

The Highland Council

**North Planning Applications Committee
15 September 2015**

Agenda Item	6.3
Report No	PLN/054/15

**15/01424/FUL : Mr Fraser Mackenzie
The Sheiling, The Square, Strathpeffer**

Report by Area Planning Manager

SUMMARY

Description : Change of use from retail and erection of extension to building to form public bar

Recommendation - REFUSE

Ward : 06, Wester Ross, Strathpeffer and Lochalsh

Development category : Local Development

Pre-determination hearing : Not required

Reason referred to Committee : Member referral.

1. Proposed Development

- 1.1 The application proposes to refurbish and extend the existing building to form a public bar.
- 1.2 The proposals include extending the existing flat roofed section on the west (rear) elevation to form a toilet block measuring approximately 2.5m x 7.4m x 2.5m high.
- 1.3 An extension measuring approximately 10.5m x 5.4m is proposed to the east (front) elevation. The main entrance is shown on the south west corner which is to be cut away to reflect the angled corners on The Sheiling. Another entrance is to be located centrally on the west elevation facing The Square. A barrel room (6m x 1.6m) is to be added to the east elevation and would incorporate an additional entrance leading onto a beer garden.
- 1.4 The applicant requested in formal pre-application advice prior to submitting the planning application. This highlighted concerns in relation to servicing, pedestrian access, the scale and massing of the building, the need to maintain a sense of open ground linking with The Square, and the impact upon the Conservation Area, in addition to the potential for noise and disturbance.
- 1.5 The site is currently enclosed by a hedge with timber pedestrian access gates. There is no vehicular access into the site.

1.6 The applicant has submitted 4 template style letters from local businesses in support of his proposal.

1.7 **Variations:** The original proposal has been amended to now include a footpath along the boundary with The Square.

2. Site Description

2.1 The site is located on the east side of The Square in the centre of Strathpeffer. 'Clisham', a former house now used as hotel bedrooms in connection with the adjacent Strathpeffer Hotel, lies to the rear (north) and east (side) of the site. Shops at The Square and a vehicular access into The Square lie to the west.

2.2 The Sheiling is a vacant, dilapidated former shop. The building itself is small and compact, with angled corners to the frontage, and a high level feature cupola located centrally within the roof. It is primarily finished in timber with a slate roof. It is set back off the main road through Strathpeffer, and surrounded by an area of green space linked to the Square.

3. Planning History

3.1 None

4. Public Participation

4.1 Advertised : Affecting the character of the Conservation Area
Representation deadline : 15th May 2015

Timeous representations : 1 letter of objection

1 letter of support

4 template letters of support from local businesses.

4.2 Considerations raised are summarised as follows:

Objections:

- The Sheiling should be retained as it is – the proposal removes the main façade and will completely change the look of this iconic building
- The size of the existing building is proportioned to the surrounding land and sympathetic to the Square
- The scale and mass of the extension will detract from the character of the building and the outlook of the Square
- The extension is double the size of the original building and constitutes overdevelopment
- There is no provision for parking
- There is insufficient parking in The Square for the existing businesses
- Those visiting licensed premises tend to drive and leave their vehicles parked overnight to collect later
- The proposed loading bay is on land owned by The Strathpeffer Hotel and they do not consent to its use by the proposed bar
- There is no provision made for waste storage
- More bins are unsightly
- No details of SuDS have been provided

- A burn runs under the proposed development and during heavy rains large amounts of water flow from under the current structure.
- A blind access gate to the west onto a busy thoroughfare is a hazard
- Noise pollution will disturb those staying in hotel bedrooms only 13m from the proposed bar
- No kitchen to offer food is against licensing policy
- Over-provision of licensed premises in Strathpeffer
- MacKays Hotel already has a dedicated public bar for the locals
- Beer garden will encourage patrons to drink outside within the village square
- Conflict of drinkers and young families/tourists watching pipe band in the Square
- Will discourage tourists from returning, to the detriment of local businesses.

Support:

- The proposal will refurbish a neglected building
- Passive security at night
- Adequate parking in The Square
- Attract additional customers to The Square
- RS McColls consent to sharing their loading bay at the side of their shop
- Plans are sympathetic to the surrounding area
- Will provide a nice vantage point to watch the pipe band
- Will provide a local pub for residents instead of having to patronise the hotels which get busy with bus tours
- Will not result in additional noise pollution - there are lots of tourists already

Strathpeffer Community Council commented non-timeously that they support the proposal.

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. Access to computers can be made available via Planning and Development Service offices.

5. Consultations

5.1 **Conservation Officer:** Inappropriate scale and massing; dominates the original building; loss of the sense of open ground linking with The Square; significantly alters the 'townscape' of the Conservation Area; fails to preserve or enhance the

character and appearance of the Conservation Area but will result in extensive loss of character, fabric and detail to a key historic building in the centre of the Conservation Area.

5.2 **Transport Planning:** Clarification of servicing arrangements required since proposed shared use with the neighbouring shop may not be possible due to land ownership constraints; the pedestrian access closest to the front door is onto an area without a footway, and is not acceptable. Shortfall of customer parking is

acceptable given the village centre location, the availability of public parking in the vicinity, and the small scale of the proposals with no food service, and the likelihood of customers already being in the village

5.3 **Environmental Health:** Concerns about the potential for disturbance from amplified music, conditions requested.

5.4 **Scottish Water:** 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

57 Natural Built and Cultural Heritage

6.2 **Inner Moray Firth Local Development Plan 2015**

Within Strathpeffer Outstanding Conservation Area; no site specific policies

7. **Other Material Considerations**

7.1 **Draft Development Plan**

Not applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

Historic Environment Strategy

7.3 **Scottish Government Planning Policy and Guidance**

Scottish Historic Environment Policy (SHEP)

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 Council's adopted Historic Environment Strategy supplementary guidance recognises that 'Careful and controlled management of conservation areas is essential to ensure that the special character is protected and the historic value

and quality of the area is not lost or eroded by inappropriate alteration to existing heritage assets or the introduction of poor quality aesthetically damaging new developments’.

- 8.3.1 The Scottish Historic Environment Policy (SHEP) seeks to preserve the character or historic interest of an area created by individual buildings and open spaces and their relationship of one with the other.
- 8.3.2 Policy 28 of the Highland-Wide Local Development Plan (HwLDP), sustainable design, requires development, amongst other factors, to demonstrate sensitive siting and high quality design in keeping with the local character and the historic and natural environment.
- 8.3.3 Policy 29 of the Highland-Wide Local Development Plan (HwLDP), Design Quality and Place Making looks for new development to make a positive contribution to the architectural and visual quality of the place in which it is located. It should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layout, and have regard to the historic pattern of development.
- 8.3.4 Policy 57 of the Highland-Wide Local Development Plan (HwLDP), Natural, Built and Cultural Heritage seeks to allow development if it can be demonstrated that it will not have an unacceptable impact on the natural environment, amenity and heritage resource.
- 8.3.5 The Sheiling is a small and compact distinctive building in the centre of the Strathpeffer Outstanding Conservation Area. It is finished in timber, with a slate roof. Extensions should normally be subservient to and compliment the original building, and enable the original building to remain the focus of the built form.
- 8.3.6 The proposal will consist of three main extensions; one infilling the area at the rear to facilitate the formation of toilets; one projecting from the existing shop front towards the main road; and one on the side of this projection to form a barrel room and entrance onto the proposed beer garden.
- 8.3.7 The extension on the rear to infill the existing building and form a toilet block is minimally proportioned and continues the existing design of the shop store room. It remains subservient to the main building and reflects the existing built form in this location. It has little impact on the existing building or its relationship with the surrounding area.
- 8.3.8 The extension to the existing shop frontage will project approximately 10.5m towards the main road through Strathpeffer and to within 2m of the road edge. The proximity to the road edge is inappropriate, and will result in a sense of massing and cramming with insufficient space remaining between the building and the road edge to successfully absorb it into the street scene. This also destroys the open feel of this area and the green space which currently links to The Square, and instead forms a large built form which will be prominent both from the main road and from The Square. Furthermore, it will enclose this side of The Square with a substantial built form whereas currently there is an open, green aspect.

- 8.3.9 The scale of the extension is out of proportion to the existing building, and will be overly dominant. Furthermore, it will be sited on the principle elevation, and thus erode the existing character of this important frontage. This will result in a complete loss of character for this distinctive individual building.
- 8.3.10 The proposed conversion also includes the removal of all of the timber cladding on the existing building. This, too, currently makes a significant contribution to the design and character of the Sheiling. Whilst timber cladding is proposed for the toilet and barrel room extensions, the existing building and most of the proposed extension are shown with a hard finish which fails to reflect the materials or the design of the existing building, and further destroys the character of The Sheiling.
- 8.3.11 The proposed conversion to the public bar includes the loss of all of the existing ground floor fenestration, which is an important element of the existing design. The proposed fenestration fails to incorporate the proportions of the existing windows or the character which stems from this, but instead introduces windows which reflect its intended function as a public bar.
- 8.3.12 The Sheiling has a feature cupola located centrally above the building. This is to be replicated on the proposed extension towards the south (public road) elevation. This will draw the eye and increase the massing of the building in the vicinity of the public road, increasing its prominence and removing the focus from the original structure. It will also accentuate the built form and the inappropriate removal of the open aspect on this important corner between The Square and the main road.
- 8.3.13 In addition, the site on which the Sheiling stands is an area of green space which links to the main square and this spatial relationship is an important element of the Conservation Area. The scale of the proposed extension is such that this green space will essentially be lost and replaced by the built form of the proposed structure, and this will be detrimental to the character and appearance of the conservation area. This will be exacerbated through the removal of the hedge along the boundary with The Square (in order to facilitate the provision of a pavement), which will further expose the building to direct view and emphasise the loss of the green space.
- 8.3.14 Whilst the principle of re-using The Sheiling is highly desirable, this proposal will neither preserve nor enhance the character and appearance of the Outstanding Conservation Area and will result in extensive loss of the character, fabric and details of a key historic building in the centre of the Outstanding Conservation Area. As such, this scheme is contrary to Policies 28, 29, and 57 of the Highland-wide Local Development Plan, contrary to the provisions of the SHEP, and contrary to the Council's adopted Historic Environment Strategy supplementary guidance and therefore cannot be supported. The Planning Service would be keen to discuss alternative proposals for the building with the Applicant.

8.4 **Material Considerations**

Transport Planning comment that there is no existing vehicular access to the property and none is proposed. The applicant proposes to share the existing shop's loading area, and although consent has been obtained from the shop

manager, another party claims that this land is within their ownership and will oppose the current proposal to use it for servicing this site. The applicant has responded that the scale of proposed use will require a delivery once a week, and the supplier has indicated that it is unlikely that this will require a lorry for deliveries. The applicant has also indicated that he could have his order delivered to a nearby warehouse, and take stock by private car to the site as and when required. Although this is a potential solution, in reality the additional costs and inconvenience of warehouse premises and transporting stock is likely to raise issues. Should the proposal be afforded support, the issue of servicing will need to be resolved.

- 8.4.1 The pedestrian access closest to the front door is onto the corner of the junction at the Square where there is no footway. This raises road safety concerns since it will encourage pedestrians to enter the carriageway. The applicant has now amended his proposals to include a metre wide tarred pavement on their property which is to tie in with the existing footway. The Sheiling is, however, at a slightly higher level than the pavement, and this difference in levels will need accommodating in any design.
- 8.4.2 The parking requirement for The Sheiling to operate as a shop (its former use) would be 3 spaces. The requirement for the proposed public bar is 7 spaces. This leads to a shortfall of 4 spaces. Given the village centre location, the availability of public parking in the vicinity, the absence of any proposed food service from the bar, and the likelihood of customers already being within the village the shortfall of parking is in this instance considered acceptable.
- 8.4.3 The proposed beer garden will be located on the north side of the building (away from The Square, between the proposed extension and the Strathpeffer Hotel). It will be visually contained by the existing hedge which is being retained in this location, and by the proposed extension. Noise could, however, be an issue due to its proximity to The Strathpeffer Hotel, and their residential annexe, Clisham.
- 8.4.4 Environmental Health has expressed concern that noise from amplified music could result in disturbance to neighbouring property. In addition, the noise from playing pool and the ball drop mechanism can lead to disturbance. These can be controlled by suitable conditions to a degree. Environmental Health has no powers to deal with noise from general public disorder, but noise from use of the beer garden can be controlled through Licensing or Nuisance controls.

Neighbouring premises also have expressed concern regarding noise and disturbance, and point out that the rowdy behaviour from patrons of a local public bar which is further away already leads to issues with sleep disturbance.

8.5 **Other Considerations – not material**

There is no detail of the proposed bin storage arrangements. This will need to be sought should the application be afforded support.

- 8.5.1 The objector has raised the presence of a burn which runs under the site and states that during heavy rain a large amount of water flows from under the current structure. This has been drawn to the applicant's attention. No details of the proposed drainage arrangements have been provided.
- 8.5.2 The objector also states that the proposed bar does not have a kitchen to offer food, which they believe goes against licensing policy. Licensing confirm that premises are looked at individually, and need to be run according to their approved operating plan which does not need to include the provision of food.
- 8.5.3 The objector is also concerned that another licensed trader in Strathpeffer will result in over-provision, and states that there are currently 12 businesses offering alcohol sales, and this is more than required. There is already a dedicated public bar at Mackay's Hotel, where locals are patrons, and another is not required. This will be taken into account by Licensing in the event of an application for a license being lodged. Planning case law has established that competition is a matter for the market to decide.
- 8.5.4 Concerns have also been raised that the beer garden will encourage patrons to drink outside, and detract from the ambiance of the Square. Families and tourists visit the Square, especially in summer to watch the pipe band, and this will discourage them from returning, to the detriment of tourism and the businesses which rely on it. The impact on ambiance of the Square will depend primarily on the management of the premises which again is a licensing issue.

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

Not applicable

9. **Conclusion**

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

It is recommended that permission is refused

10. **Recommendation**

Action required before decision issued N

Subject to the above, it is recommended the application be **REFUSED** for the following reasons:

1. The proposal will neither preserve nor enhance the character and appearance of Strathpeffer Outstanding Conservation Area and will result in extensive loss of character, fabric and detailing of a distinctive key historic building in the centre of this Conservation Area.

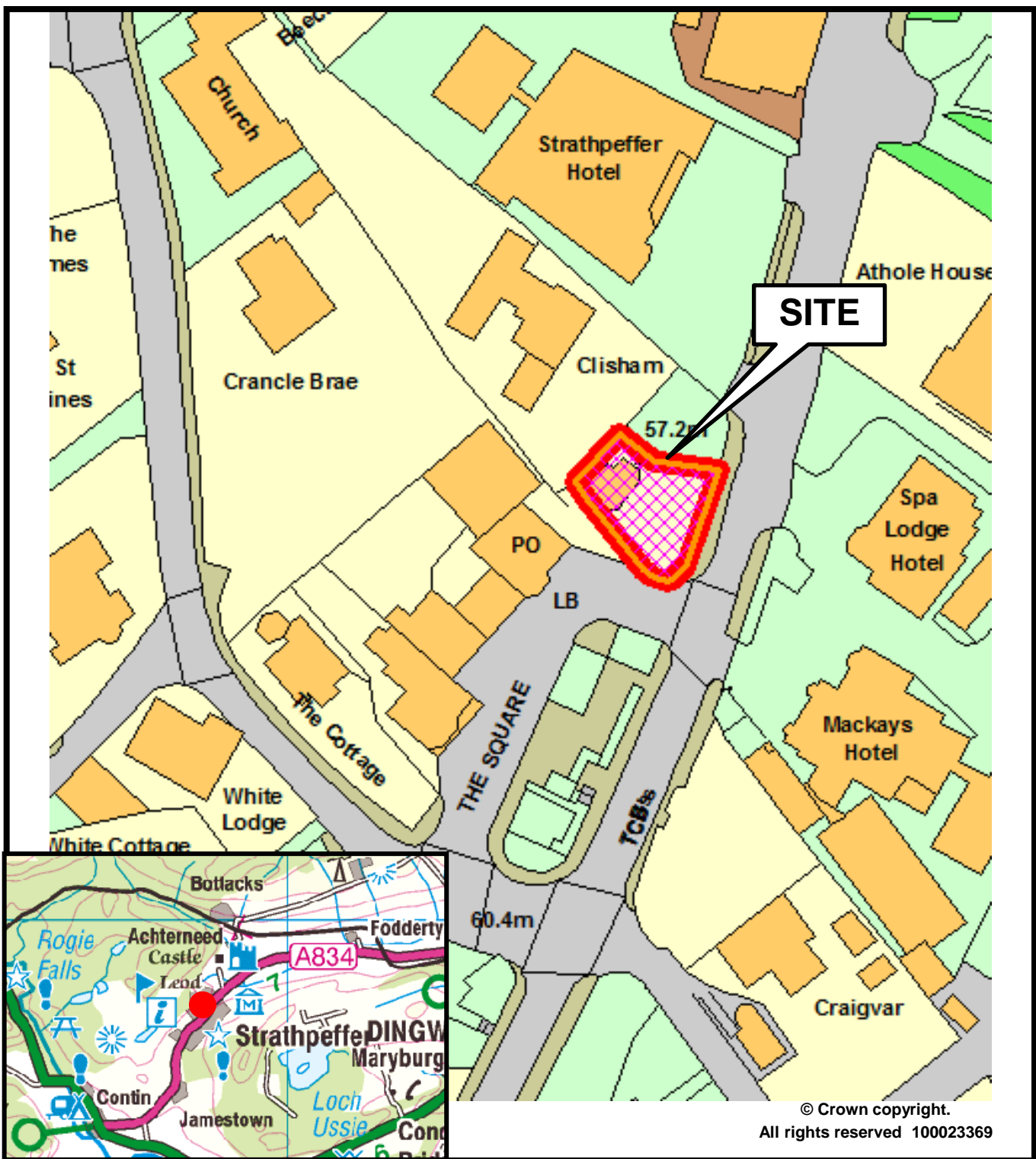
In particular, the extension is disproportionately large and will dominate the original building, resulting in a complete loss of character for the building; the finish of the walls of the original building will be lost; the fenestration detailing will be lost; the principle elevation will be destroyed; a sense of massing and cramming will result from its proximity to the edge of the main road through Strathpeffer; the open feel of the area and the green space which currently links to The Square will be destroyed.

Accordingly, the application is contrary to Policies 28, 29, and 57 of the adopted Highland-wide Local Development Plan, contrary to the provisions of national policy as set out in the Scottish Historic Environment Policy, and contrary to the Council's adopted Historic Environment Strategy supplementary guidance.

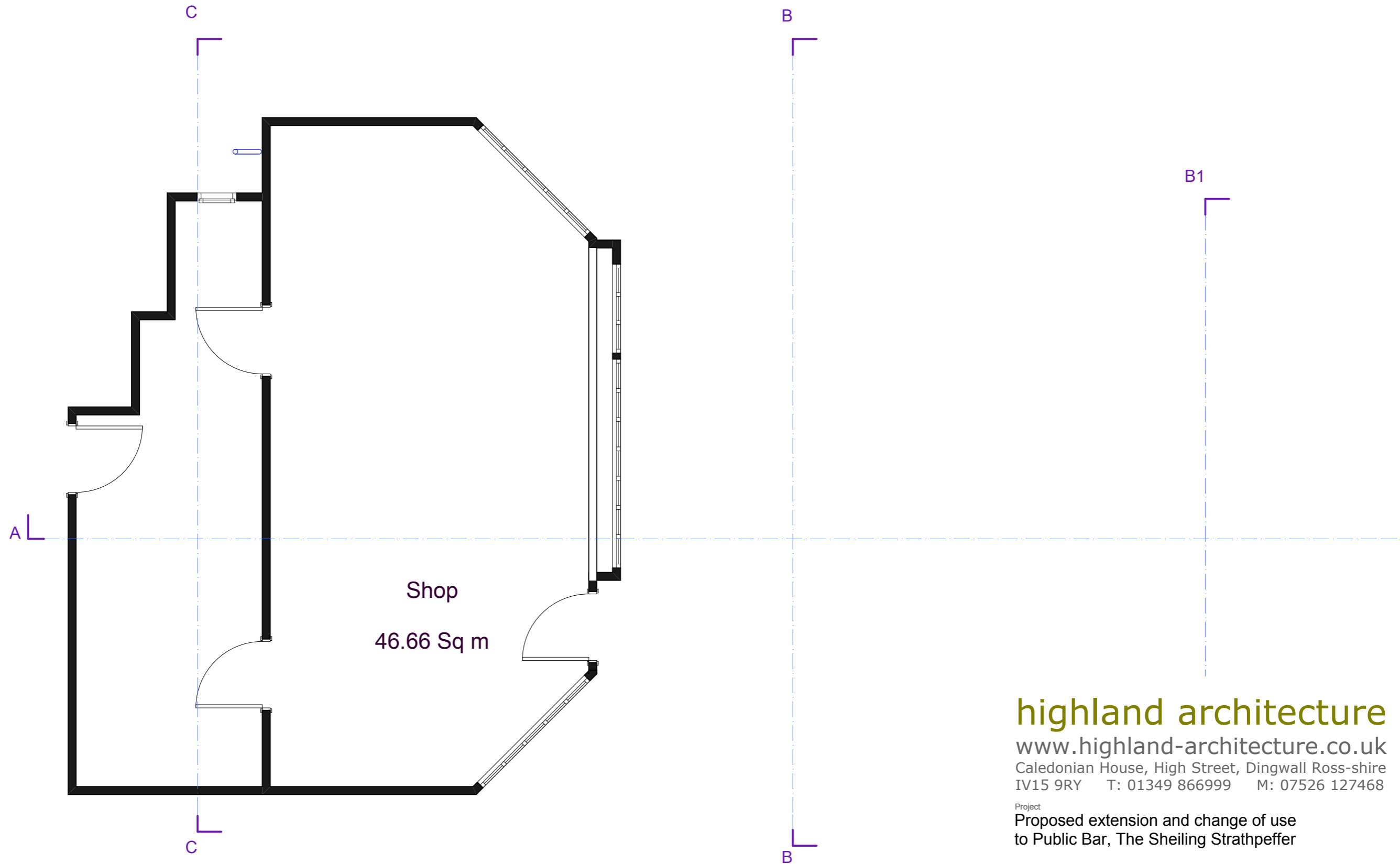
Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Susan Hadfield
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site layout plan
Plan 3 – existing floor plan
Plan 4 – proposed floor plan
Plan 5 – Existing elevations
Plan 6 – Proposed elevations
Plan 7 – Proposed elevations

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mrs Jan-Kirsty Theobald	Strathpeffer Hotel, The Square, Strathpeffer. IV14 9DF	13/05/15	Against
Miss Julie Laurence	Rowan Croft, Achterneed, Strathpeffer. IV14 9AA	14/05/15	For
Strathpeffer Community Council	Per Douglas Murray	24/07/15	For







Existing Ground Floor Plan
Scale 1:50

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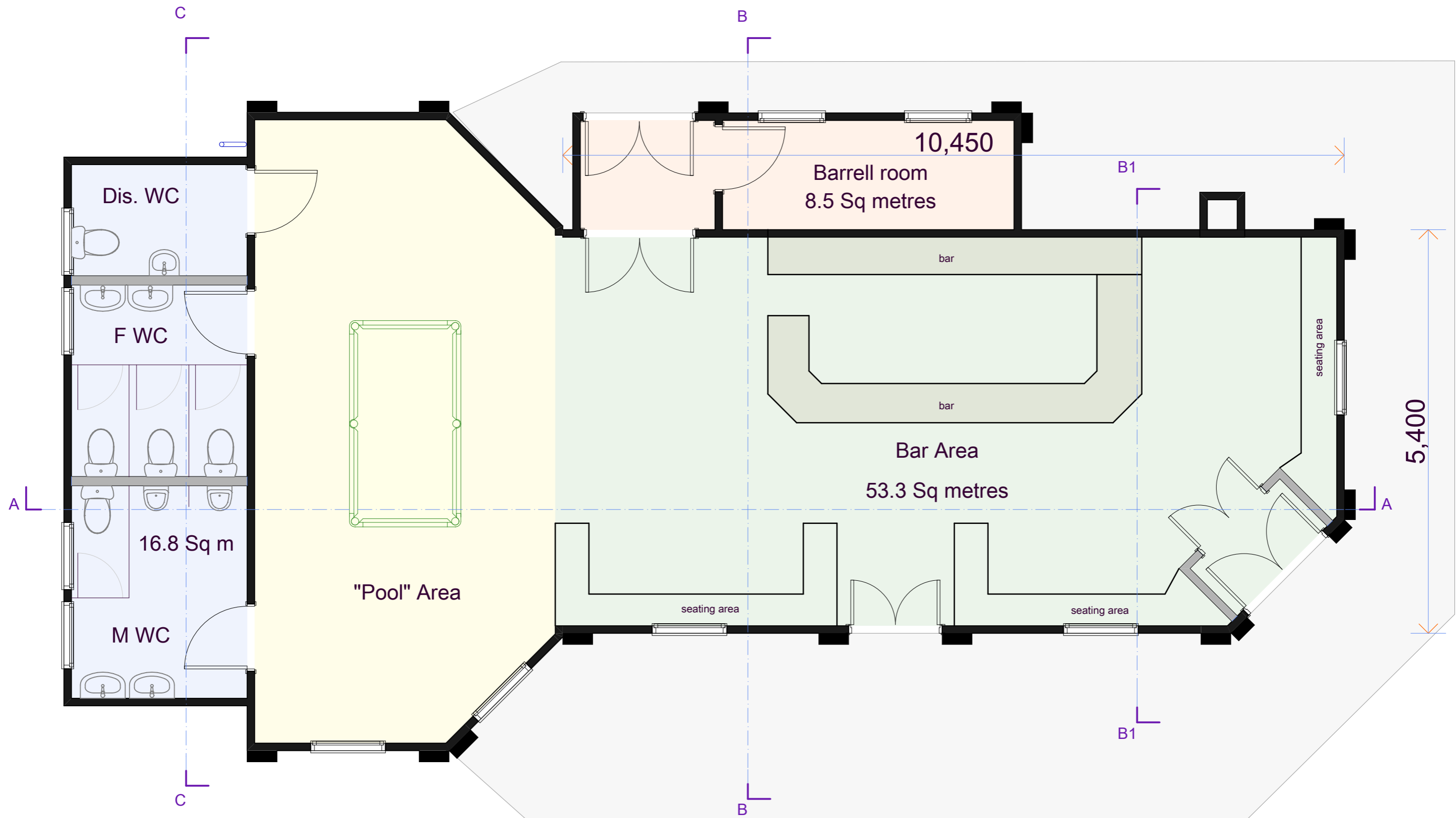
Project
**Proposed extension and change of use
 to Public Bar, The Sheiling Strathpeffer**

Fraser Mackenzie

Drawing	Existing Ground Floor Plan	Drawn	Lennox Boyd
Scale	1:50	Date	15/04/2015
Status	PLANNING APPLICATION	Drwg No	P275.14 .02
		Revision	

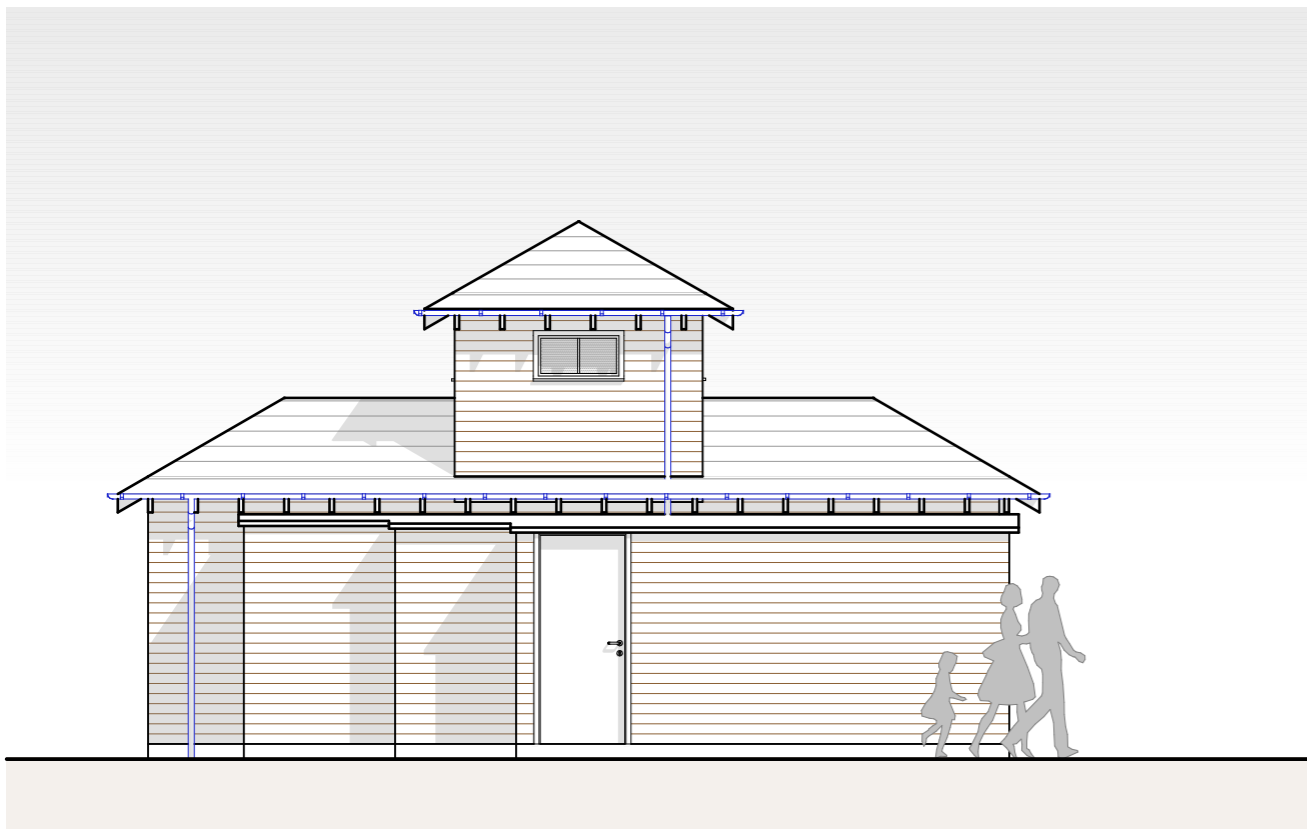
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 • All dimensions to be checked on site.



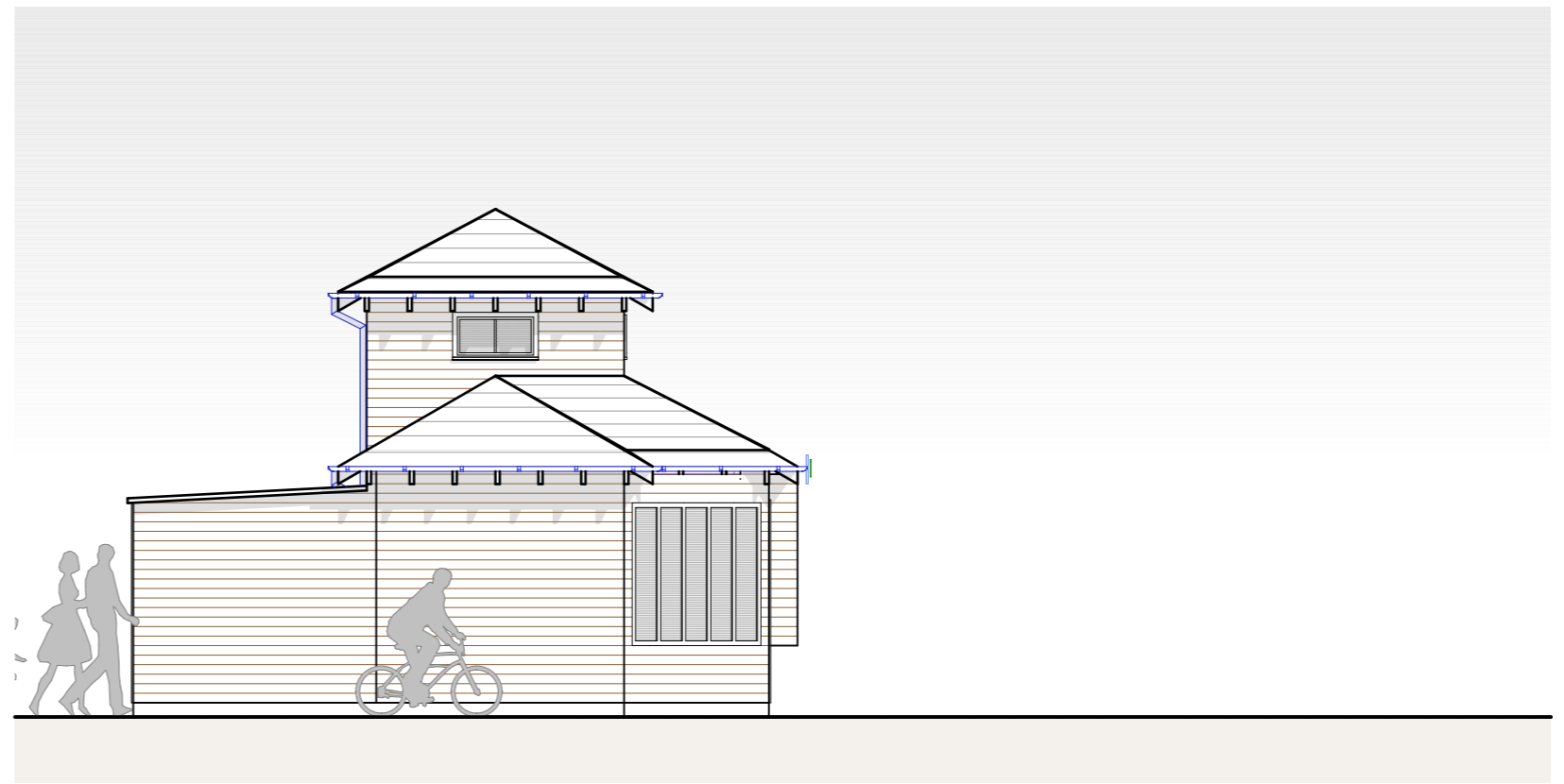


Proposed Ground Floor Plan 1:50

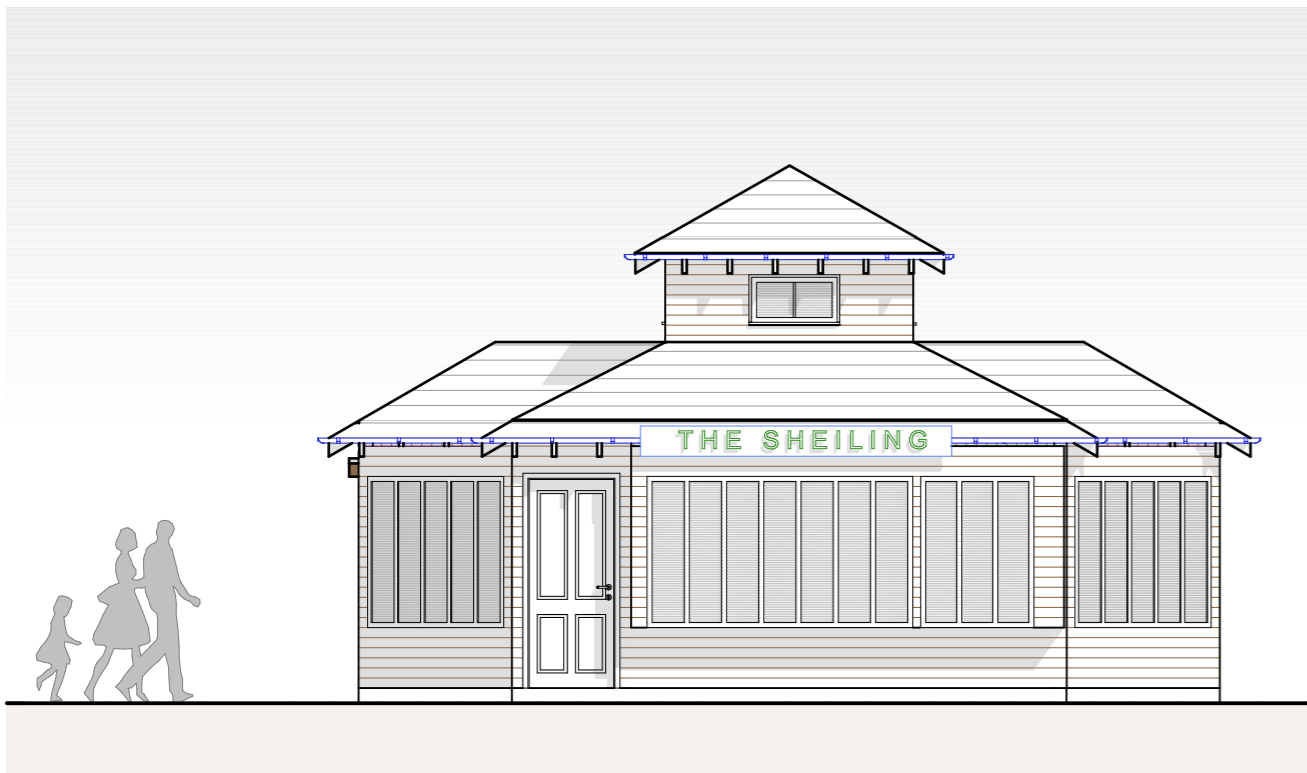




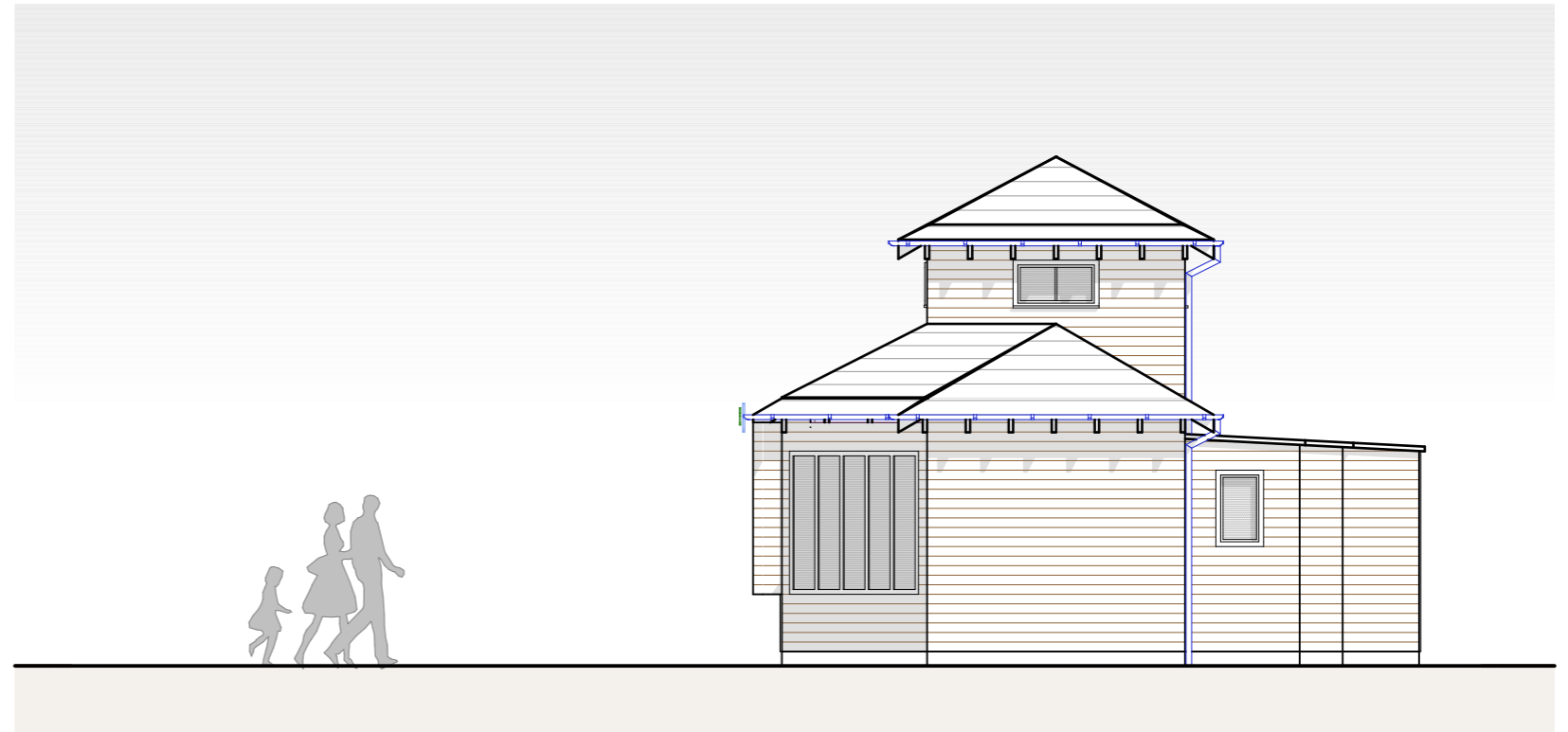
West Elevation (Existing)
Scale 1:75



South Elevation (Existing)
Scale 1:75

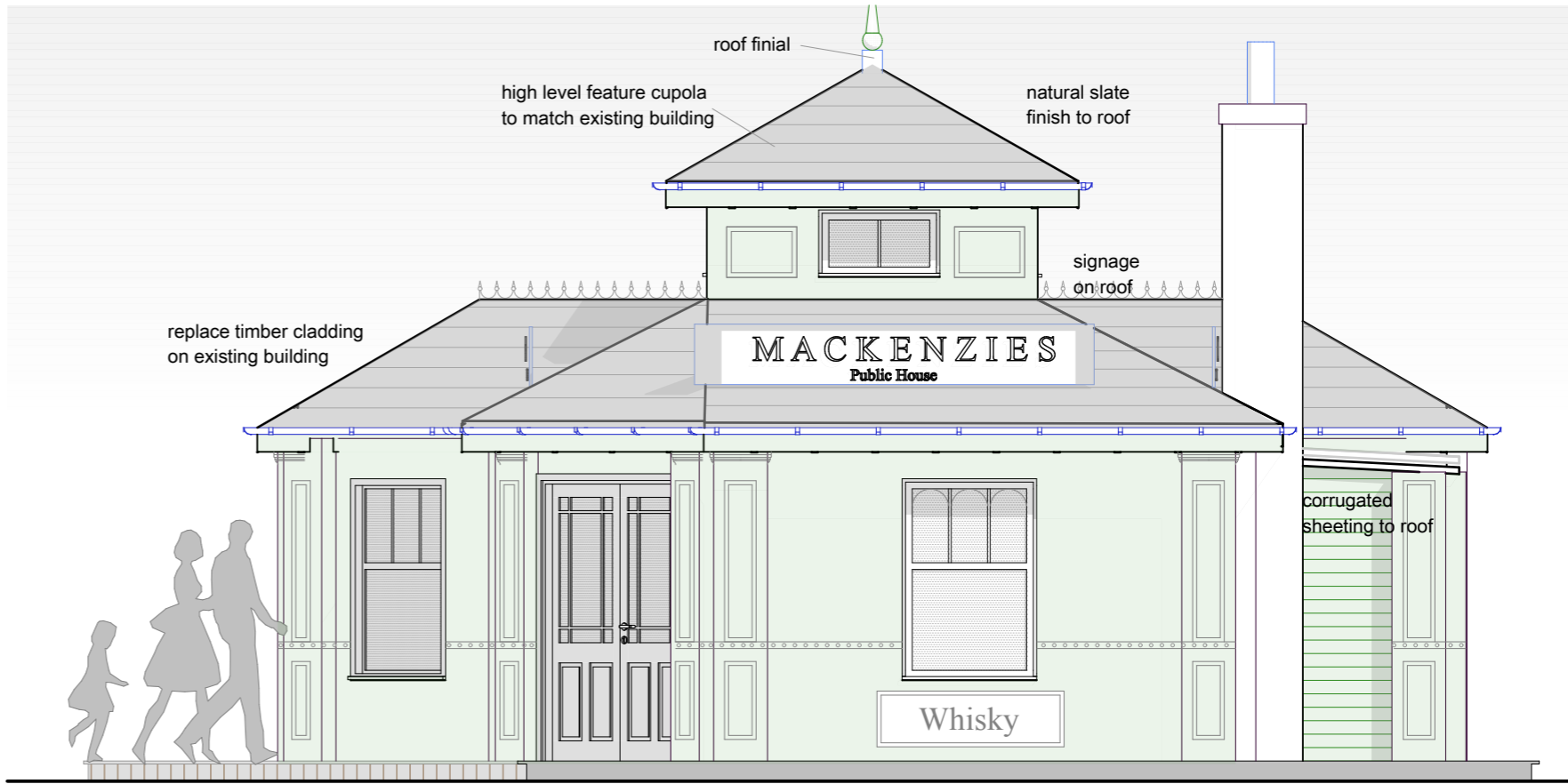


East Elevation (Existing)
Scale 1:75

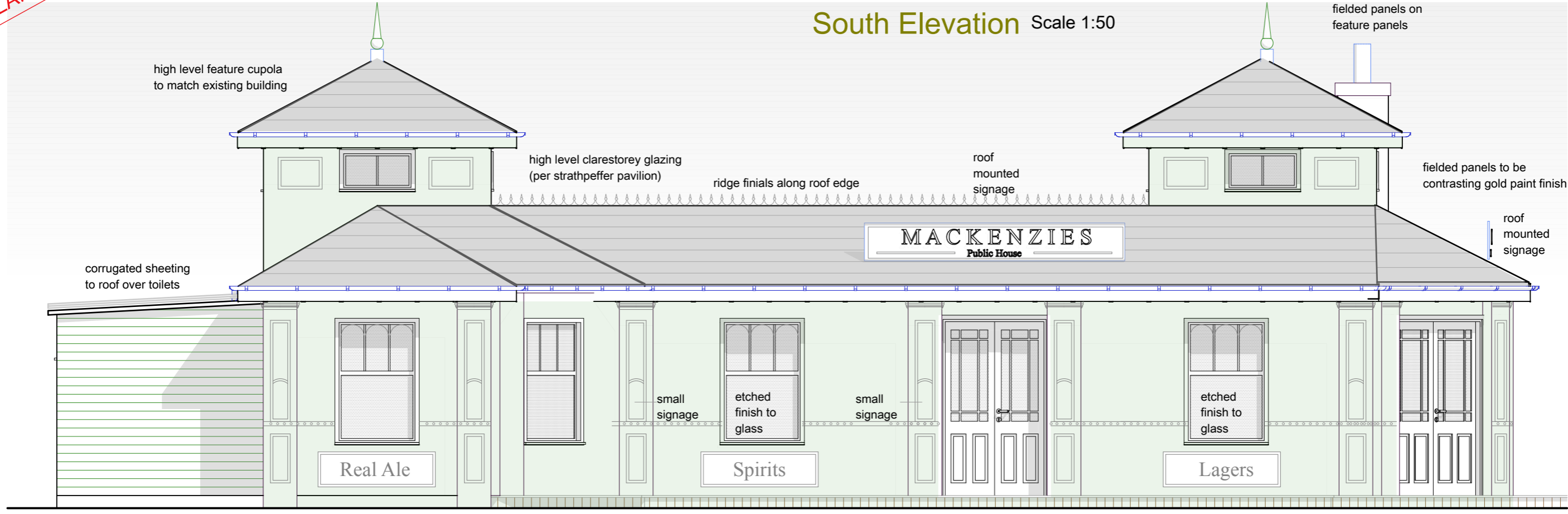


North Elevation (Existing)
Scale 1:75

PLANNING



South Elevation Scale 1:50



West Elevation Scale 1:50

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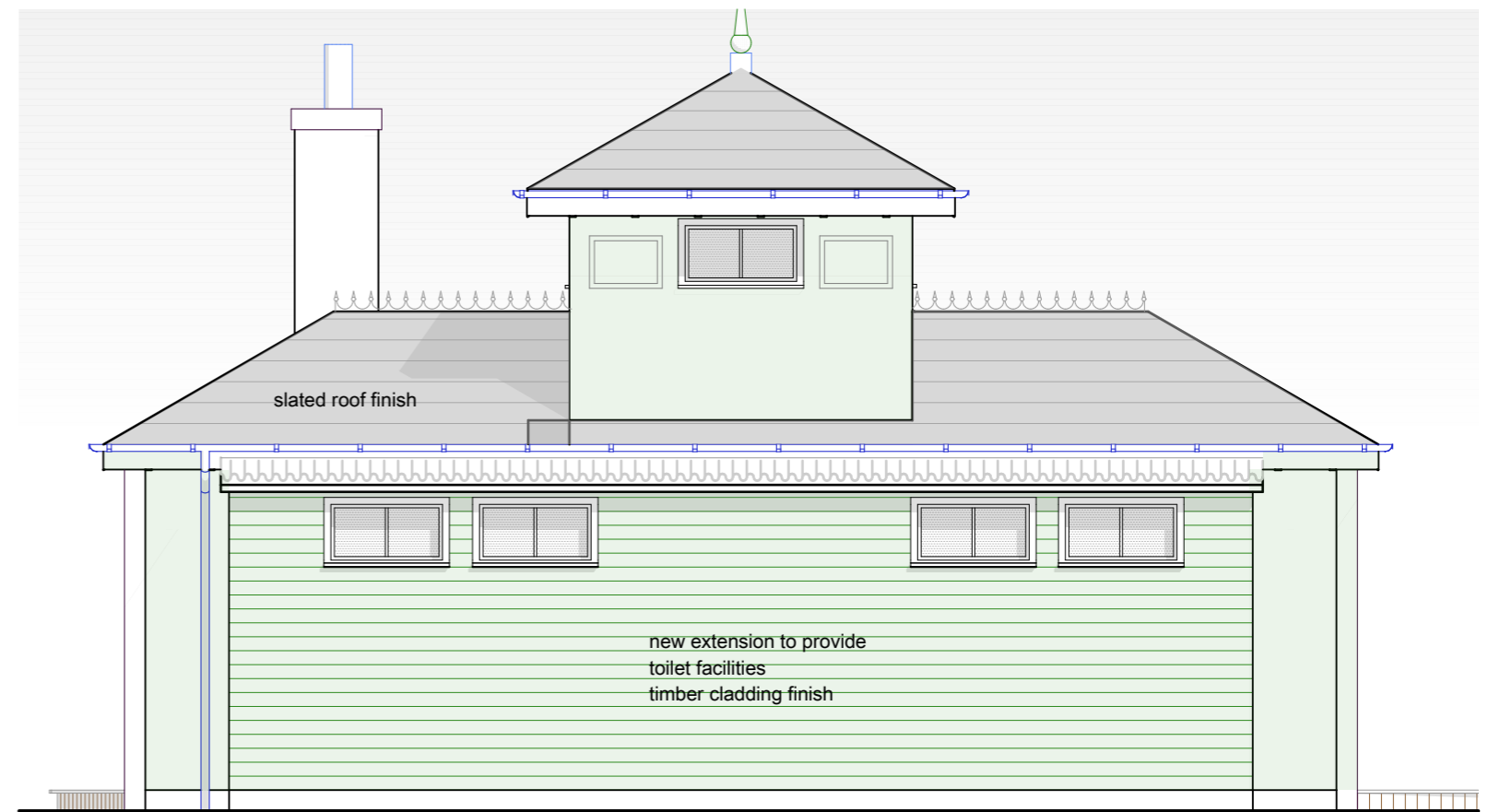
Project
Proposed extension and change of use to Public Bar, The Sheiling Strathpeffer
 Fraser Mackenzie

Drawing **Proposed Elevations**
 Scale **1:50** Date **15/04/2015**
 Status **PLANNING APPLICATION**
 Drawn **Lennox Boyd**
 Drwg No **P275.14 .07**
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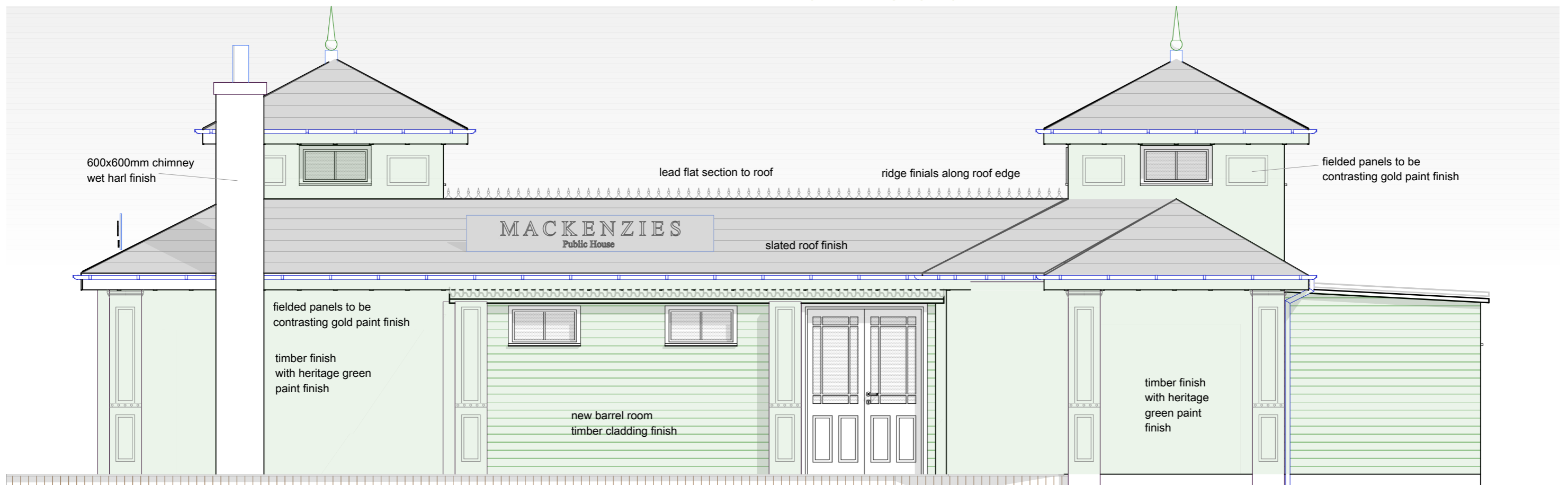


replace "sheds" at rear of building to house new toilet facilities

new extension to provide toilet facilities
timber cladding finish

North Elevation Scale 1:50

black gloss on concrete base course



600x600mm chimney wet harl finish

lead flat section to roof

ridge finials along roof edge

fielded panels to be contrasting gold paint finish

MACKENZIES
Public House

slated roof finish

fielded panels to be contrasting gold paint finish

timber finish with heritage green paint finish

new barrel room
timber cladding finish

timber finish with heritage green paint finish

black gloss on concrete base course

East Elevation Scale 1:50

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Project

Proposed extension and change of use to Public Bar, The Sheiling Strathpeffer

Fraser Mackenzie

Drawing Proposed Elevations

Scale 1:50 Date 15/04/2015

Status PLANNING APPLICATION

Drawn Lennox Boyd

Drwg No P275.14 .08

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