

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
8 April 2014**

Agenda Item	6.3
Report No	PLS/022/14

**13/04137/FUL : Inverness Properties Ltd
South and West of Rose Street, Inverness**

Report by Area Planning Manager - South

SUMMARY

Description Demolition of Rose Street Hall & decked Car Park & phased redevelopment to provide multi-storey student accommodation, shops, public space & environmental enhancement (as amended).

Recommendation - GRANT

Ward : 15 – Inverness Central

Development category : Major

Pre-determination hearing : Not required

Reason referred to Committee : Manager's discretion (Major category of development).

1. PROPOSED DEVELOPMENT

- 1.1 The proposal seeks full planning permission for a phased development comprising a mix of student accommodation and retail uses. The accommodation comprises three multi storey blocks comprising a total of 274 student bed spaces, car parking and landscaping. Together with the previously consented (12/02567/FUL) block of student accommodation of 105 spaces, the total number of student bed spaces is 379. The proposal may be summarised as follows:

Phase 1 – Block B1 – will involve the demolition of the existing Rose Street Hall which has operated as a night club and hostel and incorporates two retail outlets on the Farraline Park entrance. The building is not listed but is of historical interest and of sandstone construction. The existing two storey decked 149 space Rose Street car park will also be demolished. Block B1 is the larger of the proposed accommodation blocks and attains a maximum height of 30 metres over a total of 8 floors. It is located in close proximity to the existing 4 storey high Rose Street multi storey car park and will be sited parallel to the end elevation of the car park.

The block incorporates gable end features to both the north and south elevations and the height varies between the conjoined blocks from a maximum of 8 floors to 6 floors. Retail uses are proposed on the ground floor. The distance separating the existing car park and proposed block is 4 metres.

The accommodation comprises a mix of units with 2, 3, 4 or 5 individual bedrooms each with ensuite facilities together with a shared kitchen/living area. The total number of student bed spaces in Block B1 is 145.

Phase 1 includes the part replacement of the existing decked parking with 50 new parking spaces, including facilities for parking for disabled persons. This will be located to the south of the site adjacent to the rear of the properties on Academy Street. The remaining area separating the proposed accommodation block and car park will be laid out as public space to enable links through from Farraline Park, the existing retail units and through to Academy Street.

Phase 2 – Block B2 – is to be located to the south of Block B1 and adjacent to the existing Spectrum Centre. It will provide a further 85 student bed spaces with a similar layout to Block B1 with each unit comprising 2, 3 or 4 bedrooms together with a shared kitchen/living area. Two retail units are proposed for the ground floor area. The applicant states that accommodation is intended for completion for student intake in August 2016.

This block attains a maximum height of 26 metres over 7 floors and similarly incorporates a mix of differing heights with gable end features facing to the north and south. The distance between the existing Spectrum Centre and proposed block is between 5-7 metres. The block will encroach onto the car parking provided with Phase 1 reducing the number of spaces to 14 including 5 spaces for disabled persons. Pedestrian links through to Academy Street are provided and space is retained for links to the pond comprised within the recently consented Academy Street flatted development. This phase will enable implementation of the proposed streetscape works to the area abutting the two blocks.

Phase 3 – Block B3 – is to be located to the south of the site adjacent to the existing buildings on Academy Street, more specifically Deeno's Bar and parallel with Rose Street. The block will accommodate 44 student bedspaces and two retail units on the ground floor. It reaches a maximum height of 26 metres over 5 and 6 floors and is a mix of 2, 3 and 4 bedroom units. This block, which is proposed to be completed by August 2017, will enable the completion of the soft and hard landscaping proposed for the centrally located undeveloped area to form the civic space. The remaining car parking spaces would be removed with the exception of 3 spaces reserved for parking for disabled persons. It will also enable the reconfiguration of the existing vehicular access into the Rose St retail park and as a result provide an opportunity to pedestrianize the southern section of Rose Street through to Academy Street.

Phase 4 – the final phase involves construction of the previously consented 7 storey block which is located to the east of the Ironworks building and existing car parking area currently reserved for use by customers of the retail park. This block was granted planning permission in October 2012 and comprises 105 student bedspaces set within a building of stepped configuration.

The development also included retail units (3 in total) on the ground floor. The design of this building differs from that of the common theme embraced within Blocks B1, B2 and B3, specifically as it incorporates a flat roof.

The proposal also includes details of the hard and soft landscaping which will be laid out within the central area of the development. It is intended to form a civic space, defined as a 'Central Event Area' incorporating granite setts, tree planting, and seating walls. Details of street furniture, bollards, street lighting and fencing and gate features are provided.

The design and material finishes for the three blocks are similar: each involves a mix of conjoined blocks of varying heights with a pitched metal clad roof. The various elevations incorporate a mix of white render panels some of which project as 'sails' together with grey or green proprietary standing seam metal cladding panels. The ground floors will be finished in ceramic granite anthracite colour panels with glazed canopy above. Windows are of treated timber and the palette of colours is of green, grey and white with dark grey metal cladding panels to the roof.

Waste facilities are to be provided within each block including compounds for communal waste disposal (general, recycling and food waste). Secure cycle stands are also provided within each block. These facilities are located to the rear of Blocks B1 and B2 and within a gated area within the south elevation of Block B3.

- 1.2 As a Major category of development, pre-application consultation was required. Notice was published under Regulation 7(2) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The public consultation event was held in January 2013. A formal Proposal of Application Notice was submitted in December 2012. A report was submitted with the present application outlining the consultation undertaken with the community and stakeholders. This included an informal stakeholder workshop to which local businesses, Inverness BID, Chamber of Commerce etc and the wider community were invited. The events generally took place from December 2012 to February 2013. The events were advertised in the Inverness Courier.
- 1.3 Vehicular access to the site is obtained from Rose Street via the A82 Longman roundabout junction. This vehicular access also serves the existing Rose Street retail outlets and service vehicles access the rear of the existing Academy Street retail and commercial outlets from Rose Street and from Academy Street. Pedestrians may currently access the site from the bus station, Academy Street and Rose Street.
- 1.4 The application includes the following supporting information:
 - Transport Statement,
 - Geo Environmental Study,
 - Sustainable Design Checklist,
 - Protected Species Survey,
 - Landscape Design Statement,
 - Construction Method Statement,
 - Design and Access Statement (revised),
 - Pre-application pack,
 - SUDS Statement

In addition, the applicants have provided information relating to UHI's position on

the need for student accommodation. It is understood that the total number of student bed spaces required for Inverness by year 5 is 300. It is anticipated that these will be split between the campus and city centre. It is projected that the requirement may rise to a total of 500 bed spaces for Inverness including the campus by year ten. The base year is taken as 2015.

1.5 The proposal was considered under the Major Pre-Applications Advice Service. The response advised that the proposal is broadly supported but identified several key factors to be addressed, including

- the need to ensure the scale of development is able to integrate with the townscape
- design must respond to the rhythms in the surrounding built form
- development must maintain key views and integrate with the conservation area and listed buildings in the area
- Block B3 should be removed and the civic space enlarged and reconfigured
- transport assessment will be required
- contamination of the site must be addressed.

1.6 **Variations:** amended details were lodged on March 4 2014. This included a revised layout, deletion of the proposed two storey block identified as a coffee shop and offices, reduction in the total amount of retail floor space, reduction in the height of Block B1 by one storey and the reconfiguration and reduction in size of the footprint of Block B3. This has allowed for an increase in the space separating each block, particularly between Blocks B2 and B3 from 14m to 23m and a consequent increase in the area of public space.

The site boundary was also amended to include an area of car park (37 spaces) adjacent to the A82, within the ownership of the applicant and currently associated with the retail park. The design of the external elevations was also adjusted to incorporate projecting 'sail' panels on the key elevations.

2. SITE DESCRIPTION

2.1 The site is located to the rear and north-east side of Academy Street, to the west of Farraline Park and to the south of the existing Rose Street multi storey car park. The site extends to 1.05 hectares and includes the car park area associated with the existing Rose Street retail units (formerly Safeway). The site is currently occupied by the two level decked car park which accommodates 195 parking spaces and the Rose Street Drill Hall which accommodates a night club, backpackers hostel, hot food take away and retail units. The building extends through to Farraline Park and although not listed is a distinctive sandstone property. Both the car park and hall premises will be demolished to enable the development.

The site lies outwith the Inverness (Riverside) Conservation Area, the boundary of which abuts the rear of the properties on the north side of Academy Street. The site is generally of level ground although as a result of its various historical uses including the former Inverness Ironworks, Rose Street Foundry, gas works and associated gasometer storage tanks, timber yard and partly as a petrol/repair garage, it is understood that the site is contaminated.

The site lies within the defined City Centre boundary and is visible from a number of vantage points. The wider area includes a number of buildings of height including the adjacent Rose Street car park (4storeys) the steeples of the High Church and East Church and in the wider context, the BT building, Encore Hotel and 5 storey flats on Strother's Lane.

3. PLANNING HISTORY

3.1 07/01168/FUL – extension to form new retail unit – Granted March 2008.
12/02567/FUL – erection of multi storey building for student flats with retail on ground floor – Granted October 2012.

12/04650/PAN – redevelopment of former Rose Street Hall & car park to the South & West to provide multi-storey student accommodation (Phases 2 & 3), Hotel, Tourist Hostel, Shops, Food & Drink premises (licensed & unlicensed), Offices, Civic Square & Environmental enhancement.

13/00817/SCRE – screening opinion – EIA not required.

4. PUBLIC PARTICIPATION

4.1 The application was advertised under Schedule 3 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Advertised : 22 November 2013 with subsequent re-advertisement on 7 March 2014.

Representation deadline : 6 December 2013 and 21 March 2014

Timeous representations : 3

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Concern that the loss of publicly available car parking will impact on local residents and cause congestion. The car parking should be increased rather than reduced.
- Lack of parking will create congestion within the area.
- The design of the proposed buildings is not in keeping with the area and the proposed buildings are too high.
- Other cities are demolishing high rise flats not developing them as here.
- The proposal does not consider what use will be made of the flats if they are not occupied as student accommodation.

Muirtown Community Council, although not a statutory consultee for this area, has raised a number of concerns and **object** to the development. The main concern relates to the design, scale and massing of the proposed buildings. The height is of particular concern and it is noted that there are no buildings of a similar scale elsewhere within the City. The buildings should be no higher than the La Scala (Strother's Lane) redevelopment site (5 storeys). Concerns are also expressed regarding the potential for alternative uses if the student occupancy identified by the applicant does not occur.

A further objection has been lodged in response to the re-notification following submission of the revised plans. The previous objection is maintained and further

comments made in respect of the inaccuracy and inappropriateness of the visualisations which it is considered do not properly represent the skyline as impacted by the proposed development.

- 4.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **Transport Scotland:** no concerns. Recommend conditions relating to traffic management and lighting.
- 5.2 **Historic Scotland :** do not object because the proposal will not have a direct adverse impact on the setting of the A listed Farraline Park School. But question the height and massing of the blocks as they seem significantly overscaled within the context of the local civic space. The loss of the Drill Hall has not been addressed. The urban design and planning framework aspects do not seem to fit with ICCDB. The Council is advised to 'consider more widely the historic environment issues the proposal raises, such as scale, massing, roof profile, quality of materials and visual impact and how it would change the nature of the skyline'.
- 5.3 **SEPA :** no concerns regarding the information submitted relating to surface water drainage. Conditions required.
- 5.4 **Highlands and Islands Airport Authority:** no objections but given that the buildings are on the flight path, red obstacle light required on the highest building.
- 5.5 **Scottish and Southern Energy:** no objections.
- 5.6 **TECS (Flood Team) :** no concerns.
- 5.7 **Policy:** there are no specific concerns with the principle of the development although it is noted that Policy 3 (City Centre Development) of the Highland-wide LDP requires proposals to "maintain and strengthen" the city centre's "vitality and viability". This includes proper consideration of non-car linkages, creation and enhancement of civic spaces and streetscape and refurbishment/redevelopment opportunities. The site-specifics of this proposal do not accord fully with these principles. The key issue is to ensure that "the design of new development must be of the highest quality and respond to the existing street hierarchy". In summary, the application accords, in principle, with the approved development plan.
- 5.8 **TECS (Area Roads and Community Works Manager) :** advises that many of the concerns inherent in the original submission have been addressed. Concerns are expressed regarding the loss of existing parking facilities and it is noted that there is not sufficient capacity within the remaining car parking in the area to accommodate the students. TECS seek assurance that occupancy of the flats can be controlled by condition and restricted to student use only. The provision of disabled parking spaces is now considered acceptable in terms of the proposed distances from the flats but there are insufficient spaces for customers of the retail units and the number of disabled spaces will be reviewed with each phase of development.

Servicing arrangements which include the use of the existing service bay at Farraline Park are objected to and cannot be supported.

Routes for construction traffic are required and it will be necessary to ensure the free flow of traffic and safe movement of pedestrians can be achieved throughout development. Details regarding access to waste storage facilities are also required.

There is an under-provision of cycle facilities for use by residents and visitors and consideration must be given to mitigation for the loss of parking provision as the development proceeds. This could be addressed by developer contributions or improved public transport provision. A Construction Traffic Management Plan is required. The requirement for vehicles to use the civic space may have long term implications for the condition of the space and this should be addressed if the longer term amenity is to be protected.

- 5.9 **TECS (Contaminated Land):** the submitted assessment (Phase 1) of the site indicates that there is the potential for contamination given its previous uses. Additional survey work is required together with measures for dealing with contaminants and appropriate mitigation. This can be secured by suspensive conditions.
- 5.10 **TECS (Environmental Health):** no concerns but require conditions for noise and potential nuisance from use of the retail units.
- 5.11 **Historic Environment Team:** no objection. Condition required in respect of archaeological findings.
- 5.12 **Conservation Officer:** the proposal has been the subject of detailed discussion with the Conservation Officer who has consistently raised concerns regarding certain aspects of the development. The relationship of the new blocks to the existing fabric of the area together with the need to ensure that any subsequent future development of the wider area in general can be successfully integrated into this development have been key considerations. The overall height, scale and design of the individual blocks (as amended) have been assessed and the following comments are made.

The proposals will impact on the setting of surrounding listed buildings, the adjacent conservation area and the wider townscape of the city. They will also impact on the setting of numerous listed buildings including a number of nationally important category A buildings and will alter the skyline of the city. As such, the Council will need to be certain that the impact is not negative and that the development proposed will make a positive rather than negative contribution to the city centre. The scale of the development proposed remains a concern as it is considered that it has not been possible for the applicant to demonstrate that it will harmonise with the surrounding townscape and established built form without some detriment to both setting and townscape. This relates to the terms of The City Centre Development Brief which states that "Any new developments in this area, however, must be of the highest quality and demonstrate clearly how they sit within and complement the surrounding area including the neighbouring conservation area."

It should also be noted that the Council have now been successful in a bid for Townscape Heritage Initiative funding for Academy Street gaining a stage one pass towards a heritage led regeneration scheme for the conservation area. The

bid submitted by Highland Council for the THI includes a commitment to prepare Supplementary Planning Guidance for this part of Academy Street.

It is considered that the height, scale, massing and design of the blocks (as amended) is such that the development is likely to be “overpowering” to the amount of open space indicated. It fails to meet the advice contained within Designing Streets guidance which advises that public squares should have in the range of 18 to 100 metres between buildings, and spaces should be proportional to the scale of the surrounding buildings. Distances between blocks varies through the site but are at the lower end of the parameters suggested in the Designing Streets policy. The proposals do not appear to present a design which will provide an adaptable and robust public realm which will link through to the wider city.

Attention is drawn to the fact that there is a duty placed on local planning authorities to ensure that new developments either preserve or enhance the character and appearance of conservation areas. There are concerns that this development in its current form has not demonstrated that it will meet this requirement.

- 5.13 **Forestry:** general support for the proposals but reaffirms the concerns expressed by the Landscape Officer in respect of overshadowing and connection/function across the square. The tree species selected may not be the most appropriate and the Council needs to be satisfied in the long term of the maintenance and success of the tree planting proposals. Species type may be dealt with by appropriate conditions.
- 5.14 **Landscape Officer :** raises concern regarding the proposed civic square in terms of the amount of shadowing the blocks will create making it less than attractive as a gathering point. Each of the blocks will provide diminished amenity due to overshadowing and potential for creation of wind tunnel effects. The failure to embrace the design features of the city streetscape improvement is disappointing and should be addressed. Street furniture design including bollards and street lighting should be consistent with the aims and objectives of the city improvements. There is also a requirement to better articulate the link between the site and Farraline Park.
- 5.15 **Planning Gain Negotiator:** the application provides opportunity for developer contributions or on site provision as identified:
- Transport – contributions to public transport improvements, compensation for loss of car parking, provision of and/or improvements to cycle and pedestrian routes;
 - Green Infrastructure – provision of open space. If on-site provision is deemed inadequate then contributions to improvements to off-site provision may be required;
 - Street level and public realm enhancements and/or provision will be required such as connections to Academy Street and development of other street level enhancements; and
 - Public Art – on-site provision likely to be sought so this could be secured through condition.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application.

6.1 Highland-wide Local Development Plan 2012

3	City Centre Development
28	Sustainable Design
29	Design Quality and Place-Making
30	Physical Constraints
31	Developer Contributions
33	Houses in Multiple Occupation
34	Settlement Development Areas
42	Previously Used Land
51	Trees and Development
56	Travel
57	Natural, Built and Cultural Heritage
58	Protected Species
64	Flood Risk
65	Waste Water Treatment
66	Surface Water Drainage
75	Open Space

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

Policy 1	Uses
Policy 2	Design

6.3 Inner Moray Firth Proposed Local Development Plan (November 2013)

IN5	North east of Academy Street
Policy 2	Delivering Development

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Highland Council Supplementary Planning Policy Guidance**

Inverness City Centre Development Brief
Flood Risk and Drainage Impact Assessment Supplementary Guidance
Highland Historic Environment Strategy
Inverness City Vision: Building a Better Inverness
Sustainable Design Guide Supplementary Guidance
Managing Waste in New Developments Supplementary Guidance
Public Art Strategy – Supplementary Guidance

7.2 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, February 2010)
Managing Change in the Historic Environment
Scottish Historic Environment Policy
PAN 65 Planning and Open Space
PAN 71 Conservation Area Management
PAN 77 Designing Safer Places
PAN 78 Inclusive Design
Designing Streets
Designing Places, A Policy Statement for Scotland
Scotland's Six Cities: A Shared Vision for Scotland's Success
Scotland's Cities: Delivering for Scotland

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

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

8.3 **Development Plan Policy Assessment**

The proposal represents a major redevelopment within the heart of the city and lies within one of the five key city centre districts (East of Academy Street) where the aim is to strengthen the vitality and viability of the city centre. SPP identifies that the planning system has an important role in supporting sustainable development and to ensure that new development will 'protect and enhance the cultural heritage' and integrate successfully with the surrounding urban fabric. The requirement to protect and enhance the vitality and viability of town centres is therefore fundamental if new development is to be supported and meet the objectives of encouraging distinctive and successful places. SPP recognises that it is important to create places with a distinct character and identity which integrate well with the existing built fabric. Similarly, new development should seek to enhance, protect

and conserve the historic environment and avoid conflict in terms of design, siting and visual impact. The terms of national planning policy are relevant to the assessment of this proposal and are promoted and expanded within the relevant planning policies and guidance set out by the Council.

The policy context for assessing the proposal involves the adopted Highland-wide Local Development Plan (HWLDP), the Inner Moray Firth Proposed Local Development Plan (IMFPLDP) and the Inverness City Centre Development Brief (ICCDB). The Inverness City Vision calls for the city centre to be strengthened and become, inter alia, a 'city for young people'. Policy 3 of the HWLDP gives support for proposals which maintain and strengthen the vitality and viability of the city centre while the ICCDB establishes the five natural key themes that will govern development within the city centre and thereby enhance the opportunities the city has to offer. These key themes relate to heritage, transport, tourism, economy and living in the city centre. Each of these is relevant in the assessment of this proposal. In addition due account must be had for the terms of relevant National Planning Policy and Planning Advice Notes.

The policies and guidance set out in the relevant documents lend support towards the principle of development of a student quarter. The ICCDB identifies that forming a student hub in the city centre will kick start adjoining development opportunities and add to the vitality of the city in general. The application site is included within the East of Academy Street Action Area with Farraline Park Action Area adjoining the site. Together these comprise two of the five key districts of the Brief. Encouragement is also given towards providing student accommodation in a multi storey development in recognition of some of the taller buildings which are located within reasonable proximity of the site.

The siting of a student hub in this location is supported and favoured as it will benefit from the excellent transport linkages offered by the bus and train stations and the opportunity to improve linkages by non car-borne transport to and from the campus, for example by improved cycle facilities.

The principle of multi-storied student accommodation is therefore broadly supported. The extent to which support can be given to the proposal as submitted will, however, be based on a detailed assessment of the extent to which the form, content and layout of the current (as amended) proposal meets the objectives of the relevant policies and guidance set out in Sections 6 and 7 with particular emphasis on scale, massing and design, visual impact, the historical context, economic benefits, contribution to the vitality and viability of the City, and technical issues in relation to infrastructure particularly transport.

The principles established within conservation led policies and guidance are particularly relevant and seek to ensure that the historic environment is enhanced, protected and promoted, and is recognised as the foundation for encouraging high quality appropriate development. The site abuts the conservation area boundary to the south and is juxtaposed with a number of category A and B listed buildings. As one of the five key districts, development in and around Academy Street must recognise the importance of this historical setting both from within the site and from the wider setting of the city.

The principles set out in Scottish Government guidance 'Designing Streets and Designing Places' are particularly pertinent and the onus is placed on planning

authorities to ensure new development addresses the six qualities of successful places to produce developments which are distinctive, safe and pleasant, easy to get around, welcoming, adaptable and resource efficient. The provision of civic spaces should be integral to development and will contribute to the overall success of the layout. In assessing the proposal it is evident that the opportunity to provide a civic space has been considered and has its primary function in maintaining and enhancing the existing linkages through the site from Farraline Park and Rose Street through to Academy Street. It is important that it should function other than as a thoroughfare and it is disappointing to note that the phased development envisaged does not fully meet this objective as it is only on completion of phase 4 (potentially some considerable time ahead) that the civic space would be completed.

In terms of policy, the principle of the development is capable of broad support not least as both the development plan and the ICCDB allocate the site for student accommodation. It will, however, be evident from the concerns and objections raised by the consultees, together with the comments of PLACE and the resultant failure by the applicant to fully endorse the recommendations offered at the pre-application stage, that the details of the development are not altogether acceptable. These issues will be identified in the following sections although it is envisaged that some of the more fundamental concerns may be addressed by appropriate conditions.

8.5 Scope of development

Although benefitting from a Development Plan allocation as suitable for student accommodation, it is important to also consider the scope of the development. The Design and Access Statement indicates that it is intended to provide student accommodation on a phased basis with Phase 3 completed for student intake as early as 2017. This short time period is, it is considered, unrealistic and very unlikely to be met. There is no indication on behalf of the UHI that this number of student bedspaces would be required by that time even if it could be delivered on the ground.

It also contradicts the information provided by the applicant which indicates that, even by year ten, the total requirement for the Inverness area may only rise to an overall maximum total of 500 spaces which includes any provision to be made on campus. At present it is understood that there will be a firm requirement for around 150 student spaces in Inverness over a five year period, the base year for which is 2015/6. No decision has been taken on the preferred location. As a result this is a speculative development which will compete against other potential sites including on the Inverness campus for which planning in principle has already been granted for accommodation facilities.

It is recognised that the industry standard for student accommodation is based on maximising social integration amongst students and is best met with flats of six rooms together with a shared kitchen/living facility. The accommodation being proposed in this application is based on shared flats with a maximum of five bedrooms and would therefore not meet this standard. Although an issue for the applicant to resolve with the UHI should any or all of the accommodation blocks be selected to meet the UHI requirements, this is a speculative development which may ultimately not be required by the university. This would not, of course,

preclude occupation by students, but would be outwith the remit of the university.

Nevertheless, the amount of student accommodation required by the UHI is a material consideration, not least because any other residential use such as the provision of mainstream (including affordable) housing would invoke different policies and infrastructure requirements and on the scale proposed is unlikely to be considered acceptable. The maximum number of bedspaces required by the UHI by year 10 (2026) is limited to 250 off campus and as there is no firm commitment by the university that this development will contribute to their accommodation requirements, it will be necessary to ensure by conditions, that the use of each of the buildings is restricted to student accommodation. The accommodation is classed as an HMO for the purposes of licensing and it is therefore essential that any development of the site should be in response to a proven requirement for the level of student accommodation proposed. Controlled delivery of the phased development is considered appropriate and necessary if the Council is to avoid provision of accommodation which is subsequently not then required but which has resulted in a form and layout of development incompatible with other uses.

For this reason, it is intended that any grant of permission should limit development to agreed phases with Phase 1 only being completed and any subsequent phase being developed when and if a recognised need for student accommodation is identified. The application details propose that the civic space would similarly be delivered on a phased basis and again it will be essential to ensure that any delay in building subsequent accommodation blocks does not prejudice the delivery of the civic space in the medium term. Appropriate conditions should address this matter satisfactorily. .

8.6 Consultation responses

The application, as amended, has involved detailed analysis by the relevant consultees as referred to in Section 5. It is disappointing to note that notwithstanding the advice and guidance provided throughout both the pre- and post-application processes, not all the concerns have been addressed by the applicants. Pre-application advice was sought and several key elements and principles were identified if a proposal of the scale proposed was to be considered acceptable and to create a place with a distinct character and identity which would integrate well with the existing built fabric. The proposal was also the subject of a review by PLACE – the Inverness Design Review Panel. Each of these processes indicated ‘broad support’ but raised concerns with regard to the amount of development proposed, the height of the blocks and their design and detailing, particularly relating to the pitched roofs. The pre-application advice stated that for the development to be acceptable and provide a meaningful civic space, Block B3 should be deleted. This concern was reinforced by PLACE who noted that the public realm spaces should be ‘usable, pleasant and sustainable’.

Many of the concerns relating to the development are linked to the fact that the proposal represents an unacceptable level of development, thereby diminishing the opportunity to achieve an appropriate layout. Policy demands that new development should seek to enhance, protect and conserve the historic environment and avoid conflict in terms of design, siting and visual impact. Much of this could have been achieved by the removal of Block B3, widening out the opportunity for more meaningful amenity space and creating a more appropriate

setting for the scale of development proposed. The applicants have however declined to remove Block B3 claiming this would impact on the viability of the development. The block has been adjusted, with the height and corresponding footprint reduced and whilst not entirely successful, these revisions have provided an opportunity in the longer term for a better functioning civic space with improved linkages through to Academy Street.

The following sections will address siting and design considerations in detail, but it is important to recognise that the removal of Block B3 would have resolved many of the concerns expressed, particularly in the context of the setting of the buildings and transport matters.

8.7 Design, Siting and Layout

The scale and form of development proposed is governed by the physical constraints of the site. The density of development proposed is considerable: a total of 379 bed spaces within a site area of 1.05 ha. This in turn has been governed by seeking a development which is commercially viable. The siting of the taller of the blocks in close proximity and parallel to the existing higher building of Rose Street car park is an opportunity, but at a height of 30 metres and 8 floors in total the visual impact remains considerable and is almost twice the height of the car park. With the main front elevations facing south-west, there will be opportunity for solar gain although the rear elevation onto Rose Street car park with only a 4 metre separation provides a poor environment with the first four floors of flats having very limited amenity and outlook.

The position of Block B2 also creates issues with limited amenity on the rear elevation which abuts the Spectrum Centre. The distance separating the two buildings is within 5-7 metres and the lower floors will have limited natural daylighting and outlook. The lack of amenity is not easily addressed but the proposed layout has attempted to respond to the constraints: the need to provide pedestrian access through and beyond the site, the requirement to provide a meaningful and functioning civic space and the need to ensure that appropriate infrastructure is in place particularly for waste management, access to disabled parking facilities and servicing of both the retail units at ground floor and the flats in general. This has, however, limited the opportunity, given the amount of accommodation required to enable a viable development, for what would be considered the most appropriate form and layout.

The design of the buildings is functional but care has been taken to include features which deliver elevations of interest with feature 'sail' panels projecting from the main facades. The buildings will be prominent on the skyline and the visualisations provided do indicate that from vantage points from both close by and further afield, the skyline will be altered and the development particularly dominant when viewed from across the river and along the A82. The applicant has responded to these concerns by including pitched roofs as these are considered to 'fit comfortably into the roofscape in the Inverness context'. The use of pitched roofs is not however supported by either Historic Scotland or PLACE, the latter considering them 'anachronistic'.

There can be no doubt that the buildings will have a significant impact on the city's roofscape and will be visually dominant particularly as there are no buildings of this

height within the city other than church spires. A balance has to be made therefore between the impact the buildings will have within a relatively contained sector of the city against the benefits of securing student accommodation. The applicant has reduced the height of the blocks by one storey only although it is suggested that further reduction would have gone a considerable way to reducing the visual impact on the skyline to a more acceptable level. Nevertheless, the relevant policies do lend support for multi storey buildings and the design and scale of building proposed is not inconsistent with student accommodation provided in other university cities.

The proposed phased layout delivers only a sector of the civic space with Phase 1. This is of concern, particularly if the remaining two blocks are not developed within a reasonable timescale. It is noted through the comments of the landscape, forestry and conservation officers that there are concerns regarding the detailing of the civic space, not least in use of materials, planting and its form and function, but of greater concern is the timing of delivery of the completed square. Phase 1 proposes to include a car park of some 50 spaces. This would off-set the loss of the 149 spaces currently on site but is not considered appropriate in the longer term. It is proposed therefore to secure completion of the civic space should phases 2 and 3 not be delivered timeously. Crucially, the civic space is required if the benefits set out in the recent grant of consent for the redevelopment of 92-94 Academy Street are to be realised. The design of that development incorporates a pend specifically to provide access onto the civic space. Members will be aware too that it is a requirement of the sale of the car park that a civic space is formed. It will be essential to ensure the timeous delivery of the civic space and that appropriate mechanisms are in place to secure this.

In terms of the design, siting and layout there remain concerns and although the applicant has resolved some of the key issues by the reconfiguration of Block B3 and the removal of the originally proposed café, it will be for the applicant to ensure that the delivery of Block B1 secures the necessary improvements to the remaining area if the setting of the proposed main block is to be acceptable.

8.8 Landscape

A detailed landscaping proposal has been submitted with the final revised drawings. This indicates a civic space predominantly involving hard surfaces with limited tree planting. The mix of surface finishes including granite setts and Caithness slab are used to provide a varied and interesting area. The civic space is intended to provide links through the site to Academy Street, Farraline Park and Rose Street shops. Feature walls incorporating timber seating are proposed throughout, interspersed with planting. The Forestry and Landscape Officers have each commented on the proposed landscaping and raise concerns with regard to the species of trees selected, the potential for overshadowing and wind tunnel effects, and the choice of materials and street furniture which do not directly link with the existing streetscape improvements undertaken elsewhere within the city. Although disappointing that the connectivity between existing areas has not been fully endorsed, this can be addressed by appropriate conditions and submission of revised details.

8.8 Infrastructure

Two matters in particular require detailed assessment. The Phase 1 Geo Environmental Study reveals potential contaminants from previous uses on and adjacent to the site. Further studies are required to direct the scope of mitigation required. This may delay commencement on site but is a matter for the applicants to resolve.

TECS Area Roads Manager has been involved in discussions throughout the planning process and advises that the site is well placed for public transport, being close to the bus and rail stations. The reduction in available car parking by some 149 spaces is a concern. This will in part be off-set by the provision of 50 spaces with Phase 1 and the decision by the applicant not to seek renewed planning permission for a previously (now lapsed) extension to the retail park thereby retaining the existing 37 spaces. However, as these are currently in situ, they do not result in any increase in current parking facilities.

Pressure for parking in the city is evident but the principle of the demolition of the Rose Street decked parking and the consequent loss of parking has been accepted by the Council when it was agreed to dispose of the car park area. TECS have indicated that provided the accommodation is restricted to student use only, there will be no objection to the reduction in overall parking facilities. It is intended however that the applicant should provide a commuted payment towards the enhancement of alternative parking locations, such as the Rose Street Car Park multi-storey, which would offer some additional parking capacity during peak periods, alleviating any additional pressure the current proposal may bring. The level of commuted payment will be the subject of negotiation, taking into account the overall viability of the scheme, the sustainable location and the wider regeneration benefits such a development will bring to the city centre.

It is noted that parking for disabled persons is to be provided and that the area located immediately adjacent to the A82 and north of the existing retail units will be reserved for parking. This is currently laid out and in use to provide 37 spaces. TECS have identified that conveniently sited visitor parking and cycle parking should be provided for the proposed retail units and note that such facilities have not been identified. In addition, despite requests to the applicant to address concerns regarding servicing arrangements, the details indicate that servicing of Blocks B1 and B2 will be taken from Farraline Park. TECS object to this stating that it is not acceptable within the already congested environment of the bus station. The servicing of existing premises, including the Spectrum Centre, will involve delivery vehicles on a regular basis but to exacerbate this situation is not considered acceptable. It is difficult to establish alternative servicing arrangements other than by using Rose Street. This is not readily suitable for all of the retail units proposed or, more particularly, for collection of waste and refuse. This objection cannot therefore be addressed.

The ICCDB identifies a possible future bus link between Farraline Park and Rose Street. This will not be possible in the current proposal. TECS' concerns that this option will no longer be viable are appreciated but the juxtaposition of buses and pedestrians as each move through the site would not be appropriate. In the absence of a more defined proposal, it is not unreasonable for this aspiration to be

superseded by this development.

Linkages to and from Beechwood Campus will be essential. Cycle accessibility will follow the route of the proposed Millburn Road cycleway which links Falcon Square to the new campus. The missing link between the application site and Falcon Square means that access is either through the bus and railway stations or along Academy Street, neither of which is particularly suitable. It is reasonable therefore to seek contributions or direct provision towards improved pedestrian facilities within the immediate vicinity.

8.9 Third party concerns

The comments of local residents and Muirtown Community Council are noted. One of the key concerns relates to the height of the proposed blocks. The impact of the development on the skyline are valid concerns but it is considered that in this location an appropriate scale of development can be achieved. The extent to which this can be supported is inevitably subjective and a balance has to be made between the economic benefits of meeting the requirements of the university within a city centre location, and the visual impact of the development.

8.6 Matters to be secured by Section 75 Agreement

Developer contributions, phasing and delivery of the civic space to include, if required, a financial bond to ensure satisfactory and timeous delivery, and a commuted sum to enhance alternative parking locations, such as the Rose Street multi-storey car park, which would offer some additional parking capacity during peak periods.

9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application.

There can be no doubt that the development set as it is within the historic core of the city will have a significant visual impact not least due to the scale and density of development proposed. Although the relevant Council policy documents are generally supportive of developing a student hub at Rose Street, and the benefits the increased footfall will bring to the city as a whole and to this sector of Academy Street in particular are welcomed, it is essential that the development is appropriate and delivers the longer term benefits envisaged. However, it will be evident from the terms of the report and, in particular the issues raised by the various external and Council consultees, that even in its revised form, aspects of the proposal remain of concern.

Consideration must also be given to achieving an appropriate mechanism for the successful delivery of a development which may be phased over a considerable period. This is particularly relevant in the context of the proposed civic area. This is not only required as a condition of the transfer of the Rose St car park but is essential to the development proposed. It is proposed that this can be properly managed through a Section 75 legal agreement.

A balanced judgement therefore has to be made between the economic benefits of a development which would profit from further refinement but which meet the objectives of the Council in seeking to support the continued growth and

development of the university. The provision of student accommodation in this location meets policy objectives but the extent to which this proposal meets the expectations in securing the 'highest quality' of design remains a concern. There can be no doubt that the height of the blocks will alter the existing skyline and vistas from various points within and outwith the City. The views of the city, particularly along the river frontage, are important and are dominated to a greater extent by church spires. This development will similarly create a further focal point in one part of the city. The change this will bring will be significant but is however contained to one specific area against a backdrop of bulky buildings and dense development. The extent to which that change can be absorbed successfully into the city is largely subjective and there will inevitably be particular views where the bulk and massing are integrated less successfully. The balance therefore must be made between the potential for economic benefits brought by a dense population located within one sector of the city, well-placed for transport linkages to the campus, and the potential for the proposal to have a significantly adverse impact on the character and setting of the city, most particularly its skyline.

The dis-benefits must also be balanced against the benefits which include the creation of a civic space. This is fundamental to the success of this scheme not least because it provides improved linkages for pedestrians through to Academy Street and, together with the increased resident city centre population, can only enhance the vitality and viability of the area to the potential benefit of the city. The phased development of the civic space will also enable provision of 50 new parking spaces. This will reduce the impact of the loss of parking associated with the demolition of the decked parking area but the real benefit of a civic space will only be realised on its completion. It is intended therefore that the final phases of this space should not be delayed if the subsequent phases for accommodation are not provided and this will be addressed by appropriate condition and legal agreement.

Assessment of the proposal has concentrated on the fact that the development plan favours the site for a student hub. The proposal does rely on providing accommodation rather than a range of student based facilities but these may be enhanced as the development proceeds. On balance, therefore, the economic benefits of establishing a student hub which has the potential to serve the developing campus are considered sufficient to off-set those matters which have not been satisfactorily resolved. The phasing of development will ensure that only the accommodation demonstrated to be necessary as student accommodation will be permitted to commence on site whilst the requirement to complete the civic space timeously in the absence of the completed development will ensure that one of the key objectives of identifying the area as a student hub can be realised. The proposal is recommended for the grant of permission subject to the following conditions and completion of the necessary legal agreements.

10. RECOMMENDATION

Action required before decision issued Y

Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	Y
Revocation of previous permission	N

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

- Notwithstanding the provisions of the Town and Country Planning (Use Classes (Scotland) Order 1997 (as amended, revoked or re-enacted; with or without modification), the occupancy of the accommodation hereby granted planning permission shall be restricted to students undertaking full time further education only and for no other purpose.

Reason: in the interests of the amenity of the area and to accord with the design and layout of accommodation provided.
- The accommodation blocks and the individual units therein, hereby granted planning permission, shall comprise a single planning unit and none shall be separated or disposed of separately one from the other.

Reason: in the interests of the amenity of the area and in recognition of the particular design, siting and layout of the development.
- No development shall commence on subsequent phases until the preceding phase is completed, or substantially completed, and it has been demonstrated to the satisfaction of the planning authority that there is a proven requirement for additional accommodation for use by students in full time further education.

Reason: in order to ensure the timeous delivery of the planning permission.
- The phased landscaping and formation of the civic space shall be provided before occupation of each phase of the student accommodation hereby granted planning permission and in accordance with the approved layout to the satisfaction of the planning authority. For the avoidance of doubt, should subsequent and final phases of accommodation not be completed by January 2020, within 6 months of this date, the entire area comprised as the civic square shall be constructed, laid out and completed to the satisfaction of the planning authority.

Reason: in order to ensure the timeous completion of the civic space.
- The 50 parking spaces to be formed to the south of the site shall be completed and available for use on or before first occupation of Block B1 and following completion of the agreed area of civic space. No development shall commence on the car park until details of the surface treatment, including the provision of a pedestrian link to the rear of 92-94 Academy Street, have been submitted to and agreed in writing by the planning authority and thereafter implemented.

Reason: in order to ensure the timeous provision of the civic space and parking facilities.

6. No development shall commence on site until a revised landscaping plan for hard and soft landscaping, including details of street furniture, lighting and surface treatment has been submitted to and approved in writing by the planning authority. The plan shall included details of the mechanism for the phased delivery of the civic space and details of the maintenance of the landscaped areas. For the avoidance of doubt, all hard and soft landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme and completed in accordance with the phasing of development to the satisfaction of the planning authority.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species to the satisfaction of the planning authority. Any part of the hard landscaping which becomes damaged or removed shall be replaced with similar materials to the satisfaction of the planning authority.

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

7. No development shall commence unless details of lighting columns, street furniture and public art for the entire site have been submitted to and agreed in writing to the satisfaction of the planning authority and thereafter implemented in accordance with the approved scheme.

Reason: in order to ensure the appropriate design and layout of the lighting and street furniture.

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

Reason:in the interest of the free flow of traffic and public safety.

9. For the avoidance of doubt, there shall be no demolition of any part of the existing building until it has been demonstrated to the satisfaction of the Planning Authority, from whom written confirmation shall be obtained, that all necessary permissions together with an appropriate contract are in place to enable the commencement of development as identified in the planning permission hereby granted consent.

Reason: In order to ensure the timeous demolition of the existing buildings and in the interest of the amenity of the area.

10. No development shall commence until details of the location and means of

vehicular access to bin storage facilities for each of the blocks has been submitted to and approved in writing by the Planning Authority and thereafter provided prior to first occupation of any of the development.

Reason: In the interest of amenity.

11. Construction work shall not begin until a scheme for protecting neighbouring premises from dust which arises from operations carried out in connection with this planning application has been submitted to and agreed in writing by the Planning Authority and thereafter implemented for the duration of the construction period.

Reason: In the interests of residential amenity.

12. During the construction works, to minimise noise nuisance, the plant and machinery used should be in accordance with BS5228 Part 1 & 2 - 2009 Noise & Vibration Control on Construction and Open Sites. The applicant should follow best practice and management techniques in this regard to the satisfaction of the planning authority.

Reason: In the interests of residential amenity.

13. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise sensitive premises with windows open for ventilation purposes to the satisfaction of the planning authority.

Reason: in order to ensure that there is no noise nuisance to adjacent residents.

14. No development shall commence until a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, has been submitted to and received the approval in writing of the Planning Authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation

Reason: In order to preserve the archaeological and historical interest of the site.

15. No development shall commence on site including any demolition works unless details of the method by which a building survey for the Drill Hall together with any necessary mitigation works has been submitted to and agreed in writing by the planning authority. Thereafter the demolition of the hall will be undertaken in accordance with the approved methodology.

Reason: in order to ensure an appropriate historical record of the building is provided.

16. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:

- a) the nature, extent and type of contamination on site and identification of

pollutant linkages and assessment of risk (i.e. a I and contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and BS10175:2011;

- b) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan o ensure that the site is fit for the uses proposed;
- c) measures to deal with contamination during construction works;
- d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
- e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority

Reason: In the interests of protecting the proposed development.

17. No development shall commence on site until samples of all finishing materials have been submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity.

18. No development shall commence until full details of a covered and secure communal bicycle storage/racking system for 50 bicycles have been submitted to, and agreed in writing by, the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved. For the avoidance of doubt, no development shall commence on subsequent phases unless details of the number of cycle storage facilities have been submitted to and agreed in writing to the satisfaction of the planning authority and thereafter implemented before occupation of the phased development.

Reason: In order to facilitate the appropriate provision of cycle facilities.

19. A minimum of 10 cycle spaces shall be provided for visitor use for Block B1 the details of which shall be submitted to and agreed in writing before development commences on site and thereafter provided on site before the use is implemented. For the avoidance of doubt no development shall commence on further phases unless details of cycle facilities for visitors have been approved in writing and thereafter provided in accordance with the approved scheme before the use is implemented..

Reason: In order to ensure that the level of cycle facilities is adequate.

- 20 No development shall commence on any phase unless details of disabled parking spaces have been submitted and approved in writing by the planning authority and thereafter provided and completed to the satisfaction of the planning authority in accordance with the approved layout. For the avoidance of doubt the spaces shall be maintained for this use only and shall include provision for customers of the

retail units.

Reason: in order to ensure the timeous provision of disabled parking spaces.

21. No development shall commence until details of centralised recycling facilities have been submitted to, and approved in writing by, the Planning Authority. The approved details shall thereafter be implemented from the date of first occupation of any part of the development.

Reason: In the interests of amenity and to comply with Council policy.

22. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SuDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: In the interests of road safety, and that the works involved comply with applicable standards.

23. No later than 6 months from the first occupation of the development, a Travel Plan, which sets out proposals for reducing dependency on the private car, shall be submitted to and agreed in writing by the Planning Authority. The Travel Plan shall include:
- i. measures for extending and/or increasing the frequency of the existing local bus services(s) and associated financial contributions;
 - ii. details for the management, monitoring, review and reporting of these measures; and
 - iii. details of the duration of the Travel Plan.

The approved Travel Plan shall thereafter be implemented from the date of approval.

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

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

Reason: in the interests of road safety.

25. No demolition works shall take place until a pre-commencement Protected Species Survey is undertaken on the existing Drill Hall and decked car park and a report of survey has been submitted to, and approved in writing by, the Planning Authority. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein

Reason: to ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

26. Notwithstanding the provisions of the Town and Country Planning (Use Classes (Scotland) Order 1997 (as amended, revoked or re-enacted; with or without modification) the retail units within each of the blocks for which planning permission is hereby granted consent shall be restricted Class 1 retail only to the satisfaction of the planning authority.

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

27. For the avoidance of doubt there shall be no roof plant, bird netting or ventilation equipment located on any part of the roof without the written approval of the Planning Authority.

Reason: In the interests of visual amenity.

28. No development shall commence until a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, has been submitted to and received the approval in writing of the Planning Authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

Reason: In order to preserve the archaeological and historical interest of the site.

29. No development shall commence until a construction method statement has been submitted to and received the written approval of the Planning Authority. This shall include the proposed location of the works compound, the means of screening the site, how the site will be developed and mitigation measures in terms of dust and noise for adjacent premises. The development shall thereafter proceed in accordance with the approved construction method statement.

Reason: In the interests of residential amenity.

30. Where any of the processes carried out in the proposed buildings are capable of producing odours, such emissions shall be controlled to prevent odours being detectable in neighbouring premises. The proposed control measures shall be submitted for approval by the Planning Authority and thereafter implemented in accordance with the approved scheme.

Reason: In the interest of amenity.

31. For the avoidance of doubt, no buildings shall be erected within 20 metres of the existing trunk road carriageway and there shall be no drainage connections to the trunk road drainage system.

Reason: to minimise distraction to drivers on the trunk road and to ensure efficient drainage of the site.

33. No development shall commence on site unless details of the lighting within the site, including during construction, have been submitted to and approved by the planning authority in consultation with Transport Scotland

Reason: to ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

34. A Management Strategy for the traffic management of student vehicle movements during the start and end of term periods shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland and prior to occupation of the development.

Reason: to ensure that the scale and operation of the development does not adversely affect the safe and efficient operation of the trunk road network.

35.

- 1) No development shall commence until a scheme to upgrade the streetscape along the length of the proposed development on its Rose St and Farraline Park frontages, including phasing if required, has been submitted to and received the approval in writing of the Planning Authority in consultation with the Roads Authority ("the approved scheme"). For the avoidance of doubt, the scheme submitted for approval shall be to the same specification as the streetscape works carried out in Church Street, Inverness.
- 2) On commencement of development but prior to commencement of any of the works identified in the approved scheme, the developer shall seek confirmation in writing from the Council of the particular phasing of works identified in the approved scheme which the Council requires the developer to carry out. Thereafter, but prior to occupation of the building (Phase 1) hereby granted permission, the developer shall carry out those of the works identified in the approved scheme which the Council has confirmed require to be carried out by the developers.
- 3) In the event that the Council does not require the applicant/developer to carry out all of, or any of, the works identified in the approved scheme, the applicant/developer shall pay to the Council, prior to occupation of the building (Phase 1 or as agreed) hereby granted planning permission, a commuted sum (calculated as hereinafter provided) in respect of those of the works identified in the approved scheme which have not been carried out to allow the Council to carry out those works, or works to an equivalent value, as part of a wider streetscape scheme for the area.
- 4) Any commuted sum which the developer is required to pay to the Council in respect of any of the works identified in the approved scheme shall be

calculated on the basis of the unit cost of the streetscape works carried out in Church Street, Inverness - that is, £440 per square metre - and shall be index linked (applying the Department of Business, Innovation and Skills Price and Cost Indices or equivalent thereto) from the date of this permission to the date of payment.

Reason: In the interests of amenity.

INFORMATIVE NOTE REGARDING THE 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

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

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

Conditions: Your attention is drawn to the conditions attached to this permission. 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 meet these conditions may invalidate your permission or result in formal enforcement action.

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 (of emanating from) the

application site. As per Scottish Planning Policy, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Road Openings Permit / Road Construction Consent: you may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter. For the avoidance of doubt, under Section 56 of the Road (Scotland) Act 1984, the developer shall make a formal application to carry out the works listed above and obtain approval from the Inverness TECS Area office.

SEPA: The SuDS treatment train should be followed which uses a logical sequence of SuDS facilities in series allowing run-off to pass through several different SuDS before reaching the receiving water body. Further guidance on the design of SuDS systems and appropriate levels of treatment can be found in CIRIA's C697 manual entitled The SuDS Manual. Advice can also be found in the SEPA Guidance Note Planning advice on sustainable drainage systems (SuDS). Please refer to the SuDS section of our website for details of regulatory requirements for surface water and SuDS.

Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: Graesser House, Fodderty Way, Dingwall Business Park, Dingwall, IV15 9XB, Tel: 01349 862 021.

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.

Section 75 Legal Agreement: You are advised that this planning permission has been granted subject to a Section 75 Legal Agreement. The terms of the agreement must be read in conjunction with the planning permission hereby approved. The terms of the Agreement may affect further development rights or land ownership and you are therefore advised to consult with the Planning Authority if considering any further development.

SSE: There are high and low voltage underground cables under this site. The applicant must contact us prior to carrying out any site preparation as these cables may require deviation to allow the building works to proceed.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of

the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Signature: Allan J Todd
Designation: Area Planning Manager South
Author: Nicola Drummond
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Ownership Plan - 2153/PL001
Plan 2 – Location & Site Boundary Plan - 2153/PL002
Plan 3 – Material Study - 2153/PL020
Plan 4 – Massing Study - 2153/PL021
Plan 5 – Render 2 - 2153/PL151
Plan 6 – Sustainable Design Guide Checklist – 2153
Plan 7 – Pre-Application Consultation Statement – 2153
Plan 8 – Topographical Survey – Rose St Car Park 1 - CTCH-542-01
Plan 9 – Topographical Survey – Rose St Car Park 2 - CTCH-542-01.1
Plan 10 – All Phases Plan - 2153/PL003A
Plan 11 – Phase One Plan - 2153/PL004A
Plan 12 – Phase One & Two Plan - 2153/PL005A
Plan 13 – Phase One, Two & Three Plan - 2153/PL006A
Plan 14 – Site Plan with Indicative Levels - 2153/PL007A
Plan 15 – Block 1 Plans & Elevations - 2153/PL110A
Plan 16 – Block 2 Plans & Elevations - 2153/PL120A
Plan 17 – Block 3 Plans & Elevations - 2153/PL130A
Plan 18 – Rose Street Elevation - 2153/PL140A
Plan 19 – Render 1 - 2153/PL150A
Plan 20 – Render 3 - 2153/PL152A
Plan 21 – Render 4 - 2153/PL153A
Plan 22 – Render 5 - 2153/PL154A
Plan 23 – Render 6 - 2153/PL155A

Plan 24 – Render 7 - 2153/PL156A
Plan 25 – Render 8 - 2153/PL157A
Plan 26 – Design & Access Statement – Revised – 2153
Plan 27 – Broxap Cycle Racks – 2153
Plan 28 – Phase 1 Geoenvironmental Site Assessment – 5270
Plan 29 – Landscape Layout – All Phases - 1893/01B
Plan 30 – Landscape Design Statement – Revised - 1893
Plan 31 – Public Waste Bins - 1893
Plan 32 – Fencing - 1893
Plan 33 – Automatic Bollards - 1893
Plan 34 – Fixed Bollards - 1893
Plan 35 – Transport Statement – Revised - CIV14528
Plan 36 – Rose Street General Arrangement - CIV14528-SA-90-0100-A01
Plan 37 – Phase 1 10.35m Rigid Vehicle Swept-Paths - CIV14528-SA-05-0100-A01
Plan 38 – Phase 1 Refuse Vehicle Swept-Paths - CIV14528-SA-05-0101-A01
Plan 39 – Phase 1 Fire Appliance Swept-Paths - CIV14528-SA-05-0102-A01
Plan 40 – Phase 2 10.35m Rigid Vehicle Swept-Paths - CIV14528-SA-05-0200-A01
Plan 41 – Phase 2 Refuse Vehicle Swept-Paths - CIV14528-SA-05-0201-A01
Plan 42 – Phase 2 Fire Appliance Swept-Paths - CIV14528-SA-05-0202-A01
Plan 43 – Phase 3 10.35m Rigid Vehicle Swept-Paths - CIV14528-SA-05-0300-A01
Plan 44 – Phase 3 Refuse Vehicle Swept-Paths - CIV14528-SA-05-0301-A01
Plan 45 – Phase 3 Fire Appliance Swept-Paths - CIV14528-SA-05-0302-A01

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Roger Reed	5 Blarmore Avenue, Inverness, Iv3 8QT	8 Dec 2013	Against
Mr James Kidd, Muirtown Community Council	6 Firthview Drive, Inverness, IV3 8NS	29 Nov 2013	Against
Mr Ian Hunt	Hilian, Daviot, Inverness, IV2 5XQ	20 November 2013	Against