Agenda Item	6.5
Report No	PLS/070/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 17 September 2019

Report Title: 19/00732/FUL: Manda Construction Ltd

Land 70m SE of Manda Lodge, West Heather Road, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Development of offices, related access, parking, servicing and

landscaping

Ward: 15 – Inverness Ness-side

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** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought to erect an office development on an area of open space located between Slackbuie Avenue and West Heather Road with the main office building facing onto the roundabout at the junction of Slackbuie Road and the B8082 Southern Distributor Road (SDR).
- 1.2 The proposed building is two storeys in height with a rectilinear footprint comprising two separate rectangular office block wings featuring pitched standing seam zinc roofs linked by a cube-shaped central block with a contrasting and higher monopitched standing seam roof.
- 1.3 Additional external materials proposed include elements of Cedral horizontal cladding and silicone render on areas of blockwork.
- 1.4 A landscaping plan has been submitted showing trees to be retained, additional new tree planting and areas of managed grass lawn.
- 1.5 Access to the site would be via a new road leading off from the north west boundary of the site with West Heather Road. The access road would run parallel with the south western boundary and lead to the proposed car parking for the development. SUDS features include porous car parking and trench soakaways.
- 1.6 Pre Application Consultation: As a 'local' development, pre-application consultation was not required however the applicant did engage with the Council through submission of a pre-application advice enquiry form submitted in September 2017.
- 1.4 Supporting Information: The following information has been submitted in support of the application:
 - Design and Supporting Statement;
 - Drainage Impact Assessment;
 - Historic Environment Baseline Assessment and Impact Appraisal;
 - Tree Survey; and
 - Transport Statement
- 1.5 Variations: Design changes made to central link block located between the two office wings.

2. SITE DESCRIPTION

- 2.1 The site is a relatively flat area of open scrubland measuring approximately 0.7Ha and bounded by West Heather Road to the northwest, Slackbuie Avenue to the northeast, the B8082 SDR to the southeast and with the residential units of West Heather Road defining the southwestern boundary. There are three mature lime trees located within the site.
- 2.2 A significant proportion of the site (approximately 30% of the land area) is a Scheduled Monument (SM5218) of national importance comprising the remains of a later prehistoric settlement dating between 2500BC and AD400 and includes at

least two roundhouses and part of a ditch enclosing a small plot next to one of the houses. The remains of the buildings are buried but their existence is known from aerial photographs, survey work and sample excavations. This area of the overall site is effectively sterilised from development.

3. PLANNING HISTORY

3.1 19.02.2019 18/03568/PIP: Commercial/office development, Withdrawn

related access, parking, servicing and

landscaping

3.2 19.02.2019 Erection of offices, related access, parking, Withdrawn

servicing and landscaping

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 and Unknown Neighbour

Date Advertised: 08.03.2019

Representation deadline: 22.03.2019

Timeous representations: 9 from 9 households

Late representations: 1.

4.2 Material considerations raised are summarised as follows:

- Adverse impact on residential amenity on what is predominately a residential area;
- b) Development would be out of character with area;
- c) Surrounding area is heavily congested with vehicles;
- d) Adverse impact on Scheduled Monument which should be preserved and conserved;
- e) The land should be safeguarded as open space it what is a very built up area;
- f) Land is not allocated for development and more suitable sites exist in other locations:
- g) Siting of building would compromise green barrier along the distributor road and scale and mass of development will result in overlooking. Proposed design is out of keeping with area;
- h) Inadequate car parking provision; and
- i) Drainage problems in the locality.
- 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 **Historic Environment Team**: The location of proposed new footpath from Slackbuie Avenue appears to encroach onto the Scheduled Monument area and this is of concern. This can be easily avoided by slightly realigning the footway. A condition should be imposed requiring approval and implementation of an archaeological watching brief.

- 5.2 **Forestry**: No objection subject to appropriate conditions.
- 5.3 **Transport Planning Team**: No objection.
- 5.4 Flood Risk Management: No objection based on submitted DIA.
- 5.5 **Scottish Water**: No objection. There is currently sufficient capacity at Inverness water Treatment Works Allanfearn PFI Waste Water Treatment Works to service the development.
- 5.6 **Historic Environment Scotland**: No objection.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place-making
- 31 Developer Contributions
- 34 Settlement Development Areas
- 51 Trees and Development
- 56 Travel
- 57 Natural, Built and Cultural Heritage
- 61 Landscape
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan 2015

No specific policies apply.

6.5 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (August 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Public Art Strategy (March 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014)

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) Siting, layout and design
 - c) Impact on natural and cultural heritage
 - d) any other material considerations.

Development plan/other planning policy

- 8.4 The site lies within the settlement development area (SDA) of the Inverness South area of the city as defined in the Inner Moray Firth Local Development Plan and is located within an area of 'grey land' which generally means it is not allocated for a specific land use, nor is it protected from development. As it is located within the SDA there is a general presumption in favour of development, providing the proposal accords with other relevant development plan policies. There is a significant constraint to development in the form of the Scheduled Ancient Monument designation applying to a large part of the site. It will therefore have to be adequately demonstrated that the proposal will not adversely affect the Scheduled Monument.
- 8.5 Subject to the siting, design and layout of the development being acceptable and the proposal having no significant detrimental impact on natural and cultural heritage assets, the proposal would comply with the Development Plan.

Siting, design and layout

8.6 When the pre-application advice submission was made in September 2017 the applicant provided two indicative proposals for retail and office/business use respectively. In both instances the proposed built development was shown located on the southwestern half of the site with pedestrian linkages through the Scheduled Monument site.

- 8.7 In response to the submission the Council advised the applicant that the existence of the Scheduled Monument represented a significant constraint to development and that either proposal was unlikely to be supported given that they showed construction of footpaths through the designated site. If this was adequately addressed, commercial development may be acceptable.
- 8.8 The site is visually prominent being adjacent to a busy roundabout junction on the local distributor road and that the proposed buildings would need to feature a high quality design. They should not be designed to face away from the adjoining roads and could, for example, feature double frontages with a strong frontage onto the adjacent road. Car parking should be located in such a manner as to limit its public visibility.
- 8.9 In July 2018 the applicant submitted two separate planning applications; firstly a planning permission in principle for the entire site area with an indicative layout and secondly a detailed application for what was in effect the first phase of development, with the built element concentrated on the south eastern section of the site but including access from West Heather Road. The applicant was informed that the concurrent submission of the two applications would make assessment of the proposals difficult and complicated, likely leading to a recommendation to refuse. Following further discussions the applicant agreed to withdraw the two applications and instead submit a single detailed application covering the whole site.
- 8.10 The current application seeks to address the issues raised in previous discussions. The building has been sited to create a strong frontage onto the roundabout with the access road leading off from West Heather Road and the car parking located to the rear of the buildings. The building has been designed with in effect a double frontage but with the principal entrance elevation facing into the main site. The design of the two wings (office blocks) and the interconnecting central 'cube' with its contrasting roof design breaks up the overall scale and massing of the building giving it a contemporary edge. Careful choice of materials and selection of an appropriate colour palette (which is a matter that is recommended to be the subject of a planning condition in the event that members agree to grant planning permission for the development) will ensure that it is compatible with its surroundings.
- 8.11 At its closest point, the building is approximately 28 metres away from the nearest residential property in West Heather Road (west of the site) and the southern office block is angled away from the residential properties ensuring that there is no direct overlooking of those properties. The northern office block is angled more directly at these properties however the separation distance is significantly greater at approximately 41 metres.
- 8.12 It is accepted that there is the possibility of residential amenity being affected due to the close proximity of the 15 car parking spaces that are located perpendicular to the boundary of the adjacent residential properties, however it is considered that any impact can be suitably mitigated through additional soft and hard landscaping works and this requirement can be covered by a planning condition.

8.13 A number of objections have asserted that the site is unsuitable for development as it is located within a residential area. In land-use planning terms the immediate locality is characterised by a number of different mixed use developments. There is a care home within 60m of the site accessed off West Heather Road, a funeral home 60m to the north and a broad mix of office and commercial development to the south east of the SDR. The proposed office use, whilst located in close proximity to existing residential properties is considered to be a compatible land use in keeping with the general established character of the area.

Impact on natural and cultural heritage

Trees

- 8.14 Whilst being largely open scrubland there are a few trees on the site and these have been the subject of an arboricultural report. The Council's Forestry Officer has advised that the two trees to the north of the site are in good condition and that the tree closest to the roundabout is identified in the arboricultural report for removal of basal epicormics growth, weak branches and deadwood with monitoring thereafter. This is contrary to the supporting statement that this tree has been recommended for complete removal.
- 8.15 The Forestry Officer has also advised that whilst plans have been prepared showing new tree planting proposals, these are too close to the proposed development and further consideration would need to be given to the layout/landscaping of the site to avoid future conflicts. A number of conditions have been recommended to address these matters.

Scheduled Ancient Monument

- 8.16 As stated in paragraph 2.2 above the site contains a nationally important Scheduled Ancient Monument and the presence of these archaeological remains have had a significant influence on the layout of the site and the resultant developable area.
- 8.17 Historic Environment Scotland has advised that whilst previous iterations of the scheme contained infrastructure and buildings within the area of the Scheduled Monument the current proposal has been redesigned so as to relocate all built infrastructure outwith this area. While infrastructure remains close, the setting of the monument is fairly localised and intensification of development would not significantly impact upon the way the monument is understood or appreciated. Subject to the proposed safeguards being implemented, impacts upon the monument will be adequately mitigated.
- 8.18 The Council's Archaeologist has advised that a condition requiring the preparation and implementation of an archaeological watching brief will be necessary but has also expressed concern that the proposed footpath leading from Slackbuie Avenue appears to cut through the south east edge of the scheduled area. This can be easily avoided with a slight realignment. In order to address this, it is recommended that, in the event of planning permission being granted for the

proposal, a condition is imposed requiring the precise location of the footpath to be marked out on site for checking and subsequent approval of the Council prior to any works associated with the footpath construction being undertaken.

8.19 It is noted on the submitted landscape plan that the area of the Scheduled Monument has been reserved for 'informal habitat management' however no details have been provided indicating what this would entail. It is recommended that this can be addressed by requiring a more comprehensive landscaping scheme to be submitted for approval, which would also address the points made by the Council's Forestry Officer.

Other material considerations

- 8.20 Concerns have been expressed regarding parking problems within the locality. It appears from comments by objectors that this is particularly problematic during events at the nearby funeral home. In response, this proposal has been assessed by the Transport Planning Team that confirms the proposed on-site parking arrangements to service the development are adequate. Parking concerns associated with other land uses in the area are not, in themselves, a material consideration in the determination of this application.
- 8.21 Objectors have also highlighted concerns with roads drainage and surface water flooding in the area. The Council's Flood Risk Management team was consulted on the application and following their assessment of the proposals, including the supporting Drainage Impact Assessment report, has concluded that the proposal does not raise any concerns.

Matters to be secured by Section 75 Agreement

8.22 None.

9. CONCLUSION

- 9.1 Planning permission is sought for the construction of an office development with a new access road, parking, servicing and landscaping on an area of open land at West Heather Road, Inverness. The site is within the SDA of Inverness South and is contained within a wider area of 'grey land' identified in the IMFLDP meaning it is not allocated for a specific land use or safeguarded from development. However the site is significantly constrained by the presence of a Scheduled Ancient Monument, an archaeological feature of national importance, effectively sterilising part of the site from any form of intrusive development.
- 9.2 The applicant has taken full regard of the site constraints and submitted a proposal which takes the form of a contemporary designed office block, split into two separate wings (office blocks) with a central joining cube-shaped block. It is considered to be acceptable in terms of its design, scale and massing and is an appropriate form of development in what is a mixed use area, whilst respecting the sensitive nature of the cultural heritage assets contained within the site.

- 9.3 Whilst there are some deficiencies within the overall scheme that have been identified as part of the assessment of the application through matters raised during the consultation and public notification processes, it is considered that these can be mitigated through the recommended proposed conditions appended to this report.
- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

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

11. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

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

Conditions and Reasons

No development or work (including site clearance) shall commence until
proposals for an archaeological watching brief to be carried out during site
clearance and excavation works, has been submitted to, and approved in
writing by, the Planning Authority. Thereafter the watching brief shall be
implemented as approved.

Reason: In order to protect the archaeological and historic interest of the site.

2. No development or work (including site clearance) shall commence until a Tree Protection Plan prepared in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction) has been submitted to, and approved in writing by, the Planning Authority. All retained trees shall be protected using barriers located beyond the Root Protection Area and are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

Reason: To ensure the protection of retained trees during construction.

3. No development shall commence until a Tree Planting Plan, landscaping scheme and maintenance programme has been submitted to, and approved in writing by, the Planning Authority. The Tree Planting Plan, landscaping scheme and maintenance programme shall be implemented in full during the first planting season following the commencement of development or as otherwise agreed in writing by the Planning Authority.

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

4. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to enable the Planning Authority to consider these matters in detail prior to the commencement of development; in the interests of amenity.

5. No development shall commence until details for the provision of public art, in accordance with the Council's Public Art Strategy - Supplementary Guidance has been submitted to, and approved in writing by, the Planning Authority. The details shall include a timescale for implementation. Thereafter, the public art shall be provided in accordance with these approved details.

Reason: To ensure the adequate provision of public art in accordance with the Council's supplementary guidance.

6. Prior to any works commencing associated with the construction of the footpath from Slackbuie Avenue and running between the northwest gable of the office building and the southern boundary of the Scheduled Ancient Monument site, the precise location of the footpath shall be marked out and made available for inspection and approval by the Planning Authority, prior to any works associated with its construction commencing.

Reason: To ensure that the line of the footpath does not encroach within the boundary of the Scheduled Ancient Monument.

7. Prior to the construction of the car parking spaces located along the southwest boundary of the site, measures to protect the amenity of occupiers of the adjacent residential properties primarily from the glare of vehicle headlights shall be submitted to, and approved in writing by the

Planning Authority. Such measures shall include landscaping and/or screening. Following approval the measures shall be implemented in full prior to first occupation of the development hereby approved.

Reason: To ensure that the use of the car parking spaces does not impact on the residential amenity of occupiers of adjacent properties.

8. Prior to first occupation of the development hereby approved, the access road, car parking spaces, motorcycle space and cycle parking stands shall be provided and completed in accordance with the approved plans.

Reason: To ensure that the access and parking facilities are provided timeously to meet the needs of occupiers of the building.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans and Conditions

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

Flood Risk

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

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways

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

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: http://www.highland.gov.uk/yourenvironment/roadsandtransport

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads and pavements/101/permits for working on public roads/2

Mud and Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

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

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

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

Protected Species – Halting of Work

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

Signature: David Mudie

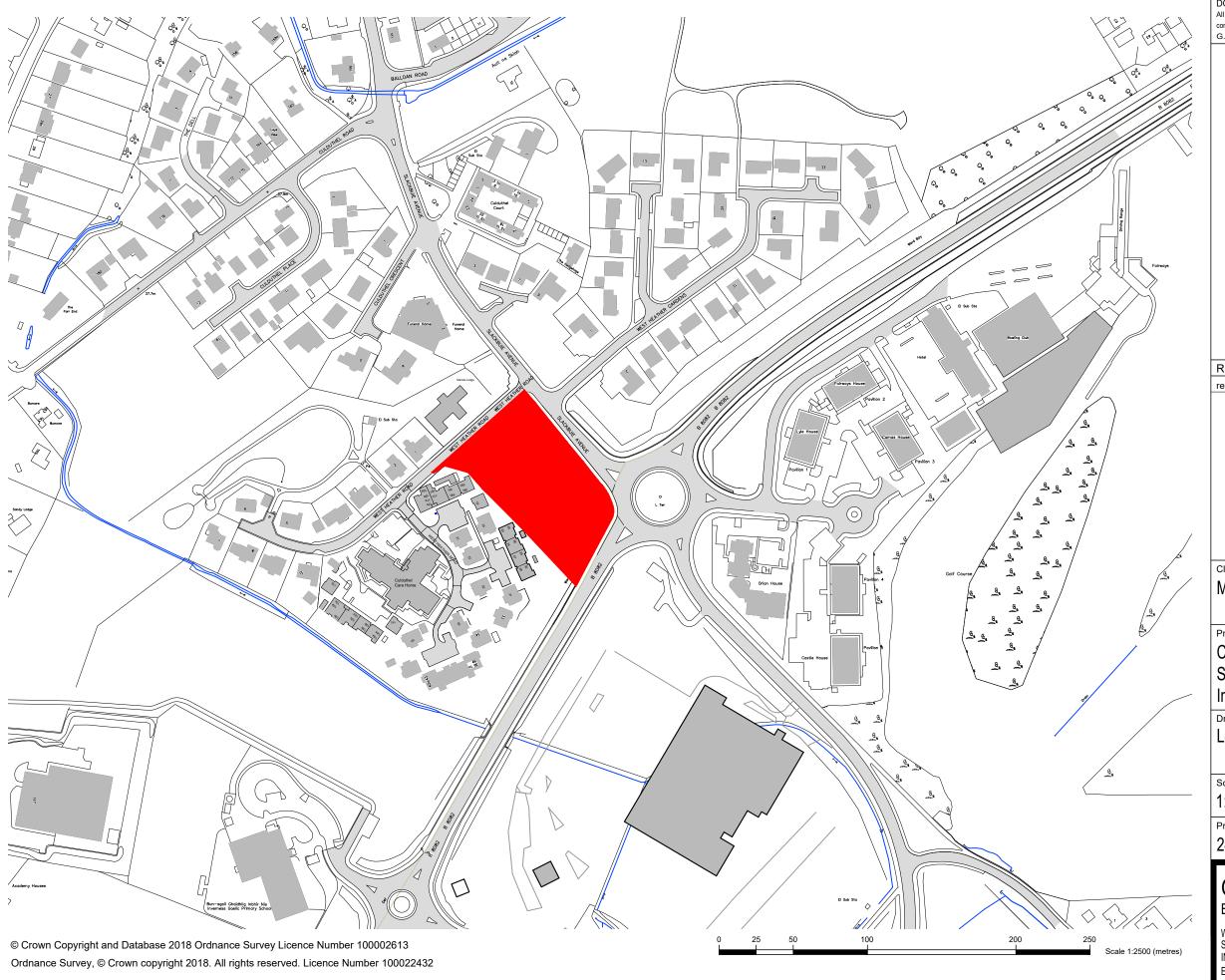
Designation: Area Planning Manager – South

Author: John Kelly

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Location Plan PL400

Plan 2 - Site Layout Plan PL409 Rev A
Plan 3 - Elevation Plan PL310 Rev D
Plan 4 - Floor Plan PL311 Rev B



DO NOT SCALE, IF IN DOUBT PLEASE ASK commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd



Planning Submission

REVISIONS				
description	date			

Manda Construction Ltd

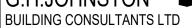
Commercial & Business Uses Slackbuie Avenue Inverness

Drawing

Location Plan

Scale 1:2500@A3	Date 11.2018	Drawn by
Project no 2451	Dwg no PL400	Rev

G.H.JOHNSTON



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