



13/08/2018

By email only to chief.planner@gov.scot

Dear Mr McNairney,

AFFORDABLE HOUSING DEVELOPMENT - THE TOWER, INVERNESS (18/01049/FUL)

I write to you to express my grave concerns with the manner in which our planning application for 48 affordable homes has been processed, having recently been refused under delegated powers by the Highland Council. Springfield Properties PLC has appealed this decision via the Council's Local Review Body but owing to the circumstances surrounding the application, we have reason to believe that this cannot be fairly or competently considered.

First of all, the original decision was taken prematurely. An application for the construction of 48 affordable homes on land south of the Raigmore Tower, Inverness was submitted on the 7th of March 2018. The application was validated on the 19th of March and assigned reference number 18/01049/FUL. By email dated **24th April 2018**- the day after the statutory consultation period expired- the appointed officer advised us that he had completed his report on the application and was recommending it for refusal. The report was then circulated to Ward Members as per the Highland Council's Scheme of Delegation.

At this time, media coverage of the application revealed two of the four Ward Members, Councillors Gowans and Macpherson, had made public statements of opposition to the application at a public meeting arranged by Councillor MacPherson. This was brought to the Council's attention (Burness Paull letter enclosed) and the decision was subsequently taken based on a ward of 2 Members rather than a ward of 4 Members, the letter confirming the Council's position from Malcolm MacLeod, Head of Planning is enclosed. The Highland Council deemed that the most appropriate way to deal with this application was still via delegated powers rather than at a Planning Committee.

Elgin Office

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Registered in Scotland No. 31286 • VAT REG No. 265 9533 26

During the course of the application, several requests to meet with the appointed officer were made. However, no contact was made with us at any time before the 24th of April and we were not given any reasonable opportunity to respond to consultee responses. For example, the response from SEPA is dated 19th April 2018, but was only uploaded to the planning portal on **23rd April**. The responses from Transport Planning dated the 19th of April and Development Plans dated the 16th of April 2018 were also uploaded into the planning portal on the **23rd of April**.

It should be noted that all technical matters raised in consultation responses can be overcome, however the Council's internal consultees have been prevented from responding to our correspondence on these matters therefore, technical objections will remain in place when the application is brought before Members at Local Review. In the circumstances, we think that an opportunity to resolve these matters should be given.

In terms of accuracy, the Development Plans response inexplicably dismisses Springfield's "*claim*" to be delivering in excess of the requisite 25% affordable housing on the basis that it is unjustified, stating "*the applicant is not offering to subsidise the provision of any more than 25% of the units to the extent that they could meet the Council's definition of affordable housing*" and that on this basis there is "*no, exceptional, additional benefit derived from the application proposal in respect of compliance with policy.*"

The absence of any opportunity to clarify the fact that 48 affordable homes, which meet fully with the Council's definition of social rented accommodation are proposed, meant that the conclusions reached in the handling report and thereby the decision notice are not competent. It raises the question as to why the application has been handled in this manner, when the information supporting the application clearly describes this aspect of the proposals i.e. it is a development of 100% affordable homes.

It is clear that the decision making process has not fully or accurately taken account of the proposal in the context of the development plan or relevant material considerations. It is also abundantly clear that the appointed officer has determined the application with such haste due to political pressure, with the express aim of dealing with it under delegated powers so that an appeal to the Scottish Government is not possible. This has been confirmed by elected members in the media and verbally to my employees by Council Officials and Elected Members.

We fully understand that one of the outcomes of this proposal is a refusal, however in order for full account to be taken of this appeal in the context of Lord Clyde's judgement as set out in the case of City of Edinburgh Council v Secretary of State for Scotland 7 others 1997 S.C.L.R 1112, we would respectfully ask that this appeal be called in by the Scottish Government for determination.

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Yours sincerely

Sandy Adam

Sandy Adam
Chairman

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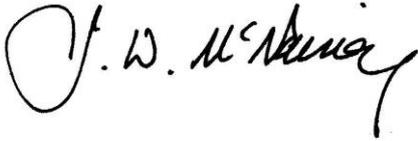
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I note that most of your comments relate to matters in respect of the Council's handling of the case and are therefore for the Council to answer. This could be through the authority's complaints procedure or to the Chief Executive. If you have not done so already I would suggest that you provide the Council with a copy of this exchange which highlights all of your concerns.

Yours sincerely



John McNairney
Chief Planner

cc. [REDACTED]
[REDACTED]



+44 [REDACTED]



Tue, 28 Aug 2018 13:57

Hi John

Hope this finds you well.

We will today send you a letter asking you to call in our appeal on planning ref [18/01049/](#) full for 49 affordable homes in Inverness.

This application was hurriedly refused and the appeal also has to go to the council. They say the houses are not affordable. We are fully committed to building these as affordable homes to help the SG reach its target. We have done me this in other areas.

Please can you give our request your sympathetic attention.

Hope to meet up again soon

Kind regards

Sandy Adam
Springfield