
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)**

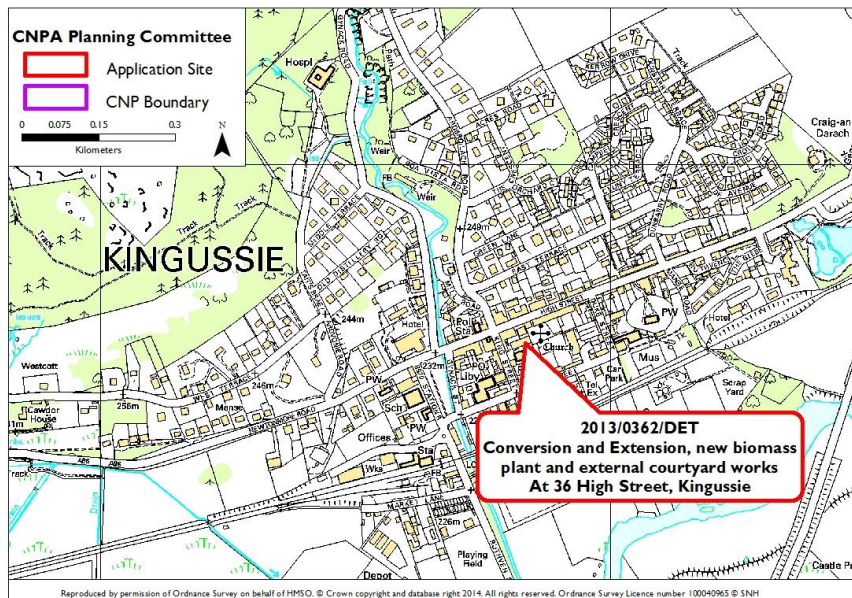
DEVELOPMENT PROPOSED: CONVERSION AND EXTENSION TO CREATE NEW OFFICE SPACE, INCLUDING SERVICE POINT, POLICE OFFICE, MEETING ROOM, NEW BIOMASS PLANT AND EXTERNAL COURTYARD TO REAR AT 36 HIGH STREET, KINGUSSIE, PH21 1HZ

REFERENCE: 2013/0362/DET

APPLICANT: THE HIGHLAND COUNCIL

DATE CALLED-IN: 18 NOVEMBER 2013

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS



Grid reference: INSERT GRID REF (Easting / Northing)

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application site lies in the High Street and comprises a derelict listed building, formerly used as the Kingussie Courthouse and a large metal shed to the rear. The Courthouse is set back from the street, whilst the building line of the adjoining buildings follow the heel of the pavement. The large shed to the rear is accessed via the parking area off King Street, which also serves adjoin residential and commercial properties, together with the Fire Station.
2. The land to the rear of the High Street properties and the east of the application site comprises an old graveyard, which is accessible by footpath further along the High Street.
3. The buildings in this part of Kingussie are generally traditional in character, constructed of stone with slate roofs.

Development Proposal

4. This application is for planning permission for the proposed development. It was submitted to The Highland Council in tandem with a listed building consent application for the same development. Both applications were called-in by CNPA but it was established recently that the listed building consent stands to be determined by Historic Scotland, in view of the fact that it was submitted by The Highland Council. The CNPA may only determine the planning application.
5. Appendix 2 contains copies of some of the relevant drawings and photos of the site.
6. The proposal is to convert and extend the Courthouse into office space for The Highland Council, including a service point and police office. The buildings will be heated by a biomass boiler, although the detailed proposals for this have not been included with the application. A condition is recommended requiring full details. The proposed development involves the rationalisation of office space from Ruthven Road (former area office), King Street (ECS), High Street (P+D) and Kingussie Train Station Offices (Service Point). A total of 33 staff are to be relocated from these existing premises to the proposed converted Courthouse with rear extension. The accommodation is to include an allowance for office space for the Police Service.
7. The proposed extension comprises an 'L' shaped building along the south-west and south-east boundaries of the site, wrapping round an internal courtyard on the north-east boundary of the site adjoining the graveyard. The 'L' shaped building comprises a single storey building along the rear boundary of the site with a steeply pitched roof, comprising offices and plant, and a single storey building along the side boundary of the site with a pitched roof comprising a meeting room and male and female WCs. The buildings are generally finished in Terne-coated standing seam cladding with a Terne-coated standing seam roof, with the exception of the courtyard elevations,

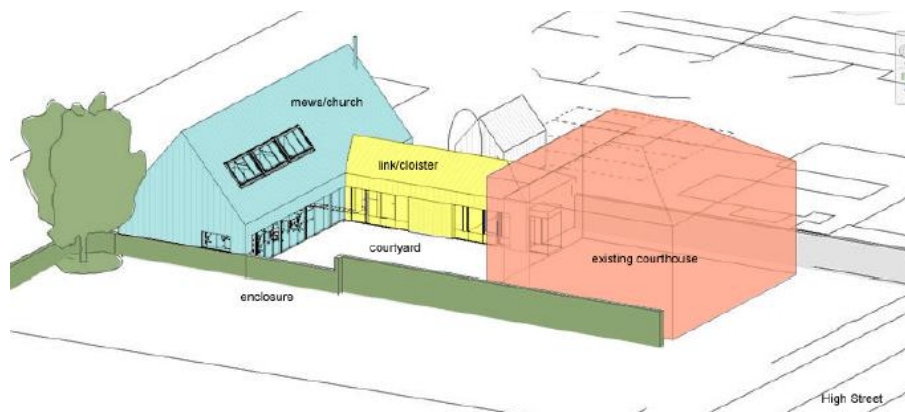
which are largely glazed and include some vertical timber weather boarding and the elevation facing the car park at the rear which has timber weather boarding on the ground floor elevation and standing seam cladding above.

8. In terms of parking, the applicant has calculated that 19 spaces are required. The proposed drawings show only space for 1 accessible and 2 compliant spaces accessed from King Street. As a result the applicant identified a number of adjacent and accessible existing car parks in Kingussie (Advonie car park, Church car park, Service point car park, and Highland Folk Museum car park) which had spaces available during the day.

Design and Access Statement

9. The Design and Access Statement submitted by the applicant in support of the planning application explains the rationale behind the building design as follows:-
 - a. The office is to be designed with a long, low-maintenance life span, to be accessible, welcoming and functional. The proposed refurbishment and detailing of the existing building will be consistent and appropriate within a conservation context. The overall scheme aims to sew a new modest building to the old, whilst retaining and reinstating many of the original features.
 - b. Following site analysis and initial meetings with the Stakeholders, the building form of the courtyard became prominent. The Courtyard acts as a mechanism to shelter the building occupants from the elements and to form a secure flexible area that could be utilised for work/relaxation.
 - c. The courtyard acts as a hinge point in the plan to delicately connect the existing Courthouse building to the rear extension via a lightweight glass link building.
 - d. The siting of the new extension has been carefully considered in respect of the existing building on-site and also the neighbouring community context. Separate level access entrances are provided at the front and rear of the new facility.
 - e. The design of the rear extension has sought to provide a building which has a scale appropriate to a significant community building but which also is mindful of context. The arrangement of the overall composition is similar to that of a mews (Rear Extension). Another analogy that is relevant is that the composition is derived from the church (Rear twin volume extension) and the cloister (low-level link building and wall enclosure). This is particularly relevant given the historic nature of the neighbouring graveyard and the 1624 Parish Church that was located previously.

- f. The volume of the rear extension relates to the scale and appearance of the church but more importantly makes allowances for flexibility in the short term and adaptability in the long term in the form of future floor-space.
- g. The proposed ridge height of the rear extension is at a similar level with the existing single storey shed that currently occupies the rear site. The low-level link building takes the form of the cloister and joins delicately to the existing Kingussie Courthouse Building. The building orientation is largely inward looking toward the enclosed courtyard/walled garden. As a result a large proportion of the inward elevation is glazed to maximise internal views and also, with rooflights, to maximise north light to the workspaces.
- h. The rear extension building form also relates to the highland vernacular, with pitched ridges over the primary accommodation and identifiable gable ends containing the accommodation. The intention is for the building to be mindful in form and material of the agrarian tradition of building. The metal roof that wraps over the building's façade will be punctuated by rooflights and windows, while areas of timber cladding are located where users will brush by, in the courtyard and at the rear entrance.



- i. The extension to the existing Grade B-Listed Courthouse building defers to it and acknowledges the particularities of its site, the scale and formation of the adjacent settlements, and the drama of its natural context. The new extension is constructed of a contrasting palette of materials to make clear the distinction between original fabric and new intervention.
- j. The selection of a small palette of materials, sensitively applied provides a calm backdrop for a contemporary quality environment which will not be subject to feeling 'dated' in the future. The roof and some elements of the walls are proposed to be clad in terne-coated steel to give a weathered look that will complement the historically relevant 1.2m high stone wall to the graveyard. The combination of

natural stonework and weathered terne-coated steel cladding will act to provide highlights of natural finish native larch timber cladding and glass. Timber cladding will be used on the most prominent elevations and at entrances to give a high quality feel to the building and also as a reference to the Highland vernacular buildings. Windows, doors and curtain walling to large glazed openings will be polyester powder coated aluminium in RAL colours to match throughout.

- k. The character of the landscape proposals varies according to the use of the external space. The entrance plaza to the existing courthouse from High Street is a calm and civic space, naturally set back from vehicle movement. The external courtyard within the arrangement is a more ordered space intended to respond to the end use as an extension of the workspace both visually and physically. The arrangement within the courtyard retains the profile/footprint of the existing stone out-house building in the form of landscaping and floorscape.
- l. Our approach is to Safeguard the future of a category B-listed building which is in extremely poor condition via the introduction of new office/public use which we consider appropriate for a building of such stature and location within the townscape of Kingussie. We aim to enhance the interior of the existing courthouse by sympathetic restoration and refurbishment following closely the guidance within the Kingussie Old Sheriff Courthouse Conservation Statement. We aim to enhance key internal architectural features via well considered and justifiable intervention. We aim to meet the key technical requirements of the client brief by establishing a carefully considered rear extension that is appropriate in terms of scale, appearance and material treatment. The extension has been designed to be flexible and adaptable for long and short term expansion. Most importantly, we feel that the proposed extension has been designed to be both sympathetic to the Grade B-Listed existing Courthouse and the surrounding wider context. The introduction of enclosed fully accessible rear courtyard facility further reinforces the concept of bringing the Courthouse back into Public and Civic use.

Site History

10. The Courthouse building dates from 1865. It has been vacant for more than 10 years and has serious structural issues and dry rot.

DEVELOPMENT PLAN CONTEXT

National policy

11. *Scottish Planning Policy (SPP) (February 2010)* is the statement of the Scottish Government's policy on nationally important land use planning matters. It encourages planning authorities to take a positive approach to development, recognising and responding to economic and financial conditions in

considering proposals that would contribute to economic growth and has the basic aim 'to achieve the right development in the right place'.

12. As a replacement for a variety of previous planning policy documents the Scottish Planning Policy includes 'subject policies'. The key ones in relation to the proposed development are policies relating to economic development, town centres and retailing and the historic environment. Decisions on the location of new development should:
 - promote regeneration and the re-use of previously developed land,
 - reduce the need to travel and prioritise sustainable travel and transport opportunities,
 - promote the development of mixed communities,
 - take account of the capacity of existing infrastructure,
 - promote rural development and regeneration, and
 - prevent further development which would be at risk from flooding or coastal erosion.
13. The SPP advises that authorities should respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that changing circumstances can be accommodated and new economic opportunities realised. Removing unnecessary planning barriers to business development and providing scope for expansion and growth is essential.
14. *Scottish Historic Environment Policy (SHEP)* sets out Scottish Ministers' policies, providing direction for Historic Scotland and a policy framework that informs the work of a wide range of public sector organisations.

Strategic Policies

Cairngorms National Park Partnership Plan (2012 - 2017)

15. The Partnership Plan sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park and development proposals would be expected accord with those :
 - A sustainable economy supporting thriving businesses and communities;
 - A special place for people and nature with natural and cultural heritage enhanced; and
 - People enjoying the park through outstanding visitor and learning experiences.

The CNP Partnership Plan can be viewed on the Cairngorms National Park Authority website at <http://cairngorms.co.uk/park-authority/about-us/publications/?publicationID=299>

Local Plan Policy

Cairngorms National Park Local Plan (2010)

16. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
17. The Local Plan contains a range of policies and new development requires to be assessed in relation to all policies contained in the Plan. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
 - Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
18. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
19. *Policy 9 – Listed Buildings* states that there will be a presumption in favour of development that preserves a listed building or its setting or any features of special architectural or historic interest which it possesses.
20. *Policy 14 – Contaminated Land* – specifies the requirements for the assessment of development proposals on land that is contaminated or suspected of being contaminated.
21. *Policy 15 – Renewable Energy Generation* – supports the development of small scale renewable energy schemes where they are sited and designed to have no significant adverse visual or landscape impact and no adverse impact on the amenity of neighbouring properties or the environment.
22. *Policy 16 - Design Standards for Development* sets out the design standards to be met with new development and is supported by Supplementary Planning Guidance in the form of the Sustainable Design Guide.
23. *Policy 29 – Integrated and Sustainable Transport Network* – requires development to give adequate consideration to maintaining or improving the sustainable transport network within the National Park, including reducing car dependency, promoting sustainable transport modes, linking to an existing hierarchy of travel modes and reducing the need to travel.
24. The application site lies within the Kingussie settlement boundary.

Supplementary Planning Guidance

25. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted, including:-

Sustainable Design Guide

26. This guidance encourages everyone involved in development in the Cairngorms National Park to adopt a more sustainable approach to design, and this should help to deliver individual buildings and larger scale developments which:
- are sensitively located, reflect existing development pattern and setting, and respect the natural and cultural landscape of the Park;
 - reflect traditional materials and workmanship and take on board innovation, contemporary design and the emergence of modern methods of construction;
 - maximise efficient use of natural resources;
 - minimise negative environmental impacts; and
 - provide the foundation stone for sustainable communities.

CONSULTATIONS

27. **SNH** – No comments as no evidence of bats was found at the property.
28. **Kingussie Community Council** is fully supportive of the application, enabling a much loved public building to be brought back into use. While welcoming the fact that the building is to be restored, the Community Council has concerns: The conservation statement gives no indication as to exactly what is proposed for the existing structure as any relevant sections state: "This paragraph will be part of the eventual conservation plan for Kingussie Sheriff Courthouse". Consequently the Community Council is concerned that original features of this listed building may be lost. There is no mention as to whether the listed cast iron stove in the old cell area is to be retained or removed. Nor is there any mention as to whether original shutters etc (scheduled for removal while work is in progress) are to be conserved and replaced once everything is complete. The Community Council is also extremely concerned to see that the design statement indicates that the extension is likely to be the subject of another planning application and built at a later date, giving rise to fears that it will never be completed, robbing Kingussie of the superlative municipal facility it deserves.
29. **Highland Council Roads** advises that it is disappointing that a greater level of dedicated off street parking for the development is not to be provided; however, it is acknowledged that off street parking provision for the previous uses at the site was extremely limited. The car parking analysis carried out by the applicant has identified spare capacity at a number of existing public car parks within reasonable walking distance of the development, and whilst the survey was undertaken in October when parking demand is not at its highest, it is accepted that existing off street and on street parking provision should be sufficient to serve the development.

30. Pedestrian access routes between King Street and the rear of the development are not obvious. Clarification required. Appropriate secure and covered cycle parking for the development will be required. This should be provided in accordance with the requirements of the Council's Roads and Transport Guidelines for New Developments. Further details required.
31. Servicing arrangements for the proposed biomass unit and the development in general are not clear - nor are arrangements for the storage and collection of waste and recycled materials. Further details, including swept path analysis for the largest vehicles likely to need access, are required. You will note that Transport Scotland will require to be consulted regarding impact on the A86 trunk road. Notwithstanding comments from Transport Scotland, and subject to satisfactory provision of the further detailed information requested, in principle, I have no objection to the development proposed. *(Comment regarding consultation with Transport Scotland – this will be verbally updated at the Committee meeting)*
32. In addition to the above, it is recommended that conditions are attached to any planning permission to address the various matters raised above.
33. **Highland Council (Contaminated Land)** advises that 'The Shed' part of this site has an historic use which may have resulted in land contamination, as a result of possible fuel storage and dispensing. A suspensive condition is therefore recommended in relation to a scheme to deal with potential contamination on the site.
34. **Inclusive Cairngorms** – No response.
35. **Highland Council (Director of Planning)** – No response.
36. **Highland Council Conservation Officer** – No response.
37. The applicant submitted a request to address the Planning Committee within the timescale.

REPRESENTATIONS

38. An adjoining proprietor has drawn attention to a 8 ft wide legal right of access pathway that is alongside the flats in King Street, bordering the frontage of the Fire Station. This provides a route from the shared car park to King Street. A copy of this representation is attached as Appendix I to this report and an advice note has been added to deal with this issue.

APPRAISAL

39. Legislation requires that planning applications must be determined in accordance with the Development Plan policies, unless there are material considerations that dictate otherwise.
40. The principle of renovation and re-use of a vacant listed building is acceptable provided the details are correct in relation to 1) the renovations works and 2) the design of the extension. These detailed issues will be examined by Historic Scotland. The applicant cannot proceed with the development without the grant of both planning permission and listed building consent and in the event of planning permission being granted, an advisory note will be added to this effect.
41. In terms of the relevant Local Plan policies, the development proposals will secure the renovation of a listed building. The change of use is appropriate in the village centre. The inclusion of renewable energy proposals is supported in principle under Policy 15 but as no details have been provided, this is covered by a suggested condition.
42. The applicant has provided a rationale for the design of the proposed extension to the Courthouse, relating this to the history of the site and the future flexibility and maintenance of the extension. Whilst this is a modern design to a traditional building, it is considered that the case made by the applicant demonstrates a rational design process. Further details are recommended through the imposition of planning conditions.
43. The value of the proposed development is that it includes the renovation and extension of the Courthouse for public facilities that will benefit the community.

Conclusion

44. It is therefore considered that the proposals are broadly in compliance with the Development Plan policies and ensure the future use of the prominent listed building within Kingussie for community use.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

45. The proposals will (subject to listed building consent being granted by Historic Scotland) secure the renovation of a vacant listed building, thereby conserving and enhancing the cultural heritage of Kingussie.

Promote Sustainable Use of Natural Resources

46. The proposals include a biomass boiler, which will help minimise the dependency of the development on fossil fuels.

Promote Understanding and Enjoyment of the Area

47. The proposed development of Council offices will have minimal impact on this aim.

Promote Sustainable Economic and Social Development of the Area

48. The development proposals will help sustain jobs in the building trades.

RECOMMENDATION

That Members of the Committee support a recommendation to grant planning permission subject to the following conditions:-

1 No development shall commence until samples of the materials to be used on the exterior of the proposed extension have been approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

Reason To ensure that the external finishing materials are appropriate to the character of the listed building and the area in the interests of visual amenity.

2 No development shall commence until a scheme to deal with potential contamination of the site has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:

- a) The nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (ie. A land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS10175:2011 + A1:2013 Investigation of Potentially Contaminated Sites – Code of Practice;
- b) The measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
- c) Measures to deal with contamination during construction works;
- d) In the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
- e) In the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

Reason In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

3 No development shall commence until a scheme of hard and soft landscaping, including species type and materials, has been approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Once approved, the scheme of

hard and soft landscaping shall be implemented within six months of the commencement of the use of buildings and maintained in good condition thereafter.

Reason In order to ensure that the open spaces within the development are designed and maintained in an appropriate fashion in the interests of visual amenity.

4 No development shall commence until a Travel Plan aimed at encouraging sustainable modes of transport to and from the development has been established to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority in consultation with the roads authority. A Travel Plan Coordinator shall be appointed and suitable measures put in place for regular monitoring and review of the Travel Plan.

Reason To ensure that the development meets with the Local Plan policies as these details have not been provided with the application.

5 No development shall commence until a Construction Traffic Management Plan (CTMP) has been established for the construction phase of the project. The CTMP shall be to the satisfaction of the Cairngorms National Park Authority as Planning Authority in consultation with the respective roads authorities, and shall be prepared in consultation with local business/community representatives. Suitable temporary on site or remote off-street parking provision for the construction work force shall be identified.

Reason To seek to minimise the impact of the construction on the local road network and parking facilities, in order to minimise traffic disruption and adverse impact on local residents and businesses.

6 No development shall commence until full details of the proposed biomass boiler have been approved by the Cairngorms National Park Authority acting as Planning Authority in conjunction with the local authority.

Reason To ensure that the biomass boiler proposals do not have an adverse impact on the amenity of the local area, as no details have been supplied with the application.

7 No development shall commence until pedestrian access routes between King Street and the rear of the development have been clarified, to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority in conjunction with the local authority.

Reason In the interests of pedestrian safety as these details have been omitted from the application.

8 No development shall commence until details proposed for secure and covered cycle parking for the development have been approved by the Cairngorms National Park Authority acting as Planning Authority in conjunction with the local authority. This should be provided in accordance with the requirements of the Council's Roads and Transport Guidelines for New Developments.

Reason To ensure that adequate facilities are provided to encourage a reduction in car usage.

9 No development shall commence until details of the proposed servicing arrangement for the development and the biomass boiler have been approved by the Cairngorms National Park Authority acting as Planning Authority in conjunction with the local authority. Further details, including swept path analysis for the largest vehicles likely to need access, are required.

Reason In the interests of amenity as these details have been omitted from the application.

10 No development shall commence until details of the arrangements for the storage and collection of waste materials have been approved by the Cairngorms National Park Authority acting as Planning Authority in conjunction with the local authority.

Reason In the interests of amenity as these details have been omitted from the application.

11 Where car travel by employees is necessary, drivers shall be encouraged to use the off street car parks identified.

Reason To seek to prevent the use of available on street parking by employees to the detriment of local residents and businesses.

Advice notes:

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. The works hereby approved also require the separate grant of listed building consent and other statutory approvals before they may be commenced.
3. The Cairngorms National Park Authority acting as Planning Authority must be made aware of any changes to the development proposals that may arise through the consideration of such an application and amendments sought to the planning permission where appropriate.
4. It is recommended that all construction works (including deliveries of materials) shall take place within the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays, there shall be no work or deliveries of materials on Sundays and Public Holidays.
5. The applicant shall ensure that all staff and users of the premises are aware of the legal right of access pathway from the shared car park to King Street.

Fiona Murphy

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5 May 2014

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.