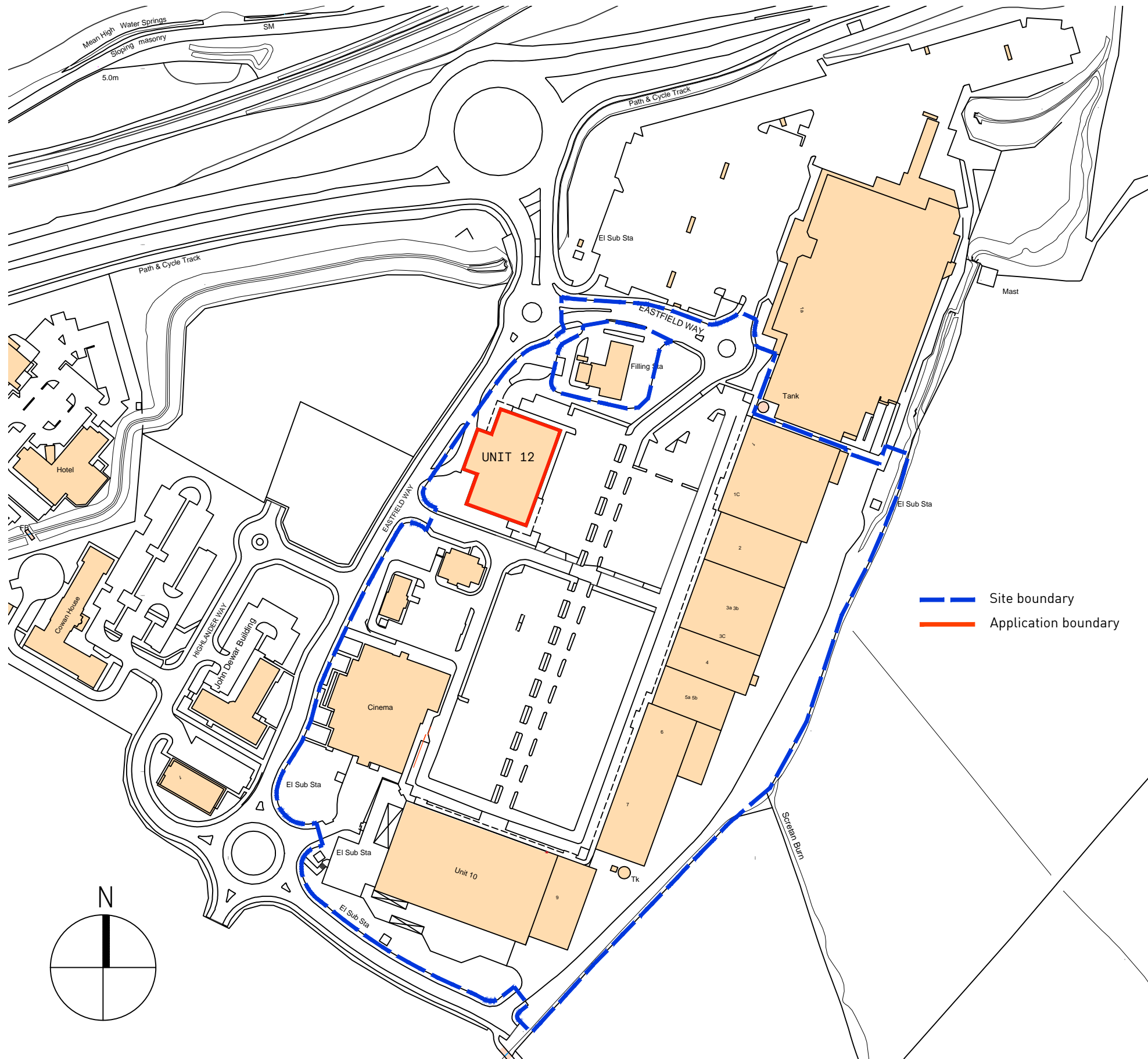
*1 Adjust total to take account of flat exemptions

*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

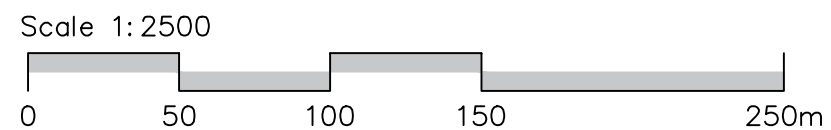
*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*4 Accounting dates - 1 April and 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

*5 Clawback – 15 years for Major development; 20 years for Local development



Existing Location Plan
Scale 1:2500



The Contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work.

No alterations should be made without reference to the Architect.

No dimensions should be scaled from this drawing.

Rev:	Description:	Date:	By:
-	First issue	10.06.22	AB



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For Information

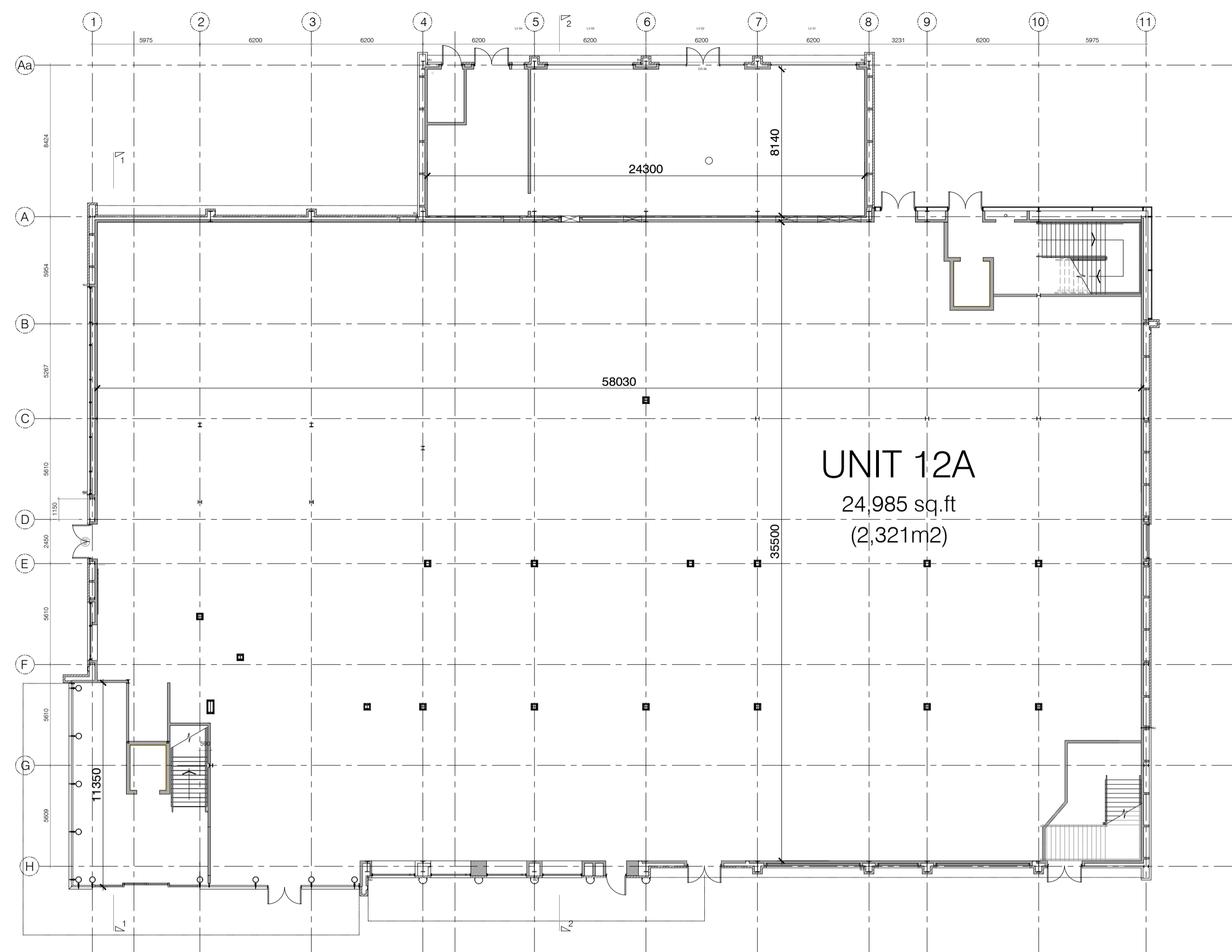
Client:
British Land plc

Project Title:
Inverness Shopping Park

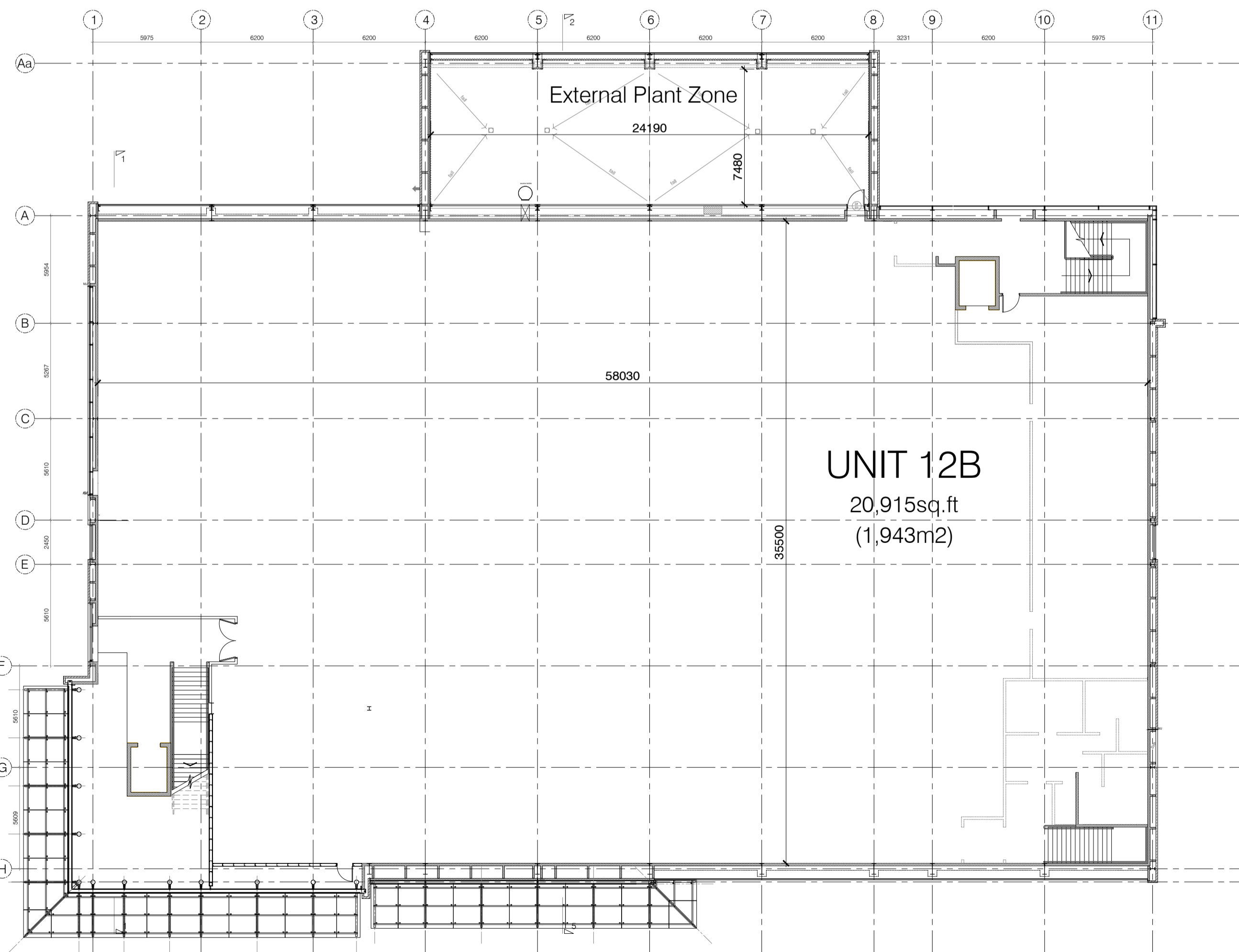
Drawing Title:
Unit 12 Redevelopment
Existing Location Plan

Scale: 1:2500@A3	Date: 10.06.22
Drawn by: AB	Checked by: AB

Job No: 20034G	Drawing No: AL(00)001	Rev: -
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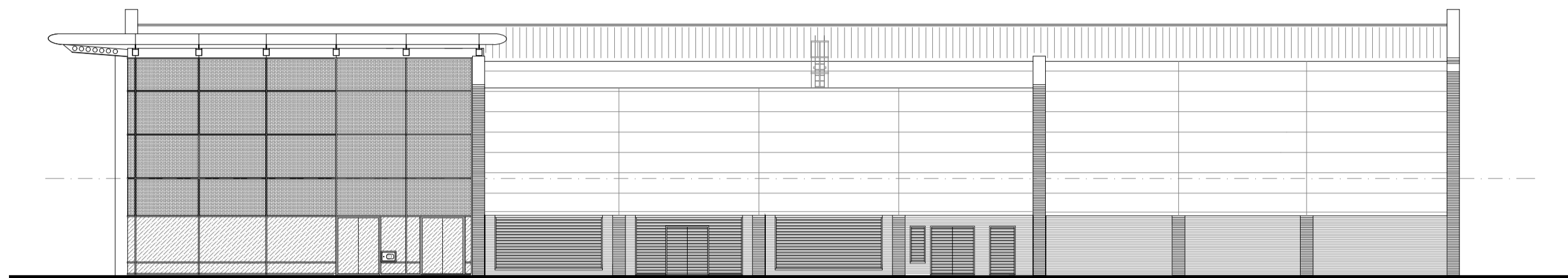
GROUND FLOOR PLAN



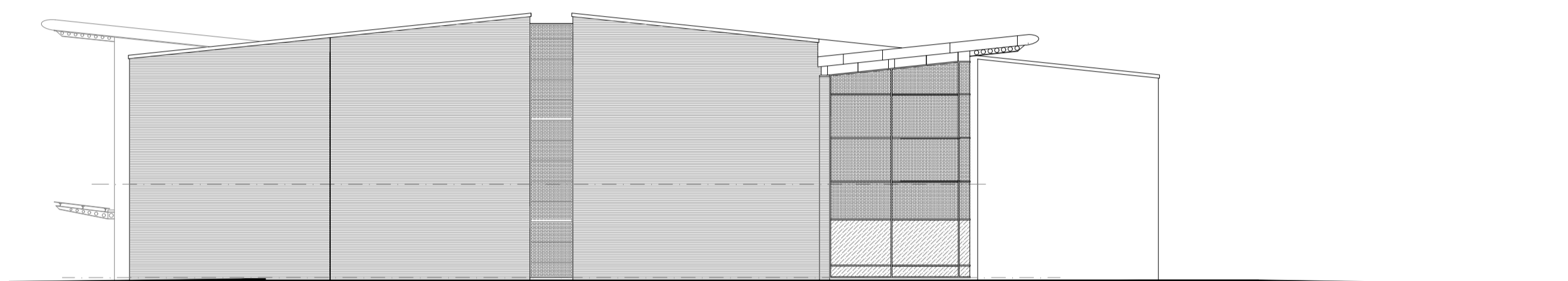
FIRST FLOOR PLAN



EAST ELEVATION



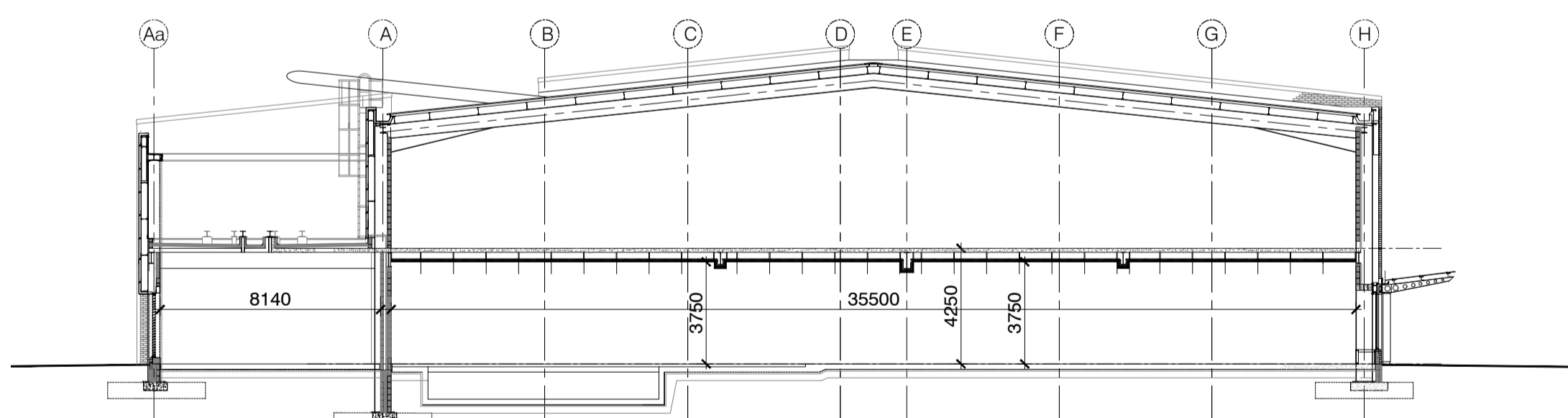
WEST ELEVATION



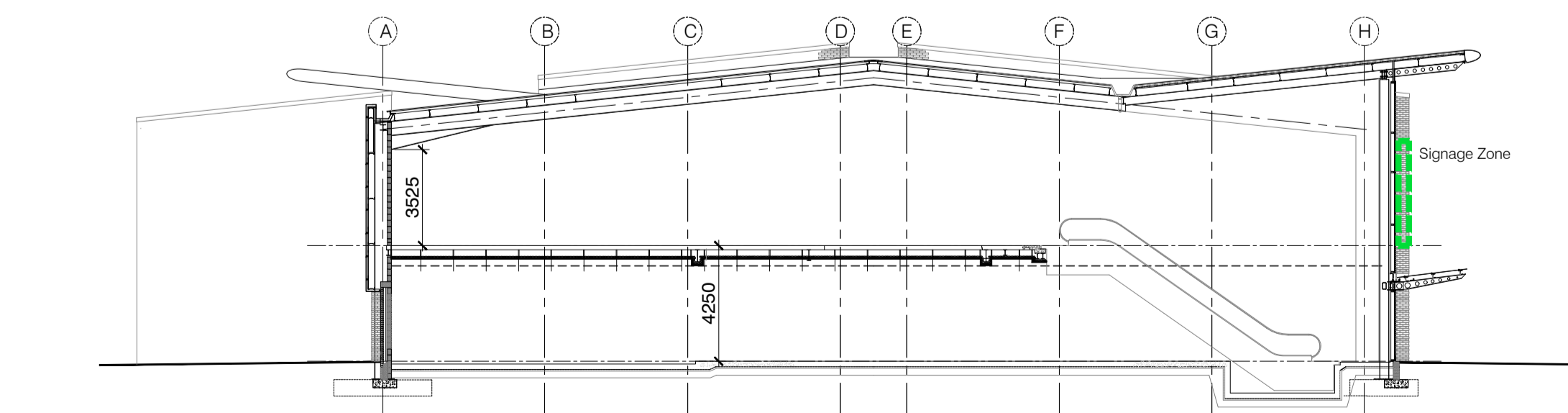
NORTH ELEVATION



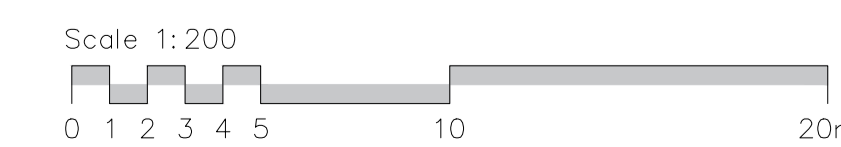
SOUTH ELEVATION



SECTION 2-2



SECTION 1-1



The Contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work.

No assumption should be made without reference to the Architect.

No dimensions should be scaled from this drawing.

Rev:	Description:	Date:	By:
-	First Issue	09.06.23	AB
A	Floor recesses and part walls removed	12.06.23	AB
B	Areas revised to reflect existing	12.06.23	AB



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For Information

Client: British Land plc
 Project Title: Inverness Shopping Park

Drawing Title: Unit 12 Redevelopment
 Proposed Floorplans, Elevations & Sections

Scale: 1:200@A1
 Date: 09.06.23
 Drawn by: AB
 Checked by: AB

Job No: 20034G
 Drawing No: AL(00)004
 Rev: B