

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE  
26 November 2013**

Agenda Item	5.1
Report No	PLS/054/13

**13/03199/FUL: Vince Campbell  
Lochiel Arms Bar, 1A Pumpgate Street, Inverness**

**Report by Area Planning Manager – South**

**SUMMARY**

**Description :** Change of use to Class 2 betting office and changes to the frontage, air con & satellite dish installation

**Recommendation - GRANT**

**Ward :** 15 – Inverness Central

**Development category :** Local

**Pre-determination hearing :** N/A

**Reason referred to Committee :** Objection from Merkinch Community Council.

**1. PROPOSED DEVELOPMENT**

- 1.1 This proposal is for the change of use of a former public house to a Class 2 betting office.
- 1.2 No informal pre-application advice was sought.
- 1.3 The proposal will utilise existing services available for the building.
- 1.4 A brief design and access statement has been submitted.
- 1.5 **Variations:** 1- Original timber window detailing replaced and extended to enhance visual appearance of façade.

**2. SITE DESCRIPTION**

- 2.1 The site comprises a former ground floor public house of a 3 storey sandstone building occupying a corner site which has been vacant for some time and is showing signs of deterioration.

**3. PLANNING HISTORY**

- 3.1 09/00403/ADVIN: Erection of fascia and projecting sign. Granted August 2009.  
09/00411/FULIN: Installation of new shop front and air con system. Granted October 2009.

09/00425/FULIN: Change of use & sub divide public house to two retail/office units. Granted August 2009. A condition was imposed on this permission restricting the use of the premises to Class 2.

09/00459/FULIN: Change of use to Class 2. Withdrawn July 2009 as it essentially duplicated part of application 09/00425/FULIN.

13/03224/ADV: Fascia sign and projecting sign. Granted October 2013.

#### **4. PUBLIC PARTICIPATION**

4.1 Advertised : Schedule 3 Development.

Representation deadline : 15/09/13.

Timeous representations : 4 representations from 4 households.

Late representations : None.

4.2 Material considerations raised are summarised as follows:

- The use will generate a need for additional car parking for which there is no provision and will lead to illegal parking and associated increase in traffic problems;
- The use is incompatible with a residential area;
- The proposed changes to the façade will be detrimental to the character of the building and surrounding area.

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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

#### **5. CONSULTATIONS**

5.1 **Merkinch Community Council:** Objects to the application on the grounds that the development is contrary to policy; will lead to parking problems; and will result in the over-provision of betting shops in the area.

#### **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

#### **7. OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Not applicable.

## 7.2 **Highland Council Supplementary Planning Policy Guidance**

Not applicable.

## 7.3 **Scottish Government Planning Policy and Guidance**

Not applicable.

## **8. PLANNING APPRAISAL**

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

8.2 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 proposed use of this former public house as a betting office is considered to be an acceptable land use located within an established mixed use area characterised by two and three storey buildings featuring a variety of commercial uses with residential properties above.

The betting office is proposed on the ground floor of a two and a half storey building with residential properties occupying the upper floors. The building occupies a prominent position on the corner of Pumpgate Street and Lochalsh Road. The former public house is showing signs of decay with the external fabric deteriorating. Bringing the ground floor back into use will result in a significant improvement to the façade and save the building from further deterioration.

As the building is located within a mixed use area, and is easily accessible on foot and by public transport, the use is considered to comply with Policies 28 and 29 of the Highland-wide Local Development Plan.

### **8.4 Material Considerations**

It is understood from the supporting information supplied by the applicant that the building has not been in use for over four years since the public house closed down. In 2009 planning permission was granted for the sub-division and change the use of the ground floor to form two retail units. However, that permission was not implemented and has since lapsed.

Public houses are specifically excluded from the use classes specified in the Town and Country Planning (Use Classes) (Scotland) Order 1997 which means that any change of use from or to a public house requires planning permission. Public houses, along with a range of other uses including hot food shops, potentially raise specific environmental and amenity considerations for which it is necessary to retain effective planning control. By contrast, betting shops fall under Class 2 of the Order which covers a range of financial, professional and other services which are appropriate to provide in a shopping area and where the services provided are principally to visiting members of the public. This can include estate agents, lawyers and doctors surgeries.

The various use classes are designed to enable the free interchange of a wide range of service uses within the same class, without requiring planning permission, where there is unlikely to be a material impact, in land-use planning terms, on local amenity or the environment. In this case, a Class 2 use is considered an appropriate use for the former public house.

There is no dedicated parking associated with the proposal, although there is on-street parking and a free public car park in the vicinity of the premises. This arrangement applied equally to the previous public house use and is no different to that for most of the current commercial uses in the area.

Noise associated with the use has been raised as a concern, specifically the 10pm closing time. The hours of operation of betting shops are regulated through the licensing regime and are therefore a matter for the Licensing Authority. That said, the proposed use would cease earlier than the previous public house use and it is considered that it would have significantly less impact on residential amenity. However, in order to safeguard the amenity of nearby residents and others, a condition is proposed which will require any noise from the operation of the premises to be inaudible from any noise sensitive premises in the vicinity of the site.

The proposed changes to the building façade initially involved the removal of the timber window detailing and the lowering of the stall risers to create a larger 'shop window' style opening for three of the windows. This has now been amended and the style of window detailing will be retained and extended with new timber detailing to the full depth of the enlarged openings.

#### **8.5 Other Considerations – not material**

Two other betting shops operate in the area and concerns have been raised regarding a third operator being permitted. Over-provision of betting shops is not a material planning consideration as it is essentially a matter of commercial competition and the key land-use planning consideration is simply whether or not the site is a suitable location for a Class 2 use.

It has been asserted that the proposal may increase gambling amongst vulnerable people however this is a moral objection which cannot be quantified and given any weight as a material consideration.

#### **8.6 Matters to be secured by Section 75 Agreement**

None.

### **9. CONCLUSION**

- 9.1 The change of use to a Class 2 betting shop is considered to be an acceptable use of a former public house which will bring back into use premises that have been closed for over four years with no intervening uses. The premises are located in a mixed use area where a Class 2 use can be expected to be found. If approved, the re-use of the premises will result in a significant visual improvement to the façade of this prominent corner site building.

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. RECOMMENDATION

<b>Action required before decision issued</b>	N	<b>Not required</b>
Notification to Scottish Ministers	N	<b>Not required</b>
Notification to Historic Scotland	N	<b>Not required</b>
Conclusion of Section 75 Agreement	N	<b>Not required</b>
Revocation of previous permission	N	<b>Not required</b>

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

1. Any noise originating from the operation of the premises shall be inaudible within any noise sensitive premises. For the purposes of this condition, “noise sensitive premises” includes, but is not necessarily limited to, any building, structure or other development the lawful use of which (a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions), 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or (b) is as a flat.

**Reason** : In order to safeguard the amenity of neighbouring properties and occupants.

## REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

## TIME LIMITS

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

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

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

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

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

### **Accordance with Approved Plans & Conditions**

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

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

### **Mud & Debris on Road**

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

### **Building Regulations**

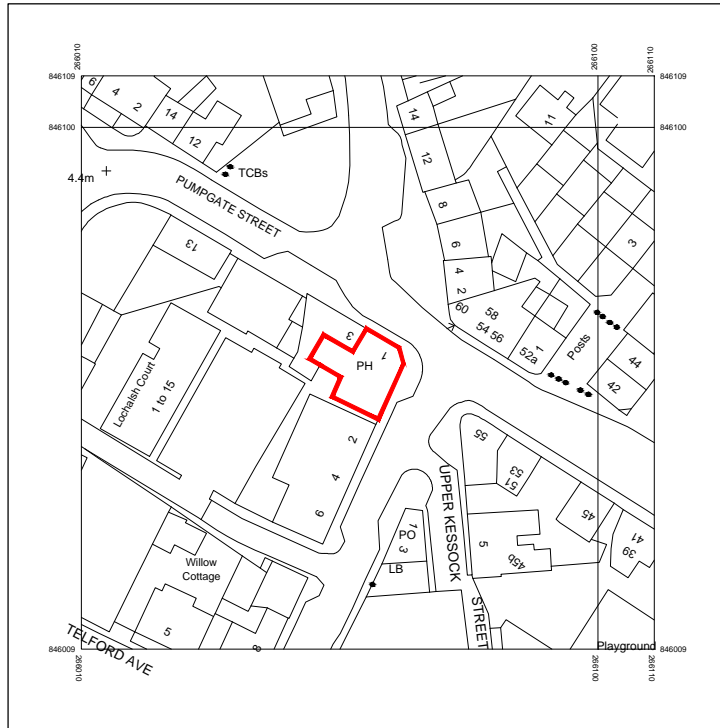
Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at [Building.Standards@highland.gov.uk](mailto:Building.Standards@highland.gov.uk) or on 01349 886606.

Signature: Allan J Todd  
Designation: Area Planning Manager - South  
Author: John Kelly 01463 255199  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location plan  
Plan 2 – Elevations plan  
Plan 3 – Floor plan

## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
B Johnson	1A Lochalsh Road, Inverness	28/08/13	Against
S Lloyd	12 Lower Kessock Street, Inverness	05/09/13	Neutral
L Roszak	8 Lower Kessock Street, Inverness	13/09/13	Against
RR Planning Ltd (on behalf of commercial clients in the vicinity)	82A Otley Road, Headingley, Leeds	11/09/13	Against





NORTH  
SCALE - 1:1250

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GROSS CUSTOMER AREA:	0000	SqFt
NET CUSTOMER AREA:	0000	SqFt
ADDITIONAL AREAS:	0000	SqFt

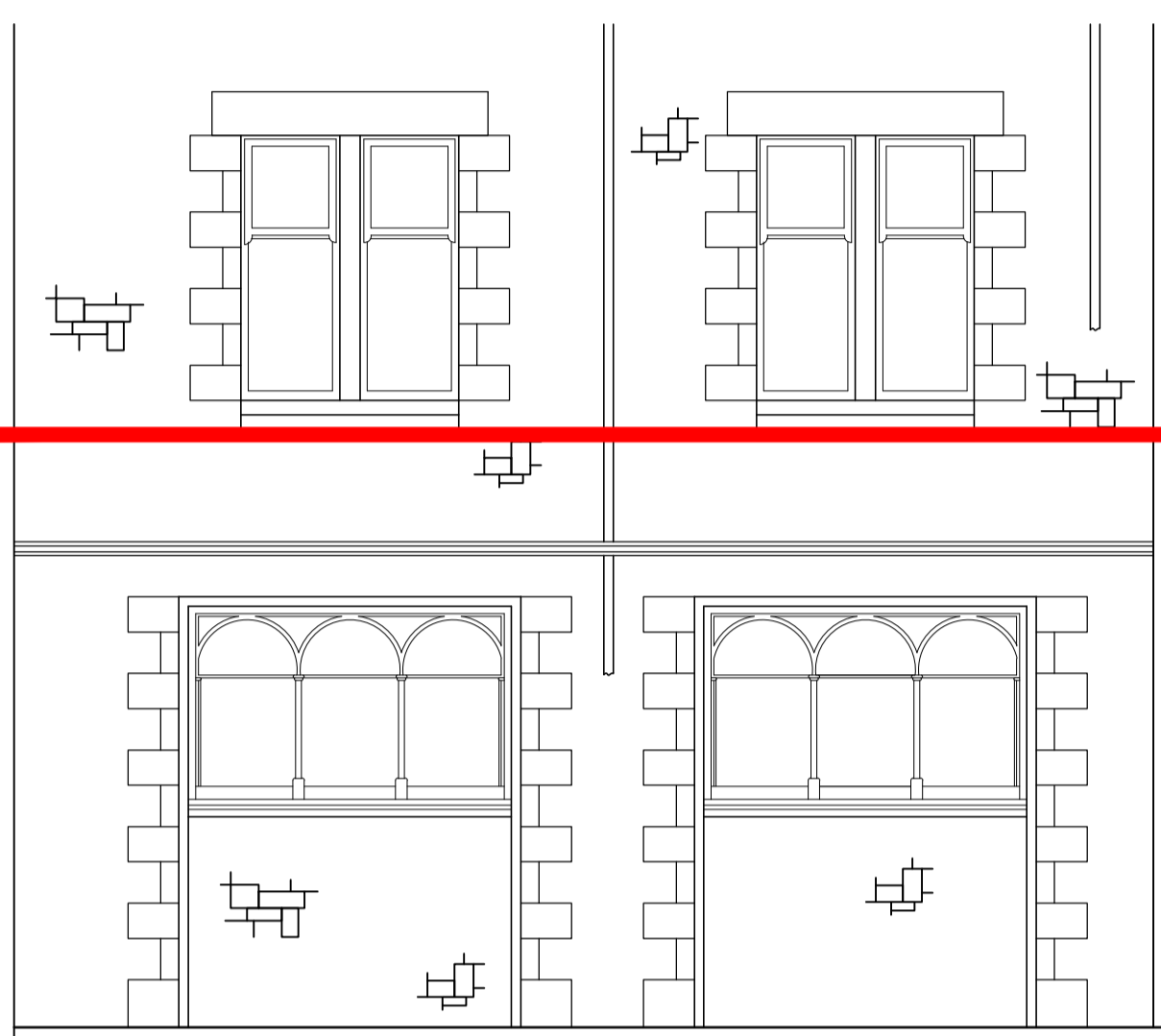
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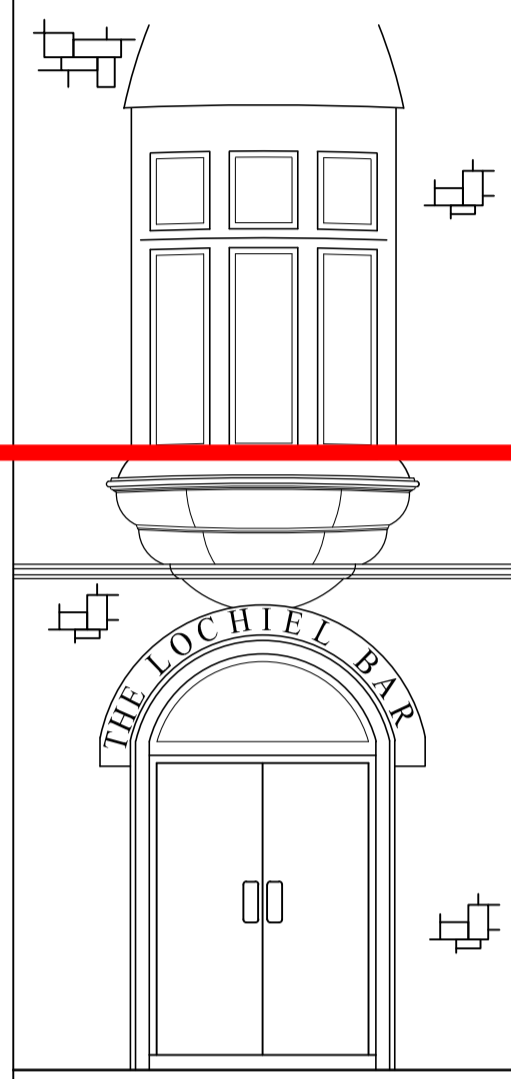
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1A PUMPGATE STREET, INVERNESS  
SCOTLAND, IV3 8HX

DESCRIPTION:  
LOCATION PLAN

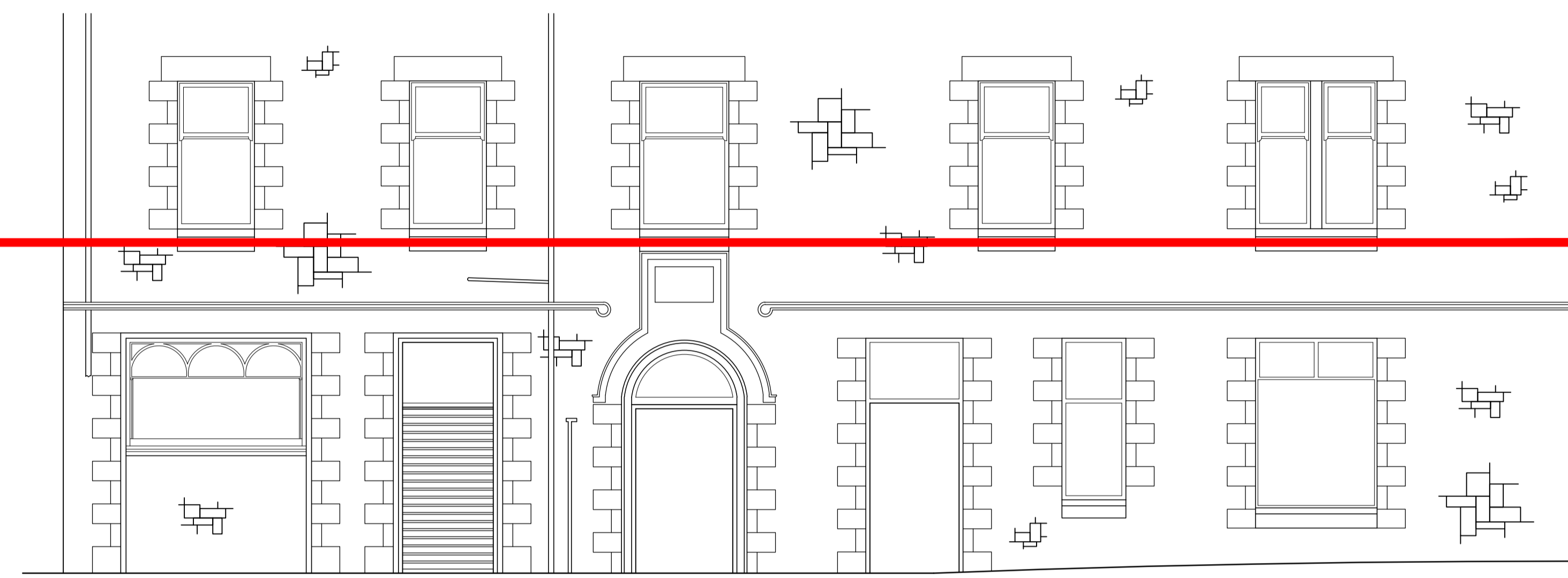
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DRAWN BY:	D.Rimington	CHECKED & AUTHORIZED:	
PROJECT MANAGER:	J.Harrison		
DRAWING NUMBER:	FINAL/S/NL/0369/LP		



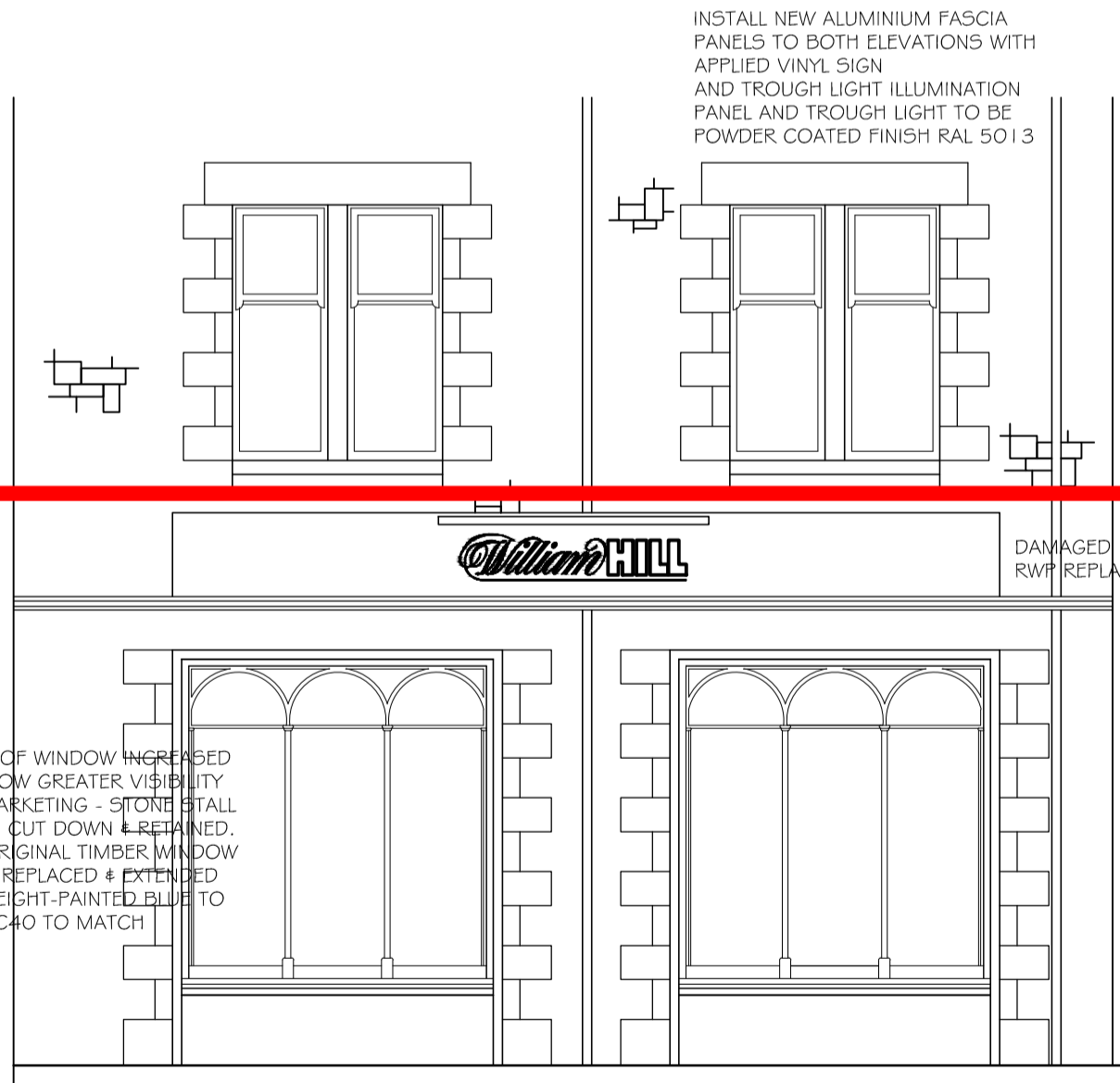
EXISTING SHOP FRONT  
(TO LOCHALSH ROAD)



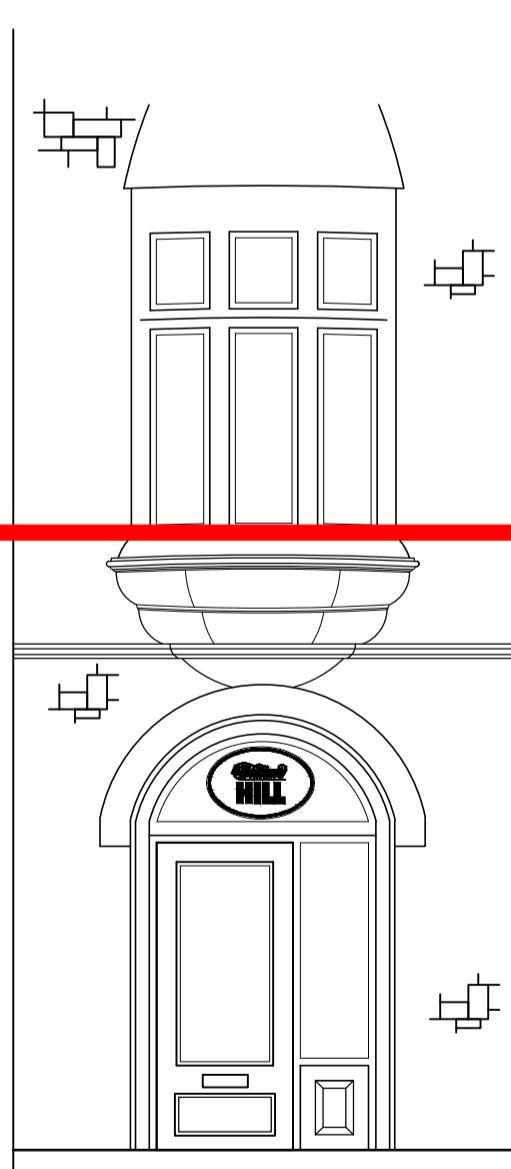
CHAMFERED ENTRANCE



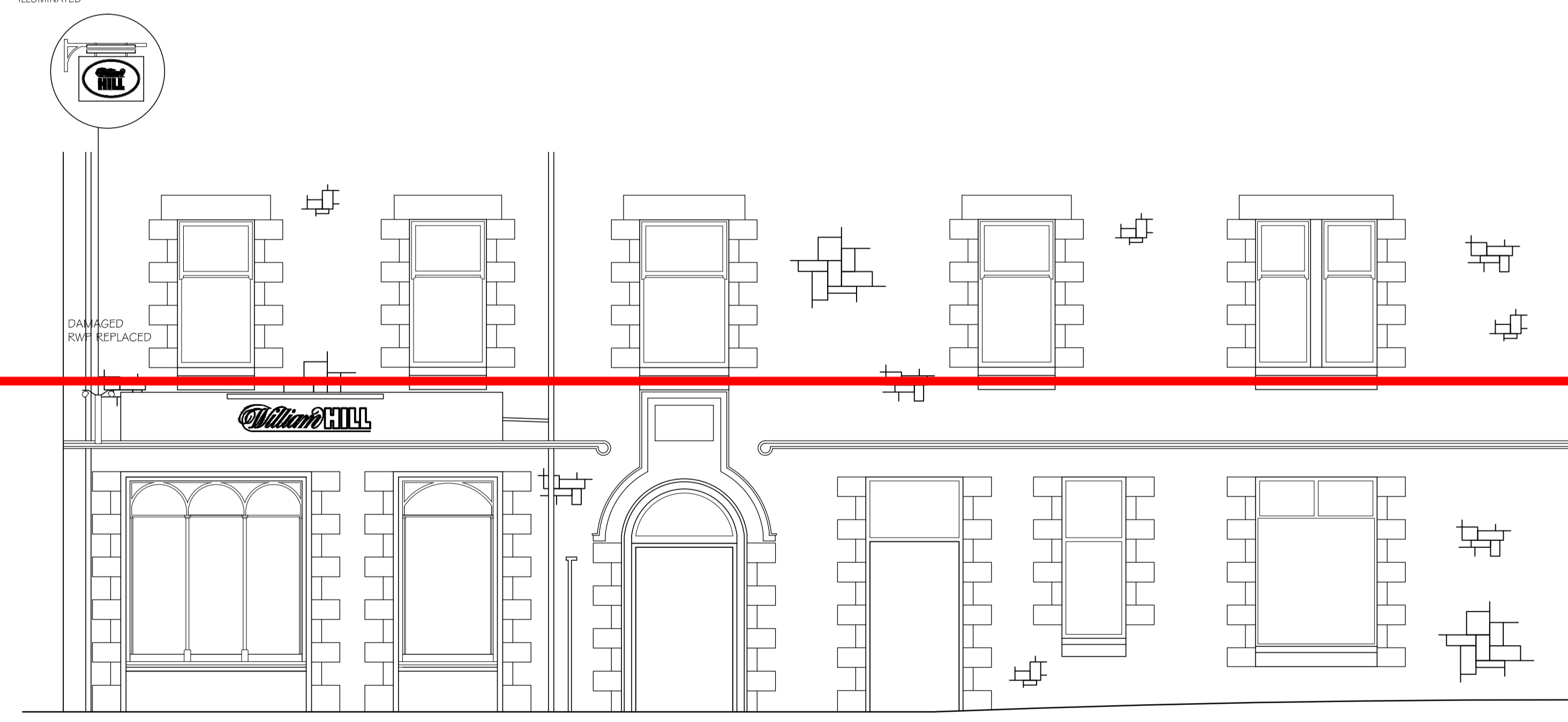
EXISTING SHOP FRONT  
(TO PUMPGATE STREET)



PROPOSED SHOP FRONT  
(TO LOCHALSH ROAD)

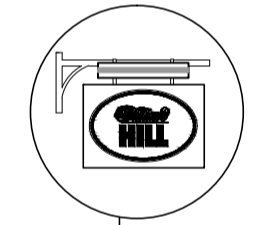


CHAMFERED ENTRANCE



PROPOSED SHOP FRONT  
(TO PUMPGATE STREET)

NEW TRADITIONAL TIMBER HANGING  
PROJECTING SIGN: EXTERNALLY  
ILLUMINATED



DAMAGED  
RWP REPLACED

INSTALL NEW ALUMINIUM FASCIA  
PANELS TO BOTH ELEVATIONS WITH  
APPLIED VINYL SIGN  
AND TROUGH LIGHT ILLUMINATION  
PANEL AND TROUGH LIGHT TO BE  
POWDER COATED FINISH RAL 501 3

DAMAGED  
RWP REPLACED

DEPTH OF WINDOW INCREASED  
TO ALLOW GREATER VISIBILITY  
FOR MARKETING - STONE STALL  
RISERS CUT DOWN & RETAINED.  
FULL ORIGINAL TIMBER WINDOW  
DETAIL REPLACED & EXTENDED  
FULL HEIGHT-PAINTED BLUE TO  
B5 20C40 TO MATCH

DAMAGED  
RWP REPLACED

DEPTH OF WINDOWS INCREASED  
TO ALLOW GREATER VISIBILITY  
FOR MARKETING - STONE STALL  
RISERS CUT DOWN & RETAINED

NEW TIMBER ENTRANCE DOOR  
WITH CLEAR 300mm+ WIDTH ON  
LEADING EDGE FOR ACCESSIBLE  
ENTRANCE (DOOR & FRAMEWORK  
PAINTED BLUE TO B520C40

DEPTH OF WINDOW INCREASED  
TO ALLOW GREATER VISIBILITY  
FOR MARKETING - STONE STALL  
RISERS CUT DOWN & RETAINED.  
FULL ORIGINAL TIMBER WINDOW  
DETAIL REPLACED & EXTENDED  
FULL HEIGHT-PAINTED BLUE TO  
B5 20C40 TO MATCH

DOOR PARTIALLY INFILLED  
TO FORM NEW WINDOW.  
STALL RISER TO MATCH  
EXISTING

— = WILLIAM HILLS DEMISE

REVISIONS:	DATE:	DRAWN BY:
A) ALTERATIONS TO WINDOWS TO PLANNERS COMMENTS.	01/11/2013	MJH

GROSS UNIT AREA:	1183	SqFt
GROSS CUSTOMER AREA:	612	SqFt
NET CUSTOMER AREA:	562	SqFt
ADDITIONAL AREAS:	N/A	SqFt
PAPER SPACE:	52	LnrFt

- DO NOT SCALE OFF THIS DRAWING -



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INVERNESS  
SCOTLAND

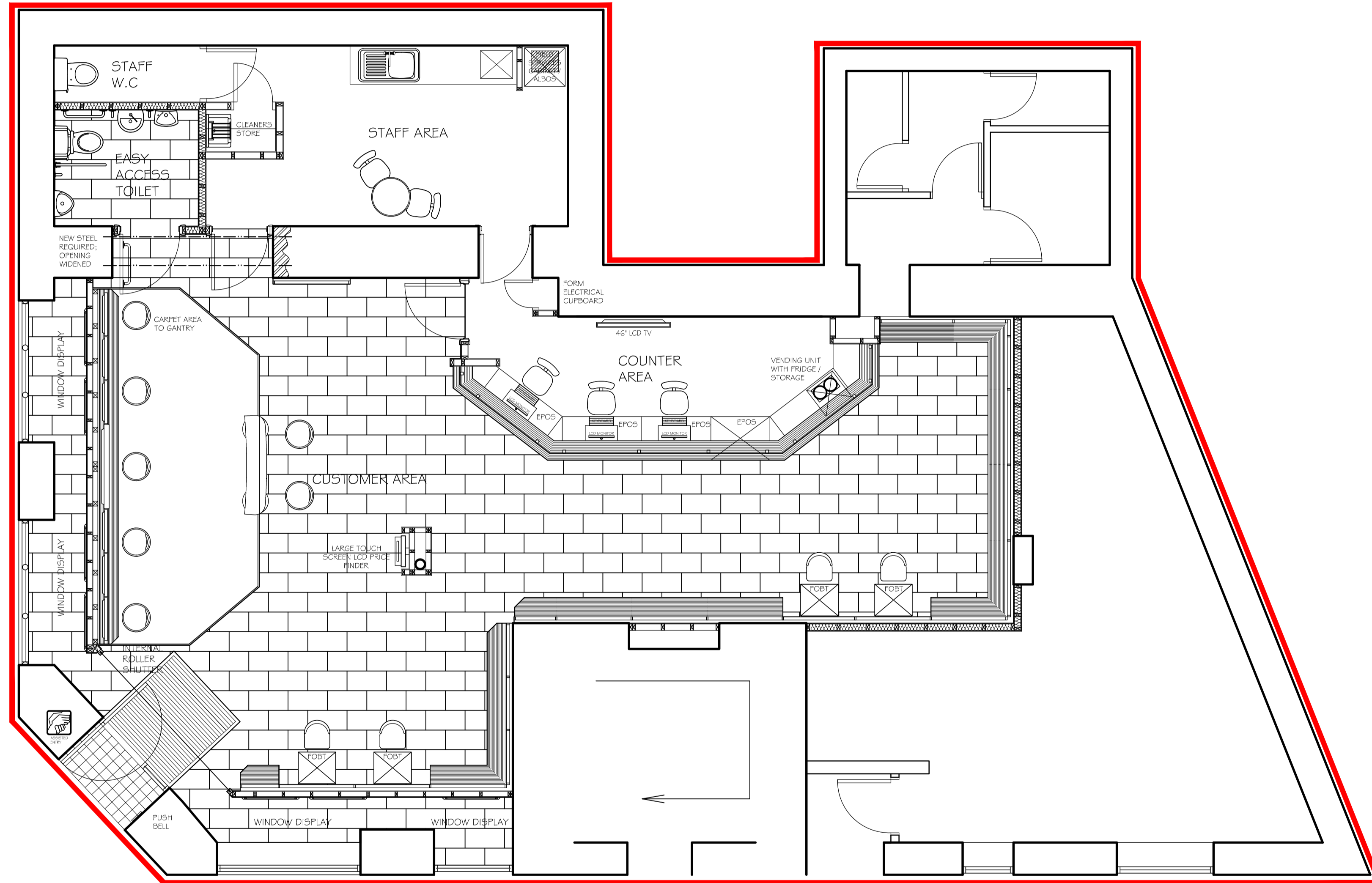
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DATE: 06.06.2013 SCALE: 1:50

DRAWN BY: D.Rimington CHECKED AND AUTHORIZED:

PROJECT MANAGER: M.Bennett

DRAWING NUMBER: FINAL/5/NL/0285/503A



PROPOSED FLOOR PLAN

— = WILLIAM HILLS DEMISE

REVISIONS:	DATE:	DRAWN BY:
A. DRAWING FINALISED	06.06.2013	DR
B. LAYOUT ALTERATIONS, INCREASED DEMISE	12.07.2013	DR

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GROSS CUSTOMER AREA:	796	SqFt
NET CUSTOMER AREA:	677	SqFt
ADDITIONAL AREAS:	N/A	SqFt
PAPER SPACE:	68	LnrFt

- DO NOT SCALE OFF THIS DRAWING -



SITE: 1A PUMPGATE STREET  
INVERNESS  
SCOTLAND  
NEW LICENCE

DESCRIPTION:  
PROPOSED FLOOR PLAN

DATE: 27.11.12 SCALE: 1:50

DRAWN BY: D.Rimington CHECKED AND AUTHORIZED:

PROJECT MANAGER: M.Bennett

DRAWING NUMBER: FINAL5/NL/0285/201B