

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
27 September 2016**

Agenda Item	6.6
Report No	PLS 061/16

**16/02696/LBC: Eastgate Unit Trust
8 – 10 Academy Street, Inverness**

Report by Area Planning Manager - South / Major Developments

SUMMARY

Description : Extend restaurant, partial demolition of wall on north-east façade for kitchen extension and removal of door on south-east facade

Recommendation - GRANT

Ward : 15 – Inverness Central

Development category : Local

Pre-determination hearing : Not required

Reason referred to Committee : Manager's discretion

1. PROPOSED DEVELOPMENT

- 1.1 This proposal is Listed Building Consent for an extension to the existing category 'C' listed Filling Station restaurant which fronts onto Academy Street. The application for full planning permission is also included on this agenda. The extension is to the gable of the existing building and will extend out onto Falcon Square. The extension will join onto the gable elevation of the adjacent Falconer Building which is also listed category 'C'. It is a flat roofed single storey extension of contemporary design featuring glazed elevations. The proposal also includes the partial demolition of a wall and removal of a door on the easternmost corner of the existing building.
- 1.2 The extension will be set back slightly from the principal elevation and extend out into Falcon Square by approximately 6.5 metres. It will run the remaining depth of the existing building before being brought back just behind the front facade of the Falconer building, enclosing the area between the existing buildings almost in an 'L' shaped footprint.
- 1.3 This application is part of a package of proposals submitted separately by the applicant which includes extending the Eastgate Shopping Centre onto Falcon Square; the change of use of 1 Falconer Building (currently occupied by Laura

Ashley) to a restaurant; and the provision of a rooftop restaurant/bar at the shopping centre.

- 1.4 The applicant has engaged in informal pre-application discussions with officers in relation to the proposals.
- 1.5 The main access to the building will remain on the Academy Street façade however there will be a secondary access to the extension from Falcon Square itself. The existing foul and surface water drainage infrastructure will be amended to facilitate the proposal.
- 1.6 A Design and Access Statement has been submitted in support of the application.
- 1.7 **Variations:** Footprint changed to linear form and parapet reduced in depth.

2. SITE DESCRIPTION

- 2.1 The site forms part of the existing civic open space area of Falcon Square. To the north-east is the two storey listed building currently occupied by Pizza Express and Laura Ashley. To the south of the site is the remainder of Falcon Square bounded by Academy Street and Millburn Road.
- 2.2 The existing building is a two-storey detached building featuring rough ashlar walls, slate roof and gable chimney. There is a small area adjacent to the gable on Falcon Square that is used as an external seating area. There are three trees positioned parallel with the gable located just in front of the arches. The arches are to be retained and would become an internal feature of the extension whilst the trees would have to be removed/relocated.
- 2.3 The adjacent Falconer Building to which the extension will join is a two-storey detached building sub-divided into a restaurant and retail unit. It is rubble-built with ashlar dressings and has a slate roof featuring a tall French pyramidal attic projection.

3. PLANNING HISTORY

- 3.1 21.08.98: Advertisement consent and listed building consent granted for signage (98/00541/ADVIN and 98/00542/LBCIN);

13.03.00: Planning application and listed building consent application withdrawn for retaining existing ground floor as restaurant and first floor conversion for use as restaurant (00/00137/FULIN and 00/00138/LBCIN);

12.07.05: Planning permission and listed building consent granted to form windows and door in east gable with retractable roller awnings, fascia board to receive letters and velux windows (05/00257/FULIN and 05/00258/LBCIN);

08.09.05: Planning permission and listed building consent granted for change of use from restaurant to public house (05/00751/FULIN and 05/00752/LBCIN);

20.04.16: Advertisement consent and listed building consent granted for signage

and pelmet light (05/01164/ADVIN and 05/01165/LBCIN);

Present: Planning application for extension to restaurant being determined concurrently with this proposal (16/02798/FUL).

4. PUBLIC PARTICIPATION

4.1 Advertised : listed Building. Expired 26/08/16

Representation deadline : 26/08/16

Timeous representations : None

Late representations : None

5. CONSULTATIONS

5.1 **Historic Environment Team:** Initially advised that the proposal could not be supported based on original design. Following revisions the proposal is now acceptable. Recommend that consideration be given to a natural stone upstand instead of the metal clad option and that area for signage should be reduced.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

57 Natural, Built and Cultural Heritage

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Draft Development Plan**

Not applicable.

7.2 **Highland Council Supplementary Planning Policy Guidance**

Sustainable Design Guide
Highland Historic Environment Strategy

7.3 **Other**

Managing Change in the Historic Environment (Extensions), Historic Environment Scotland

8. PLANNING APPRAISAL

8.1 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Planning Authority to have special regard to the desirability

of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.2 In terms of preserving the character of the building this means preserving it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

8.3 **Development Plan Policy Assessment**

Policy 57 (Natural, Built and Cultural Heritage) of the Highland-wide Local Development Plan advises that development will normally be permitted providing it can be satisfactorily demonstrated that it will not have an unacceptable impact on natural, built or cultural heritage features. The determining issue in assessing this application is therefore whether the proposed extension and related works preserve the character of the buildings listed as being of special interest.

8.4 **Material Considerations**

8.4.1 Impact on building's character

The initial design of the extension featured two concave elevations reflecting the curved markings on Falcon Square. It also featured a deep parapet. The resulting proposal appeared discordant and did not properly relate to the form, proportion or profile of the adjoining listed buildings. The applicant was advised of these concerns and following further discussions the proposal was subsequently amended.

The redesigned extension is subordinate in both scale and form from the main building; it is located on a secondary elevation and it is of a high quality design. The parapet has been reduced in depth to reflect the banding on the adjacent Falconer Building and now features a linear plan form which relates significantly better to the adjoining buildings. This modest contemporary intervention protects the character and appearance of the listed building. The redesigned extension meets the design principles set out in Historic Environment Scotland's guidance.

In addition to the above it is considered that the proposal will enhance the conservation area at this location in accordance with the Council's general duty under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

8.5 **Other Considerations – not material**

Not applicable.

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

Not applicable. In relation to the accompanying planning application the Council will seek a financial contribution from the applicant towards streetscape improvement works associated with Academy Street. The applicant has agreed in principle to this.

9. CONCLUSION

- 9.1 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. In particular it is considered that the proposal will preserve the character and setting of the listed buildings to which it relates.

10. RECOMMENDATION

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

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

1. A detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) shall be submitted to, and approved in writing by, the Planning Authority prior to installation. Thereafter, development and work shall progress in accordance with these approved details.

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

2. No plant, machinery or equipment shall be installed on the roof of the extension.

Reason: To preserve the character and setting of the listed building.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and is not considered to detrimentally affect the character or setting of the listed buildings to which it relates and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

In accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) (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

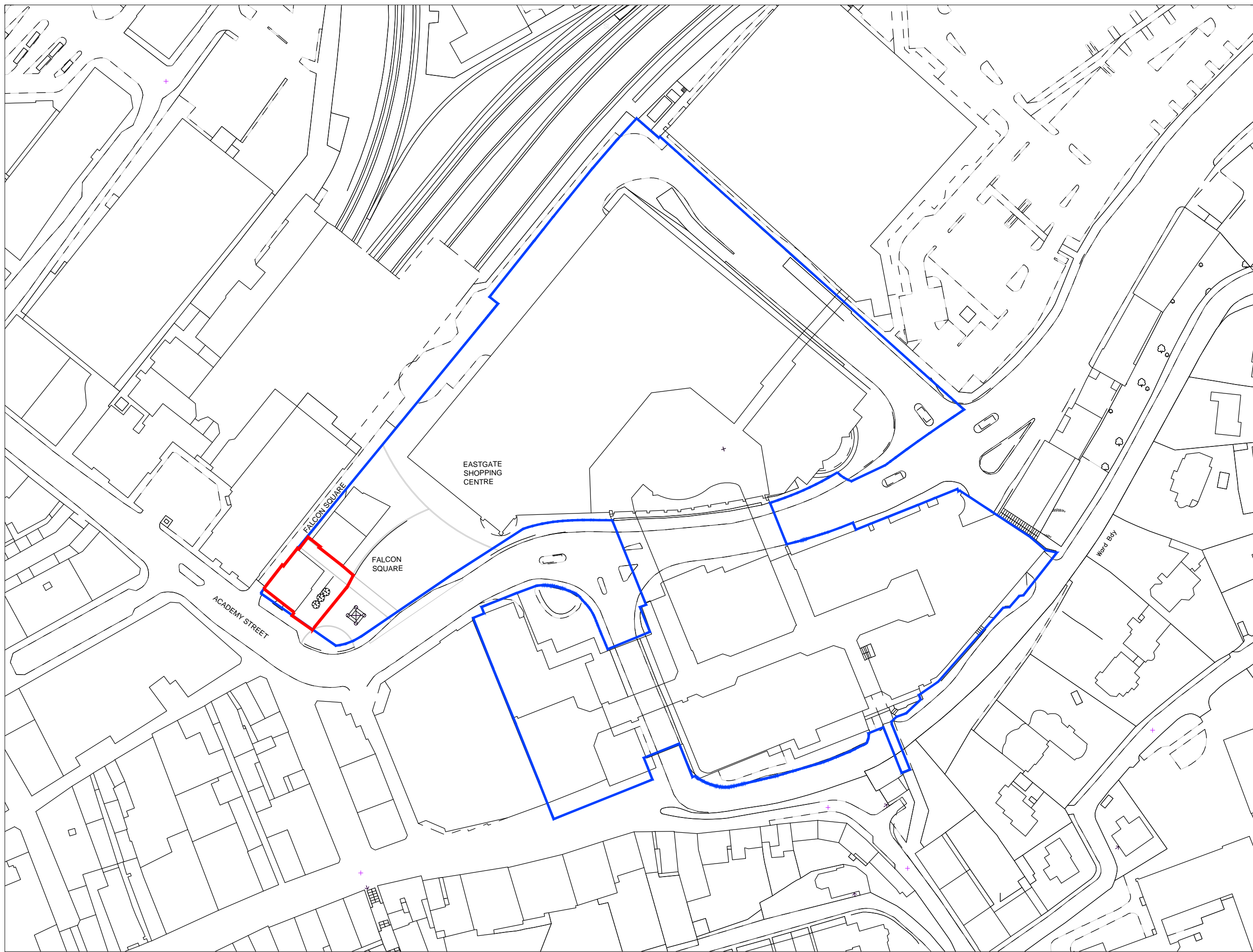
Accordance with Approved Plans & Conditions

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

Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: John Kelly
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan TPS01_002 Rev 01
Plan 2 – Site Plan TPS01_003 Rev 01
Plan 3 – Proposed Elevation A TP01_050 Rev 06
Plan 4 – Proposed Elevation B TP01_051 Rev 05
Plan 5 – Proposed Elevation C TP01_052 Rev 04
Plan 6 – Proposed Elevation D TPS01_053
Plan 7 – Proposed Ground Floor Plan TP01_041 Rev 07


KEY

	APPLICATION BOUNDARY
	OWNERSHIP BOUNDARY



Rev	Date	Revision Description	RP	PS
01	13/09/16	Boundary updated to reflect updated scheme to planners comments	RP	PS

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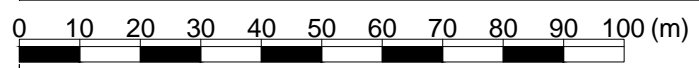
Project
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 8-10 ACADEMY STREET
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Drawing Title
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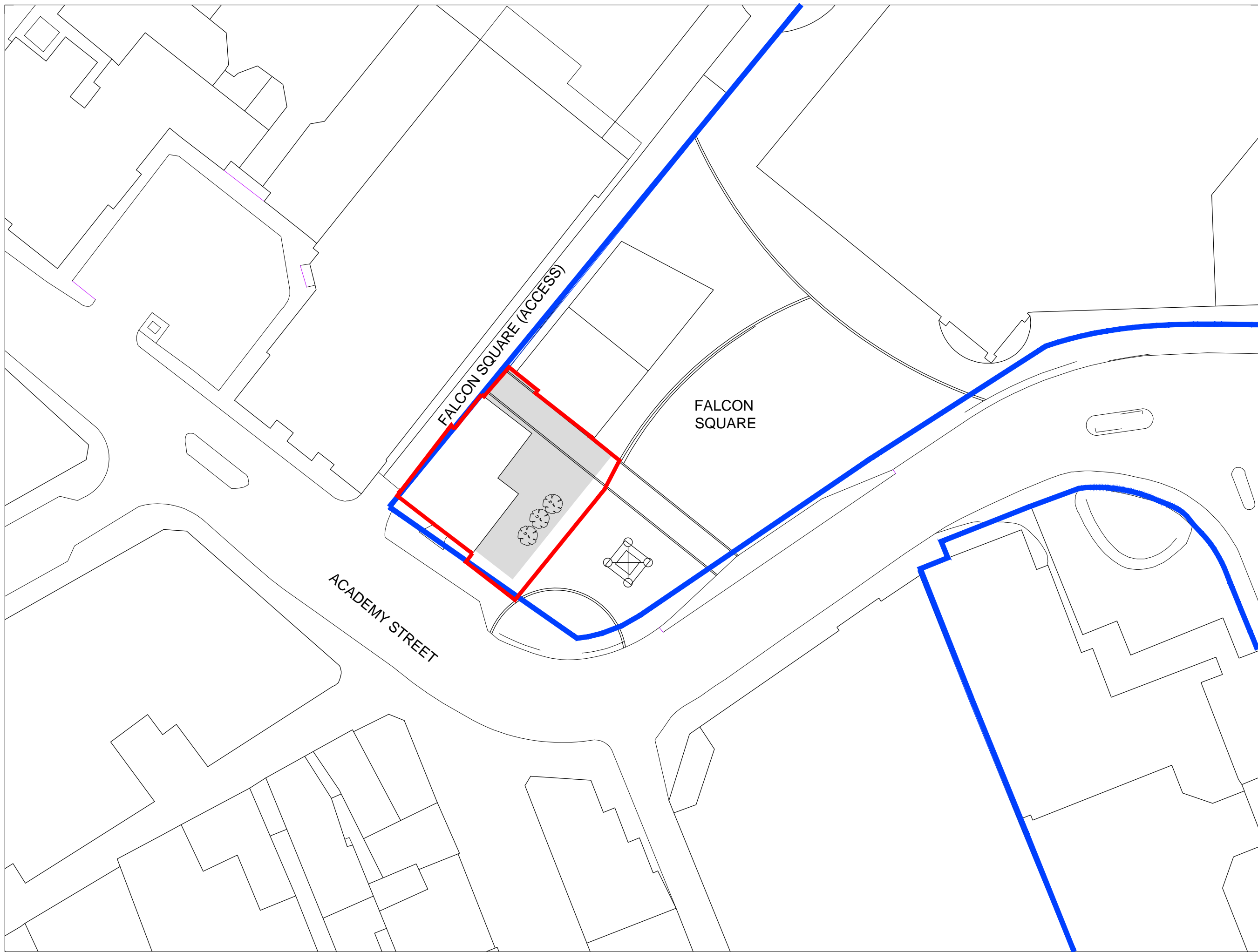
Status
TOWN PLANNING
FOR FILLING STATION
EXTENSION

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122	TPS01_002		01



- KEY**
- APPLICATION BOUNDARY
 - OWNERSHIP BOUNDARY
 - EXTENSION AREA



Rev	Date	Revision Description	Dr	Chk
01	13/09/16	Boundary and extension area updated to reflect updated scheme to planners comments	RP	PS

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Drawing Title
SITE PLAN

Status
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FOR FILLING STATION
EXTENSION

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122	TPS01_003		01

Note:
 Drawing based on J.A.Leask Architects drawing supplied to POD by Eastgate Shopping Centre management- Drawing ASG 25416/(2-)02D Proposed Elevations

Drawing based on Derek Lovejoy Partnership- Drawing DL/E1/E01(97).H10

Drawing based on Malcolm Hollis DWG drawings: 50937-E-01-REVA 50937-T-01-REVB



06	26/07/16	Updated to planners comments: Proposed Academy Street elevation offset from existing facade. Principal elevation squared off to omit curves. Fascia aligned to banding of listed building. Canopy detail to suit top of arches.	RP	PS
05	20/07/16	Existing windows removed between existing and proposed extension. Proposed front door relocated. Arches fully enclosed.	RP	PS
04	28/06/16	Updated to follow new survey	MD	PS
03	24/05/16	Revised proposed levels	MD	PS
02	10/05/16	Revised proposed levels	MD	PS
01	06/05/16	Revised elevation with updated floor plan	MD	PS
Rev	Date	Revision Description	Drn	CHK

KEY

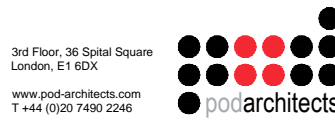
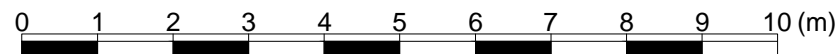
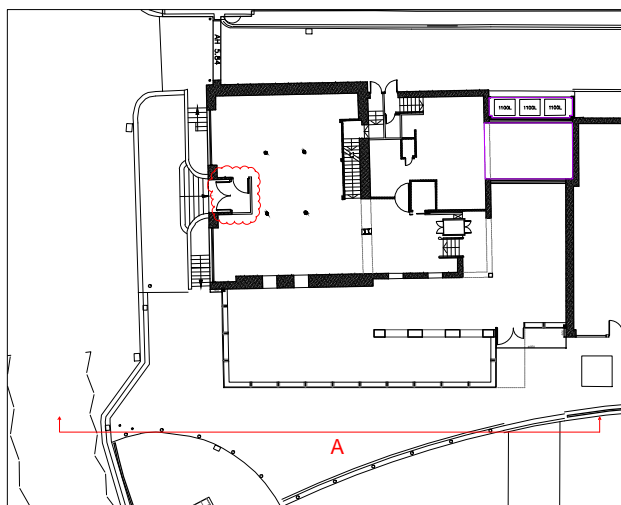
Proposed building:

- 1. Light grey metal cladding to parapet
- 2. Structural glazing system with signage to external face of glazing where indicated.
- 3. Recessed internal bulkhead
- 4. Grey metal cladding to upstand
- 5. Light grey metal canopy over front door. Connecting back to roof build up over arches

Existing buildings:

- 6. Rendered wall
- 7. Red painted signage band
- 8. Red painted metal rain water pipe to be painted black
- 9. Stone balustrade
- 10. Slate roof tiles
- 11. Stone quoins of retained arches enclosed by extension.

- 12. Rubble wall of retained arches enclosed by extension.
- 13. Segmented semi-circular stone arches of retained arches enclosed by extension.
- 14. Stone banding
- 15. Glazed shop front entrance



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Drawing Title
PROPOSED ELEVATION A

Status
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Note:
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Drawing based on Derek Lovejoy Partnership- Drawing DL/E1/E01(97).H10

Drawing based on Malcolm Hollis DWG drawings: 50937-E-01-REVA 50937-T-01-REVB



FOR COMMENT

Rev	Date	Revision Description	Dr	Chk
05	26/07/16	Updated to planners comments. Proposed Academy Street elevation offset from existing facade. Proposed elevation squared off. Fascia aligned to banding of listed building. Canopy detail to suit top of arches.	RP	PS
04	28/06/16	Updated to follow new survey	MD	PS
03	24/05/16	Revised parapet	MD	PS
02	10/05/16	Revised proposed levels	MD	PS
01	06/05/16	Revised elevation with updated plan	EO	PS

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Drawing Title

PROPOSED ELEVATION B

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FOR FILLING STATION
EXTENSION

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	01/07/16		PS

Project no.	Drawing no.	Revision
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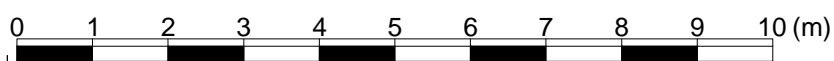
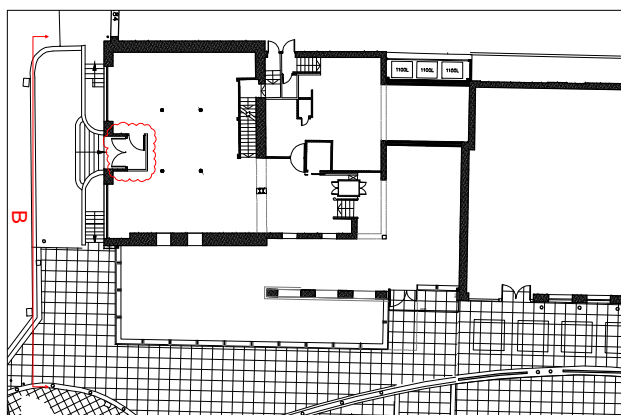
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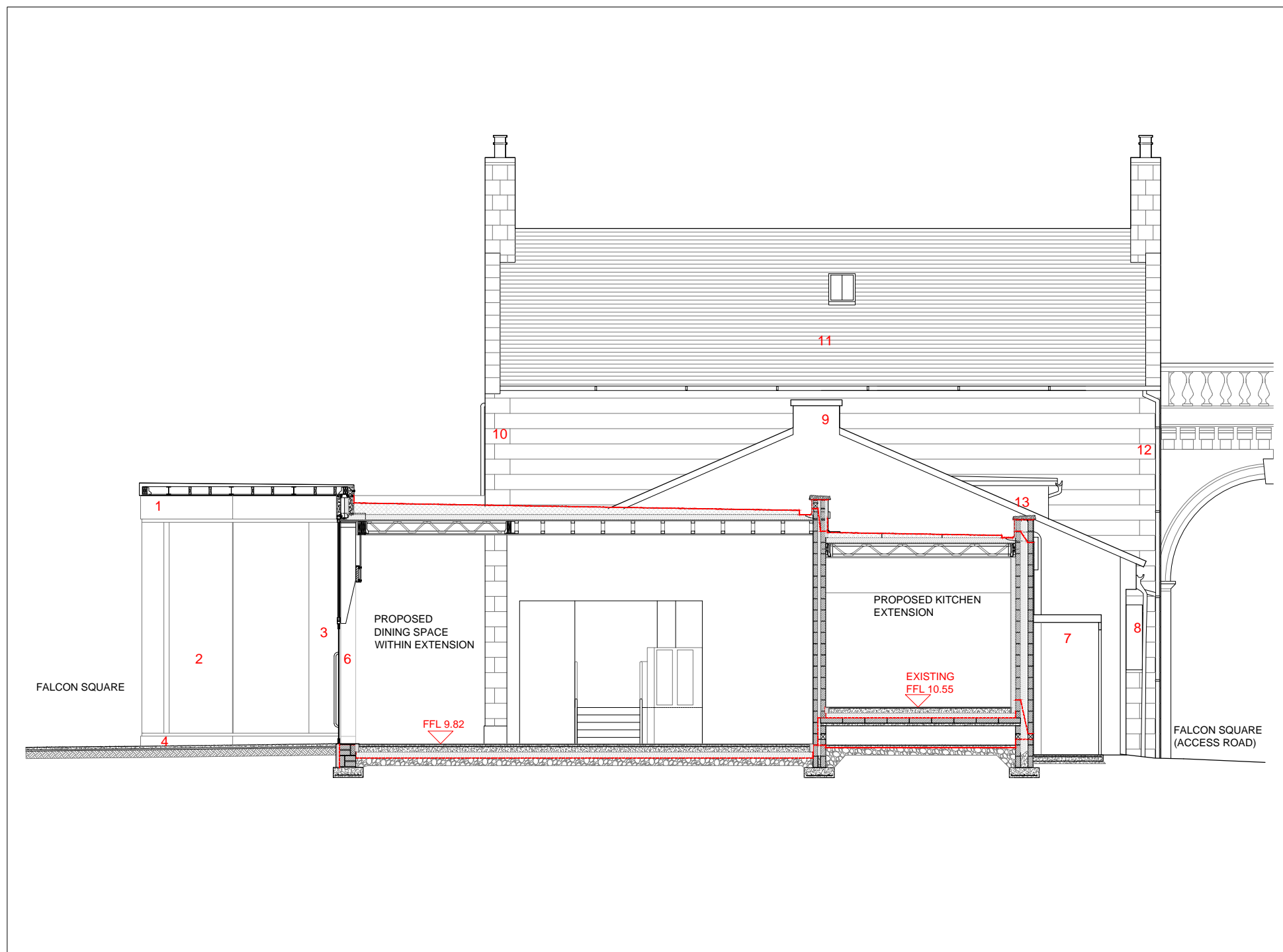
Proposed building:

- 1. Light grey metal cladding to parapet
- 2. Structural glazing system
- 3. Recessed internal bulkhead
- 4. Grey metal cladding to upstand

Existing buildings:

- 5. Ashlar gable wall
- 6. Red painted window and door frames
- 7. Red painted signage band
- 8. Stone balustrade
- 9. Stone steps
- 10. Slate roof tiles
- 11. Stone quoins
- 12. Existing arches enclosed by extension
- 13. Black painted metal rain water pipe
- 14. Rubble wall





Note:
Drawing based on J.A.Leask Architects drawing supplied to POD by Eastgate Shopping Centre management- Drawing ASG 25416/(2-)02D Proposed Elevations

Drawing based on Derek Lovejoy Partnership- Drawing DL/E1/E01(97).H10

Drawing based on Malcolm Hollis DWG drawings: 50937-E-01-REVA 50937-T-01-REVB

Rev	Date	Revision Description	Dr	Chk
04	13/09/16	Plans updated to reflect new plan following discussion with planners	RP	PS
03	20/07/16	New opening formed in existing wall with additional support column. Proposed door repositioned. Arches Enclosed	RP	PS
02	28/05/16	Updated to follow new survey	EO	PS
01	24/05/16	Revised kitchen height and new parapet level	MD	PS

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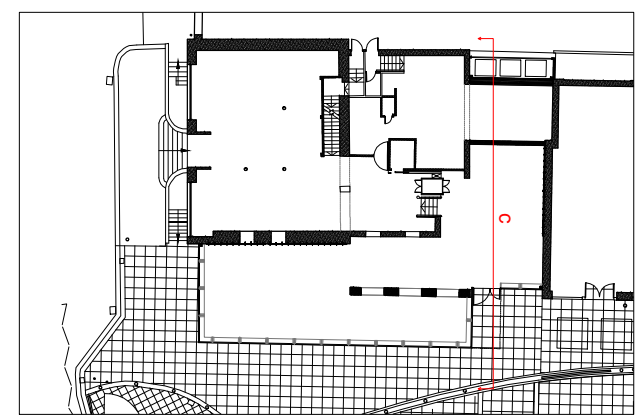
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PROPOSED ELEVATION C

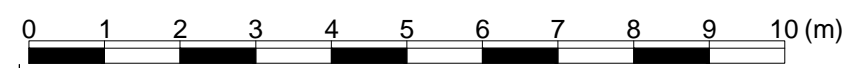
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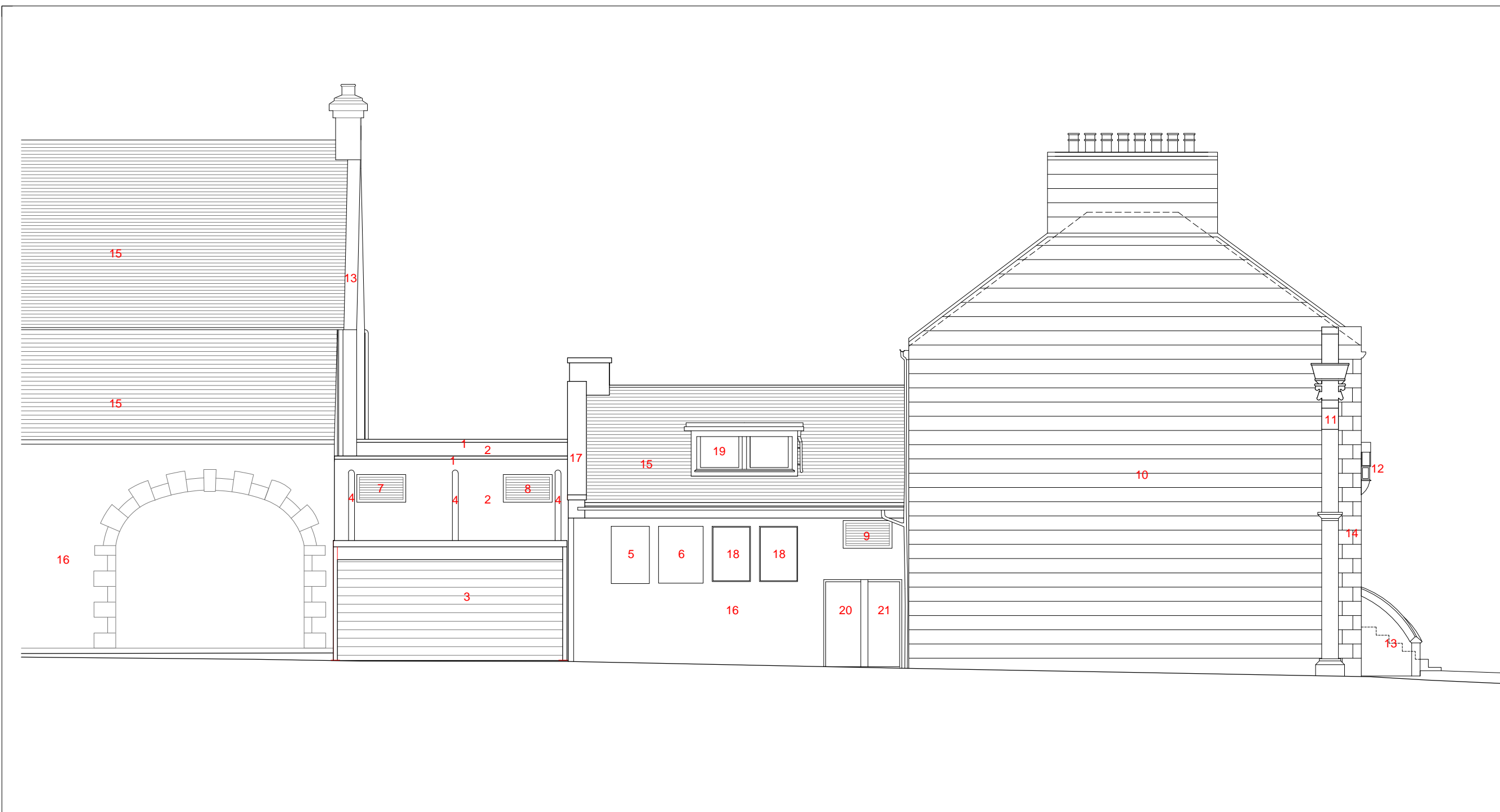
- KEY**
- Proposed building:**
1. Light grey metal cladding to parapet
 2. Structural Glazing system
 3. Obscure Glazed Panel at junction with arches
 4. Light Grey metal cladding to upstand
 5. Light grey metal canopy
 6. Front door fitted with push button power assisted opening, stainless steel pull handles, stainless steel push/pull and fire exit signage. Door to be made of laminated 17.5 mm glass.
 7. Metal frame bin store with mesh infill secured with roller shutter front
 8. Condenser unit
- Existing buildings:**
9. Rendered wall
 10. Stone quoins
 11. Slate roof tiles
 12. Red painted metal rain water pipe
 13. Vent



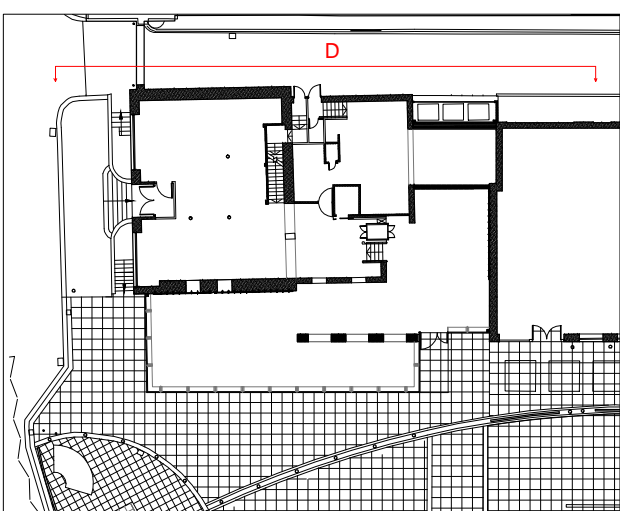
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Drawing based on Derek Lovejoy Partnership- Drawing DL/E1/E01(97).H10

Drawing Based on Malcolm Hollis DWG Drawings:
50937-E-01-REVA
50937-T-01-REVB



01	13/09/16	Plan updated to reflect revised building plan following planners comments	RP	PS
Rev	Date	Revision Description	Dim	Chk



KEY

Proposed building:

- 1. Parapet detail with reconstituted stone capping
- 2. Blockwork wall with render finish to match adjacent
- 3. Metal framed bin store with mesh infill secured with roller shutter to front
- 4. Metal rain water pipe to pass behind bin store and discharge into proposed new drainage

- 5. External condenser providing hot water generation 1345 x 900 x 320
- 6. External condenser serving extension 1338 x 1050 x 350
- 7. Restaurant heat recovery exhaust, 1025 x 525 louvre
- 8. Restaurant heat recovery intake, 1025 x 525 louvre
- 9. Kitchen make-up air intake 1025 x 525

Existing buildings:

- 10. Rendered wall
- 11. Semi-circled arched gate
- 12. Red painted signage band
- 13. Stone balustrade
- 14. Stone quoins
- 15. Slate roof tiles
- 16. Plastered wall
- 17. Stone parapet
- 18. Condenser Unit
- 19. Kitchen exhaust, re-use existing louvre
- 20. Existing MoE from kitchen maintained
- 21. Existing MoE/ Access from upper levels maintained



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PROPOSED ELEVATION D

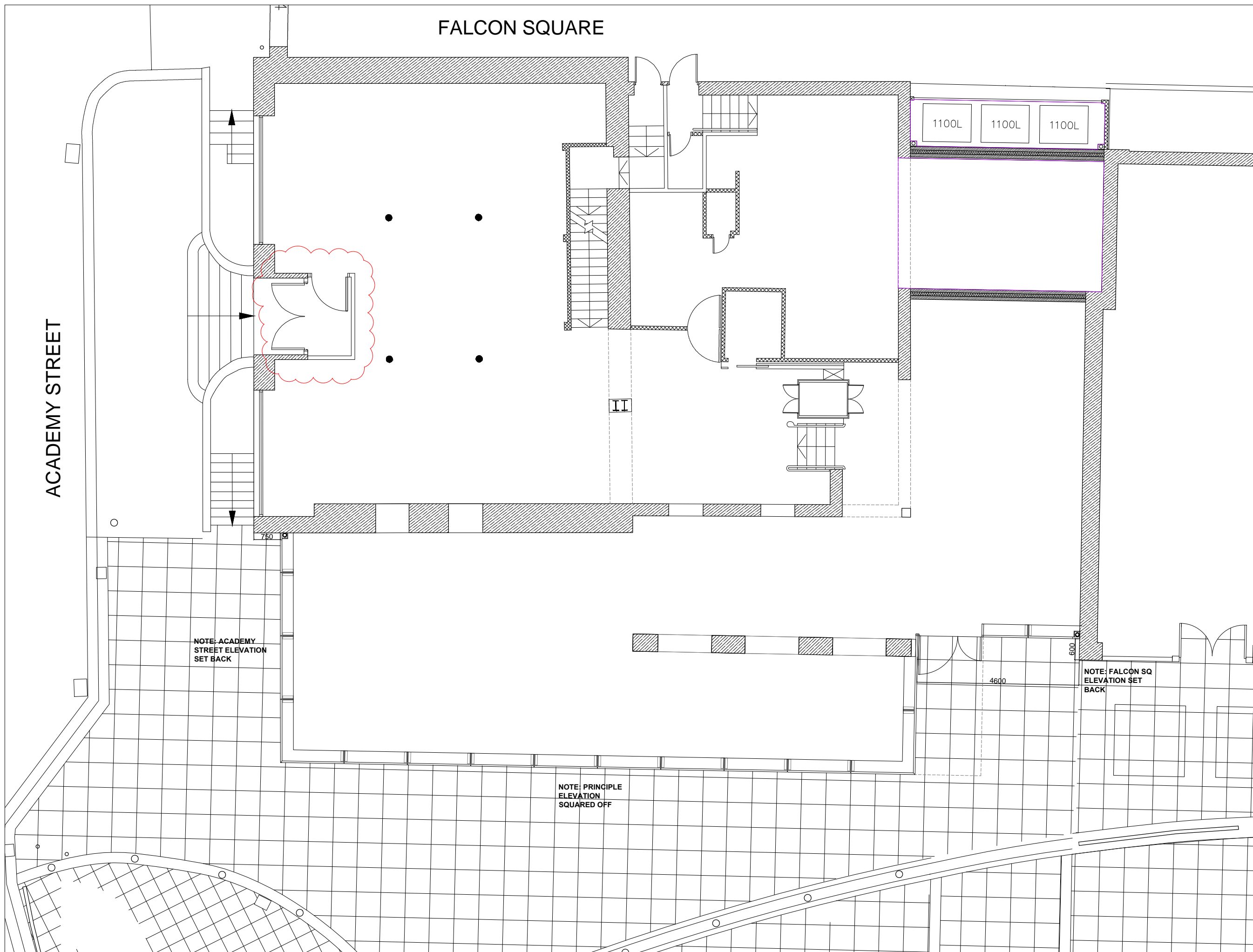
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FALCON SQUARE

ACADEMY STREET



NOTE: ACADEMY STREET ELEVATION SET BACK

NOTE: PRINCIPLE ELEVATION SQUARED OFF

NOTE: FALCON SQ ELEVATION SET BACK

Note:
Drawing based on J.A. Leask Architects drawing supplied to POD by Eastgate Shopping Centre management- Drawing ASG 25416/(1-)-03C Proposed Ground Floor Plan

Drawing based on Derek Lovejoy Partnership- Drawing DL/E1/E01(97).H10

Drawing based on Malcolm Hollis DWG drawings:
50937-E-01-REVA
50937-T-01-REVB

AREAS

165 sq m Seating area
21.5 sq m Kitchen
7 sq m Bin Storage

FOR COMMENT

Rev	Date	Revision Description	Dim	Chk
07	26/07/16	Revised to Planners Comments. Elevations adjacent to fixed building and existing filling. Station set back at least 500mm from adjacent buildings. Main built form squared off to oval curves.	RP	PS
06	26/07/16	Additional section of existing wall removed with support column indicated. Existing glazing removed between seating and proposed extension. Proposed door relocated. Arches enclosed by building. Existing front floor updated to show existing condition.	RP	PS
05	28/06/16	Updated to follow new survey	MD	PS
04	24/05/16	Revised glazing and roof line	MD	PS
03	11/05/16	Revised section cuts	MD	PS
02	10/05/16	Revised levels	MD	PS
01	06/05/16	Revised plan and door location	MD	PS

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Drawing Title
PROPOSED GROUND FLOOR PLAN

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