THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE - 08 DECEMBER 2009

Agenda Item	4.4
Report No	54/09

09/00258/FULCA & 09/00259/LBCCA: L.R.M. Services Ltd The Kiln, Shore Street, Thurso

Report by Area Planning and Building Standards Manager

SUMMARY

Description: Demolition of former fish smoking kiln and construction of 4 no.

residential units (Planning Permission & Listed Building Consent)

Recommendation - REFUSE

Ward: Ward 02 - Thurso

Development category: Local Development

Pre-determination hearing: None

Reason referred to Committee: The application was referred to Ward Members as a delegated refusal. Following this, a majority of Members requested that the application be brought before Committee for consideration.

1. PROPOSED DEVELOPMENT

- 1.1 This proposal is for the demolition of the former Kippering House, the 'Kiln', at Shore Street, Thurso, a Category B Listed Building, and for the erection of 4no. flats.
 - Flat 1 single storey ground floor 2 bedroom flat comprising a living room, lobby, hall, bathroom, kitchen and 2 bedrooms facing onto Wilson Lane.
 - Flat 2 2 storey 2 bedroom flat comprising a living room/dining area, kitchen and store, study area, hall, lobbies, bathroom and 2 bedrooms, facing onto Wilson Lane.
 - Flat 3 3 storey 2 bedroom flat comprising a living area, dining area, kitchen, study area, bedroom, bathroom, stores, utility, hall, master bedroom with en-suite and lobby situated midway between Flats 2 and 3, facing onto the public car park to the west of the application site.
 - Flat 4 2 storey 3 bedroom flat comprising a living area with open plan dining and

kitchen, landing, bathroom, utility room, hall, study area, lobby and two bedrooms facing Shore Street.

- The existing building is constructed from Caithness stone with a Welsh slate roof. A full length raised ventilation cowl is provided along the roof ridge line of the southern part of the T-footprinted building. The height of the building is variable, with the central area of 3 storeys. The building has been fenced off due to its derelict state.
- 1.3 No pre application advice has been provided.
- 1.4 Existing infrastructure the site is currently serviced by utilities and road access.
- 1.5 The applicant's agent has provided several documents in support of the proposal:

Design Statement – Notes the poor condition of the existing building, that it has been fenced off for around 8 years and that it currently detracts from the amenity of the area. The agent has advised that the applicant has not received any expressions of interest for commercial, leisure, industrial or retail use of the site and that a residential use of the site would be most appropriate, given the residential nature of the surrounding area.

The Statement refers to a **Structural Engineer's Report** which condemns the building in structural and economic terms. It notes that the extent of deterioration would require extensive temporary works to be carried out to facilitate repair and replacement work. Furthermore, it indicates that the implementation of remedial works would not be cost effective.

A supporting **Stonemason's Report** by a firm specialising in the repair of this type of property indicates that the walls are built using Caithness stone with a lime mortar and that these are in poor condition, with water ingress weakening the walls, and evidence of cracking of and open joints and loose stonework. Furthermore, it notes that the principal gable of the building is out of plumb and line particularly the upper two thirds. The Report concludes that the "property is probably beyond repair".

The **Design Statement** acknowledges the historical interest of the building but considers that the property is of extremely poor structural condition and visually unsightly. The Statement concludes that due to the extremely poor structural condition and visually unsightly appearance of the building, the most appropriate way forward is to demolish the building.

The proposed re-development of the site would attempt to replicate the footprint and general massing of original building. The roof pitches, slating, height and massing would be similar to the original building, providing a design which mirrors the surrounding buildings. External materials include stonework mixed with wet and dry dash finishes with timber sash and case style windows.

2. SITE DESCRIPTION

2.1 The site is a disused Kippering House – the 'Kiln' - in a residential streetscape in the central part of Thurso. The site is enclosed by safety fencing to the south and by the harled walls of a house at 11 Shore Street to the east. It is partially enclosed by a high wall along the north side. To the west is a public car park,

whilst housing lies to the east. The houses in Wilson Lane and Shore Street surrounding the site are 2-storey with variable ridge heights and set-backs from the pavement. They are built from stone with harl detailing and slate roofs. The existing housing provides a good sense of place and enclosure, with many windows facing out into the street overlooking the application site. The Listed Building is in much need of substantial repair and has a derelict feel to it which does not help enhance the amenity of the area.

3. PLANNING HISTORY

- 3.1 05/00359/LBCCA Demolition of existing building. Refused Listed Building Consent by the Caithness Planning Committee on 19 May 2006. The Committee refused the application for the following reasons:
 - The proposed demolition to this Category B Listed Building would be premature prior to the outcome of a feasibility study being proposed by the Scottish Historic Building Trust and would be contrary to government policy and guidance set out in the Memorandum of Guidance on Listed Buildings and Conservation Areas (Historic Scotland 1998) and NPPG18, Planning and the Historic Environment 1999.
 - 2. The proposal is contrary to Policy BC5 of the Highland Structure Plan as it fails to preserve the character and appearance of a building of historic or architectural interest in the Highlands.

4. PUBLIC PARTICIPATION

4.1 Advertised: Listed Building Consent 21 days. Expiry date for the advert 07/08/2009.

Representation deadline: 07/08/2009

Timeous representations : 2 received, 2 addresses

Late representations : 1 received, 1 household

- 4.2 Material considerations raised are summarised as follows:
 - Proximity of new building to existing
 - Impact on amenity, privacy and overlooking
 - Blocking of sunlight
 - Potential for subsidence
 - Traffic impact and road safety during construction
 - Parking car park at capacity
 - Historic interest of building

The Architectural Heritage Society of Scotland note that: "This is one of last examples of a kippering-house, an important part of Thurso's herring trade history. It was intact internally about fifteen years ago with its kiln and rails complete. It is a major loss to Thurso that this was allowed to deteriorate and recently the interior of the kiln with its rails was destroyed. It is unfortunate that the internal stripping continued after a recent visit by the planning department. We have lost the old

brewery and now face the loss of the last kippering-house.

We have no comments to make on the new houses to replace the kippering-house."

4.3 All letters of representation can be viewed at the Area Planning Office.

5. CONSULTATIONS

- 5.1 **HC Conservation Officer**: The building is a rare surviving example of this building type within Thurso. As such there should be a presumption in favour of retention and preservation of the building. The details submitted with the application fail to provide a sound case for demolition. The Structural Engineer's Report was carried out more than a year ago and simply concludes that the building cannot comply with the current Building Standards. The Stonemason's Report appears to make assumptions which are not supported by the Structural Engineer's Report.
- 5.2 The building appears to be in substantial need of repair and consolidation works, although the main structure is relatively sound, with the roof largely intact but in need of repair and ineffective rainwater goods.
- 5.3 There may be a number of options for the repair and re-use of the building including community, residential and visitor/tourism. The small plot of land adjacent to the building where the shop and store have been demolished could be used for development to support the new use or as enabling development to facilitate repair works. Without detailed feasibility studies and cost estimates it is not appropriate to assume that there is no scope for repair and re-use of this important historic building.
- 5.4 Evidence of the building being offered for sale on the open market at a realistic price to reflect its current condition for a reasonable period (usually 6 months) would demonstrate whether there is a viable future for the building.
- 5.5 The evidence presented for demolition of this Category B listed building is insufficient and consequently the proposal for demolition would not comply with local and national policy on conservation.
- 5.6 At this time no comments on the design of the proposals submitted are offered as the case for demolition and redevelopment of the site is not supported by the evidence presented and therefore the basic principle of redevelopment of the site cannot be considered as acceptable.
- 5.7 Area Roads and Community Works Manager: No objections.
- Archaeology: The fish smoking kiln and fish house dates from the mid 19th century. It is appreciated that the buildings are in a very dangerous conditions, but given their importance and also that they represent a very unusual survival in Caithness, it should be ensured that the applicant has made every effort to retain the buildings within the development. If the buildings are too ruinous to save they should be subject to a full, detailed and professional recording prior to demolition. An ARC 1 condition is recommended. This project will impact on valuable features of historic and archaeological importance. In view of the archaeological potential/sensitivity of the site, we advise that a Building Survey be undertaken by the developer prior to the commencement of development.
- 5.9 **Contaminated Land Unit** The historic use as a fish smoking kiln may have resulted in land contamination. Recommend a land contamination assessment is

carried out. A condition is recommended.

5.10 **Historic Scotland**: The Kippering Kiln is an important survivor of its kind. There is a strong presumption against the demolition of any listed building. National policy as set out in the Scottish Historic Environment Policy (SHEP) is that all other options should be fully explored before demolition is even considered.

Four criteria should be taken into account when considering demolition of a listed building –

- The importance of the building: the Kippering House with associated complex is noted as being one of the best, now rare survivals, of the once flourishing industry associated with the herring fishing of Thurso. It still retains much of its character and internally some of the features such as the racks upon which to hang the fish and the processing of them.
- The condition of the building: the building's condition was of concern over a
 decade ago but since then we are unaware of any further involvement of
 Building Control regarding its structural safety. Historic Scotland suggest
 that a current condition report be submitted.
- Economic viability of re-using the building: aware that a number of ways forward have been considered in the past including the Scottish Historic Buildings Trust's involvement. We have not seen any further information on the issue.
- Wider public benefit: would the loss of this historic listed building be of wider public benefit?

The applicant should be required to provide all necessary supporting information pre-determination of the application.

Thurso Community Council: Concerns were raised over the increased amount of possible car ownership associated with the new housing as the car park is at present for public use and has a 'No Overnight Parking Restriction'. The roads around the site are narrow and already fairly congested at times. Other concerns were that should permission be granted for the redevelopment then work should begin on reconstruction immediately and the site should not be allowed to lie as a gap site. There were no objections to the new development as long as the proposed plans are adhered to and the echo of the historic fish smoker remains in the new build as shown.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Structure Plan 2001**

Policy G2 Design for Sustainability

Policy G6 Conservation and Promotion of the Highland Heritage

Policy BC5 Listed Buildings and Conservation Areas

6.2 Caithness Adopted Local Plan

Policy 1'g' Thurso Chapter - Town Centre

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

- Scottish Historic Environment Policy (SHEP)
- Memorandum of Guidance on Listed Buildings and Conservation Areas
- SPP23 Planning and the Historic Environment

7.4 Other

Agent's response dated 12 October 2009 to the four criteria listed by Historic Scotland, and to the comments from the Council's Conservation Officer -

Importance of the Building – We question Historic Scotland's suggestion that the building still retains its character and internal features/racks etc. as with regards the building itself it is in an extremely poor condition and internally the majority of racks have been destroyed or lost due to a mixture of many things – vandalism, age, and the fact that they have not been used for their intended purposes for quite some considerable time. Whilst it is perhaps a rare example of a herring smoking/kippering kiln, it will never ever be used again for that purpose, it is totally unsafe and impractical for restoration, museum, visitor purposes etc. With the recent opening of Caithness Horizons in the former Town Hall, there is an excellent example of drawings, photographs, and a historical background and record of this property which is far more interesting and educationally supportive, than the wicked eyesore that the building now represents.

Condition of the Building – Our client purchased the property in the early 1990's and at that time there was a dangerous building order placed on the whole unit. Our client subsequently ensured that demolition of two parts of the building took place in order to safeguard, as was thought, the remainder of the Kippering Kiln. However during the course of the demolition works, and as supported by engineering submissions and evidence, it proved necessary to retain part of the buildings being demolished to act as shoring/buttresses to the remainder of the Kiln.

Over the following decade or so the remainder of the Kiln, particularly the Kiln store on the north end, fell further into disrepair due mainly to vandalism but partly due to

the building's own inherent instability – engineers did point out that the upper walls of the Kiln were also unstable.

Submitted with this planning and listed building consent application were two up to date professional reports, one from local engineers who have quite categorically condemned the building in terms of its stability and its unsafe nature and the other, from within the trade of stone masonry, condemning the structure in terms of its basic building constraints.

Economic Viability of Reusing the Building – When the property was advertised for sale, and bought by the applicant, it was marketed by local solicitors and estate agents with a guideline price of "offers around £15,000". From our investigations, we can confirm that there were no interested parties in terms of purchase for either refurbishment or demolition/redevelopment other than the applicant who eventually purchased the property at a figure of less than £3,000. We can confirm that the applicant did actually approach the Scottish Historic Buildings Trust who, after some correspondence and investigation, advised that they might have an interest in the property, subject to the appropriate feasibility studies being effected, but only on the basis of buying the property back from the applicant at "a nominal sum". That feasibility study never proceeded, and since that time no other party has ever come forward or approached the applicant with a view to purchase or otherwise. The engineers and stone masons whose most recent reports were included with our submission for demolition and reconstruction have also condemned the property on economic grounds.

Wider Public Benefit – Neither we nor the applicant nor in general terms the wider public believe that the loss of the building would be detrimental to the public in general – we have evidenced the fact that it has been recorded in Caithness Horizons in a very professional and understandable manner and, as can obviously be seen from a simple site visit, the building and the area within which it sits is untidy to say the least, dangerous to be a little more pointed, and its demolition and reconstruction in some other form would be of far wider benefit to the general public than trying to retain it as a Museum to Kippering or rebuilding using the existing shell as, as is evidenced by the engineers' reports, that would be "almost impossible to do".

In referring to the Conservation Officer's assessment of the proposal, this reiterates Historic Scotland's comments. We do not consider that the structural engineers' report prepared 12 months ago is too old to be relevant. Furthermore, it would be totally unacceptable in professional, insurance cover and any other terms to try and reconstruct or save a building that was unsafe, did not comply with modern day standards, and would be of a detriment to the inhabitants or visitors – it would be essential to rebuild to comply with the appropriate standards in both regulation and codes of practice terms. We believe that the Conservation Officer has misinterpreted the engineers' report.

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.

Furthermore, 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 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**

National Policy as set out in the Scottish Historic Environment Policy (SHEP) is that all other options should be fully explored before demolition is even considered. The Memorandum of Guidance on Listed Buildings and Conservation Areas (Historic Scotland, 1998) with regard to a proposal to demolish a listed building notes that "no worthwhile building should be lost to our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it". Applications for demolition of a listed building should not be considered in isolation from proposals for the subsequent use of the site especially where this involves a site within a conservation area. Proposals for demolition should show what is proposed for the new build (as is the case here).

- Highland Structure Plan Policy BC5 states that proposals must seek to preserve buildings of historic or architectural interest, some of which may be at risk from neglect, by identifying opportunities for their productive and appropriate use in the first instance.
- 8.5 I would advise Members that the proposal does not appear to accord with national policies and guidance, nor with the Development Plan policies detailed above. Whilst the existing building is not in a good state of repair, having been neglected for many years, the thrust of national and Highland policy is to pursue the redevelopment and restoration of the existing historic built fabric, rather than accede to its removal by demolition and replacement with a modern building without first exploring all the possibilities for its re-use and restoration. Accordingly I would advise Members that the proposal is not acceptable in policy terms as all the options have not been satisfactorily demonstrated to have been pursued and exhausted.
- 8.6 In particular, the proposed demolition of this Category B listed building and construction of 4 no. residential units is considered to be **premature** prior to the outcome of any additional 6 month feasibility and marketing strategy being undertaken.

8.7 Material Considerations

8.8 Although I do not consider that the principle of not demolishing the building has been fully explored, with options for its retention and redevelopment being exhausted, I do consider that Members should be given some 'steer' on the proposal as submitted.

- 8.9 The proposed building is not dissimilar in terms of its massing, form, bulk and footprint to the existing Kippering Kiln. The design and proposed materials are considered to fit well into the streetscape, with appropriate detailing to the roof, external walls and fenestration. It is considered to be a building which would complement the existing houses and reflect the existing building. The residential re-use of the site is considered to be acceptable, as opposed to a commercial, retail or industrial use.
- 8.10 Members will note that aside from the issue over the principle of removing the building (mainly Historic Scotland and the Conservation Officer's concerns), no technical difficulties have been highlighted with the proposal. The Area Roads and Community Works Manager has no objections to the proposal and has indicated that the proposal is acceptable with regards to road access or car parking for the proposed building.
- 8.11 Representations have been received and relate to the principle of the removing the existing building and various matters associated with a new build:
 - Proximity of new building to existing; impact on amenity, privacy and overlooking – Members will note that the proposed building is in approximately the same location as the existing and it is not considered that whether renovation of the existing structure or a new build is proposed, there will be any significantly detrimental impact on either individual or community residential amenity on neighbouring or nearby properties as a result.
 - Blocking of sunlight I do not consider that there will be any significant difference in daylighting as a result of either the redevelopment of the existing building or the construction of the proposed development.
 - Potential for subsidence This is a detailed technical matter which would be the responsibility of any aggrieved parties to take up with the developer and resolve by private legal means.
 - Traffic impact and road safety during construction; parking TEC Services have indicated that the proposal is acceptable.
 - Historic interest of building This has been detailed above.

9. CONCLUSION

- 9.1 I would advise Members that the re-development of the site as proposed would not be in question in my view if the building was not Category B Listed. However, 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.
- 9.2 In my assessment, the proposal by virtue of its demolition of the existing building does not meet the terms of section 59 of the Act.
- 9.3 Therefore, the requirement for demolition of the 'Kiln' is still considered to be unacceptable in principle as it does not accord with Development Plan policy or National Guidance. The principle of demolition would not be acceptable until such time as the requirements of Historic Scotland and the Council's Conservation Officer have been met that is, the marketing and exhaustion of redevelopment

potential of the existing building have been demonstrated as having been undertaken by the developer. I therefore consider that it is premature to finally assess the substance and detailing of the proposed new building and provide Members with a definitive position on this – other than to say that it would appear to be broadly acceptable were this a brownfield site with no building on it.

- 9.4 The proposal is therefore recommended for refusal. However, I would advise Members that if the applicant were to widely market the property for a specified and identifiable use(s) over a minimum period of at least 6 months to the satisfaction of the Planning Authority in consultation with Historic Scotland, and could also demonstrate to the satisfaction of the Planning Authority that the building cannot be re-used, restored and renovated (following the submission of up-to-date professional reports and surveys, to be independently assessed by the Planning Authority's advisors if required), then this may result in the demolition aspect of the application being reconsidered.
- Members should note that if they are minded to approve the proposal contrary to recommendation, then the application will have to be referred to Scottish Ministers / Historic Scotland to allow them the opportunity to call in the application as the proposal involves the demolition of a Category B Listed Building.

10. RECOMMENDATION

Action required before decision issued	Υ
Notification to Scottish Ministers	N
Notification to Historic Scotland	Υ
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

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

- 1. The proposed demolition of this Category B Listed Building and construction of 4 no. residential units would be premature prior to the submission of sufficient evidence to justify the demolition of the building including the undertaking of at least a 6 month feasibility and marketing strategy; and the submission of an up to date engineering assessment and stonemason's report. Accordingly, the proposal is contrary to government policy and guidance as set out in the Memorandum of Guidance on Listed Buildings and Conservation Areas (Historic Scotland, 1998), the Scottish Historic Environment Policy (SHEP), Historic Scotland, July 2009, and SPP23 Planning and the Historic Environment.
- 2. The proposals are contrary to Policy BC5 Listed Buildings and Conservation Areas of the Highland Structure Plan as the proposals fail to preserve the character and appearance of a building of historic or architectural interest in the Highlands.

3. The proposals are contrary to Policy G2 Design for Sustainability of the Highland Structure Plan as they would not make use of an existing building and are not in keeping with the historic environment.

Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager Caithness, Sutherland

and Easter Ross

Author: Bob Robertson

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 of 11 – Location Plan

Plan 2 of 11– Ground Floor Plan Plan 3 of 11 – First Floor Plan

Plan 4 of 11 – Second Floor Plan

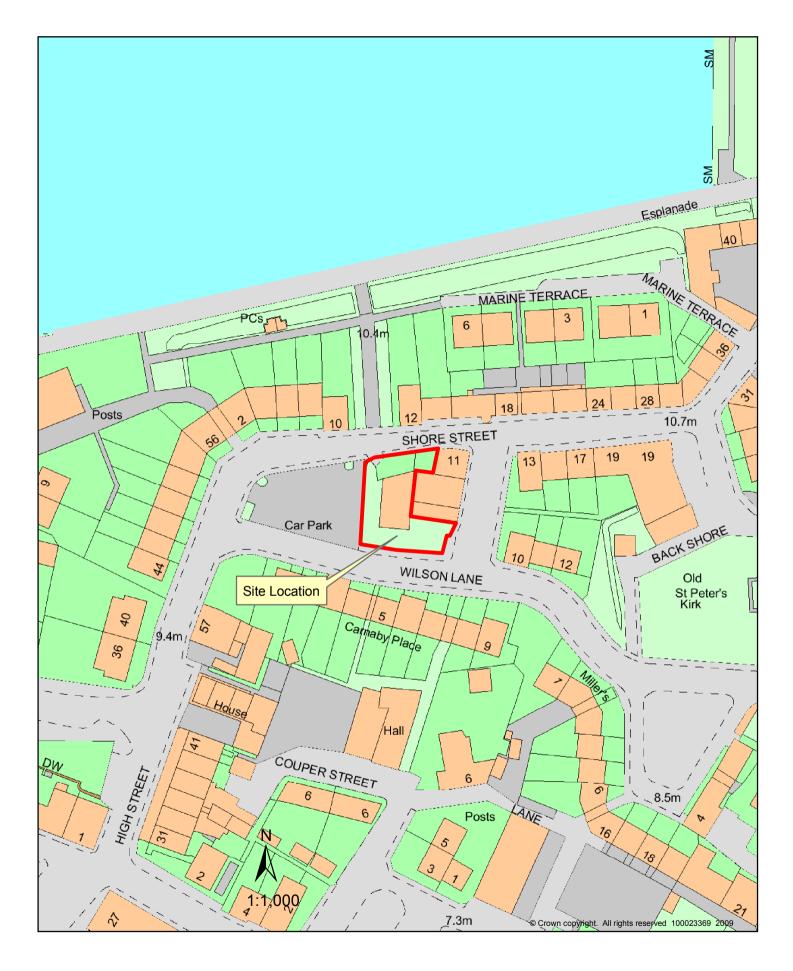
Plan 5 of 11 – Proposed East and West Elevations
Plan 6 of 11 – Proposed North and South Elevations

Plan 7 of 11 – Existing Building North and South Elevations

Plan 8 of 11 – Existing Building East and West Elevations

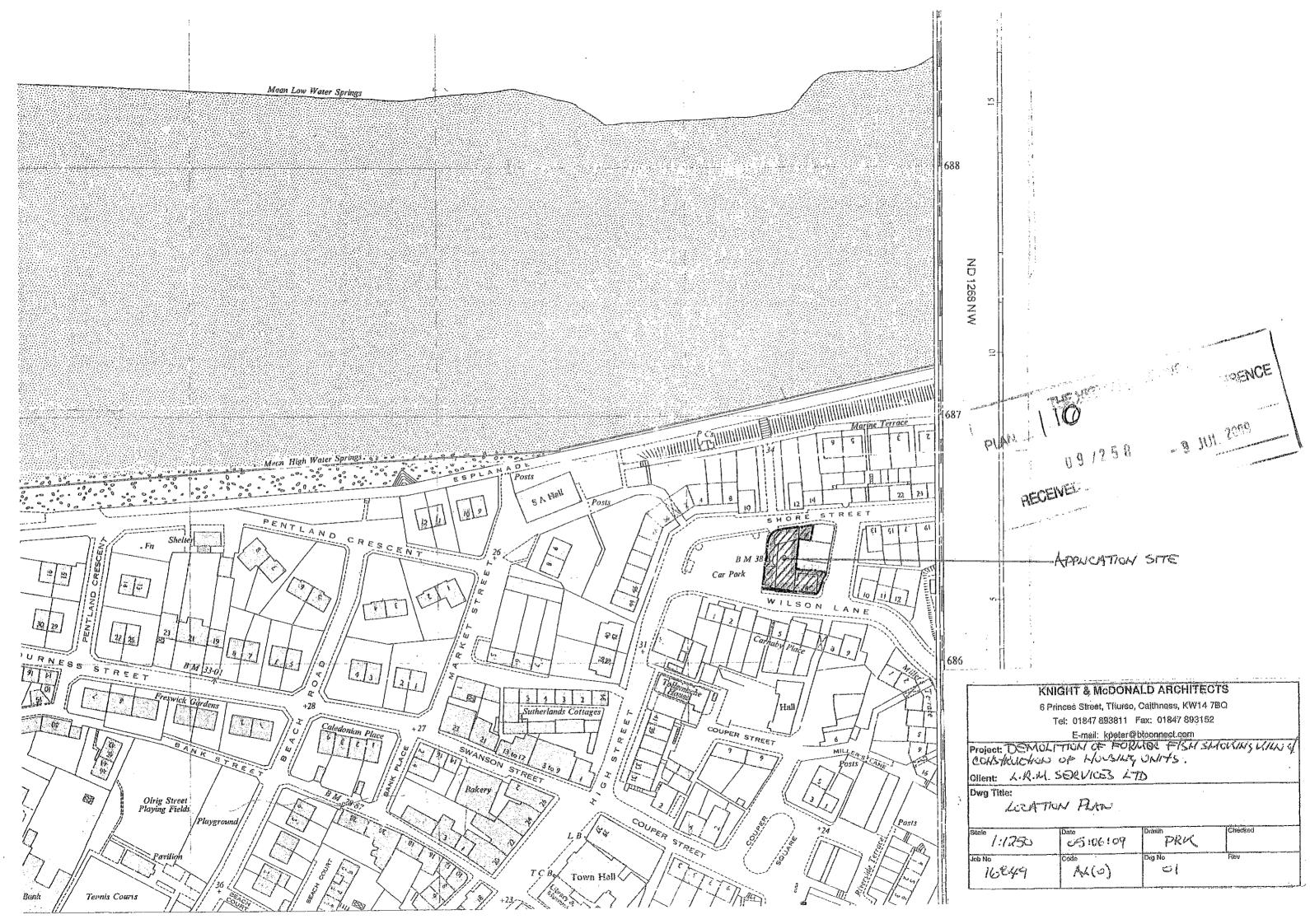
Plan 9 of 11 – Existing Building Plan

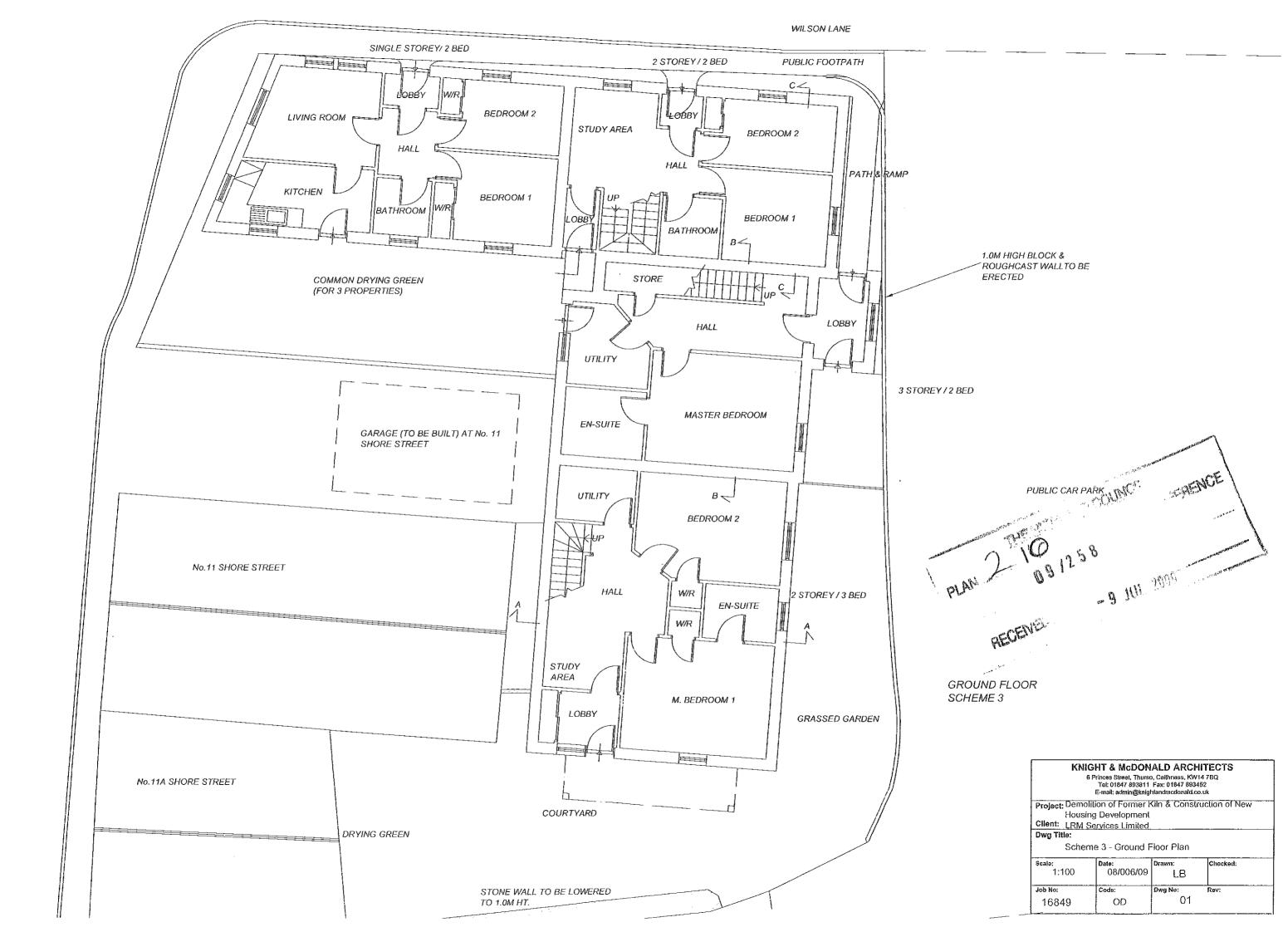
Plan 10 of 11 – Site Plan Plan 11 of 11 – Block Plan

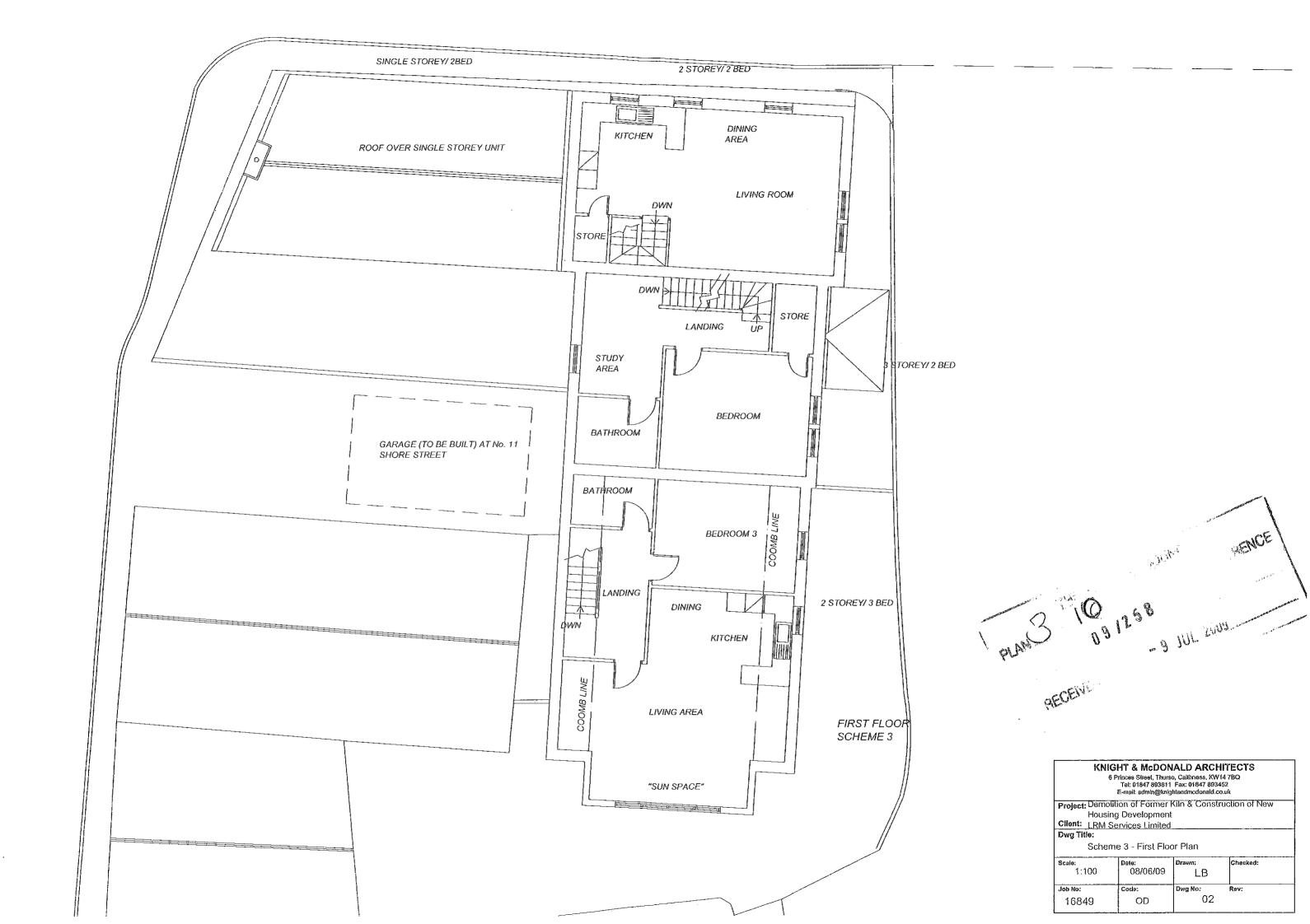


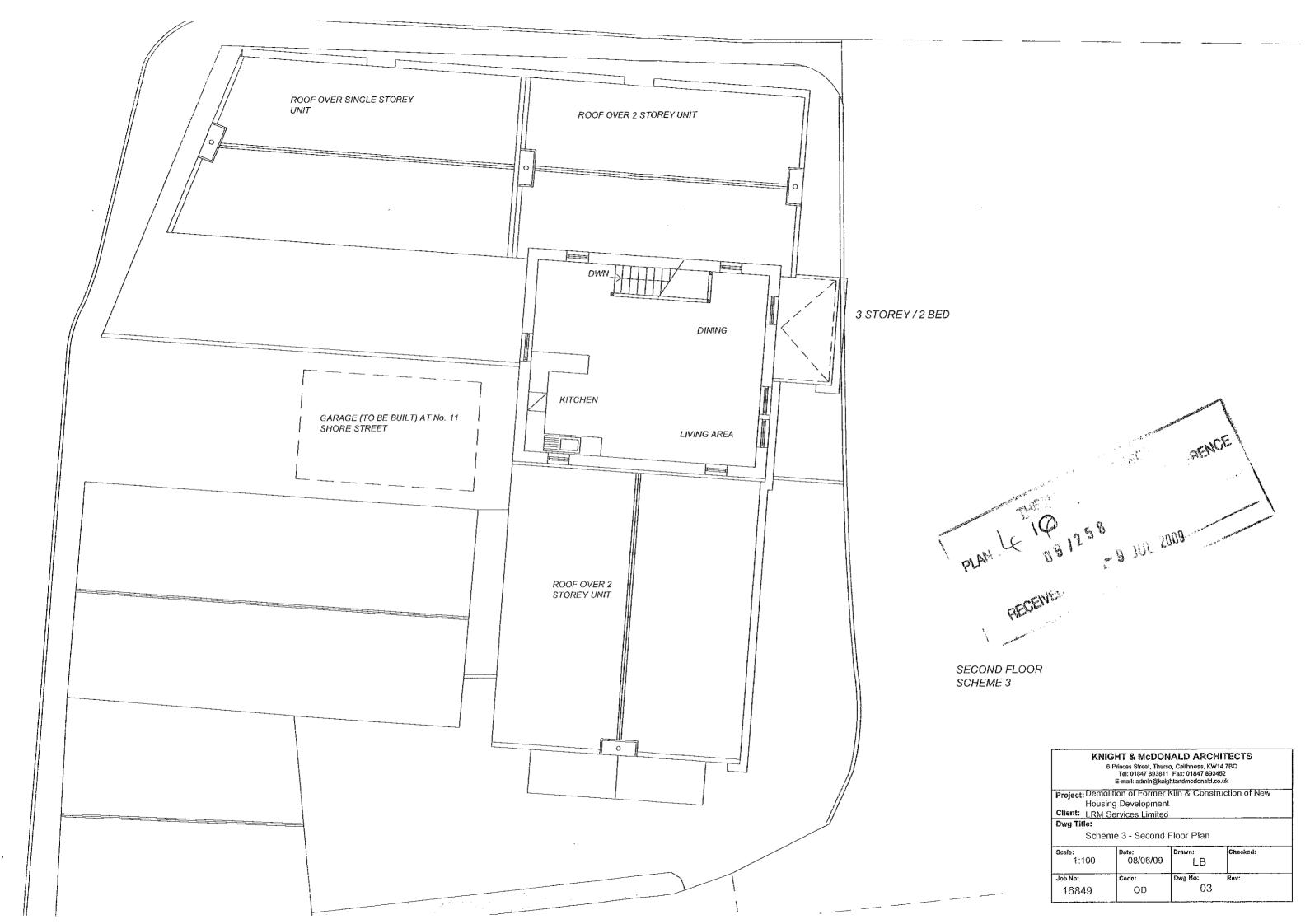
09/00258/FULCA, 09/00259/LBCCA & 09/00263/CONCA Demolition of former fish smoking kiln and construction of 4 no. residential units at The Kiln, Shore Street, Thurso.

L R M Services Ltd. per Knight and MacDonald Architects 6 Princes Street Thurso Caithness



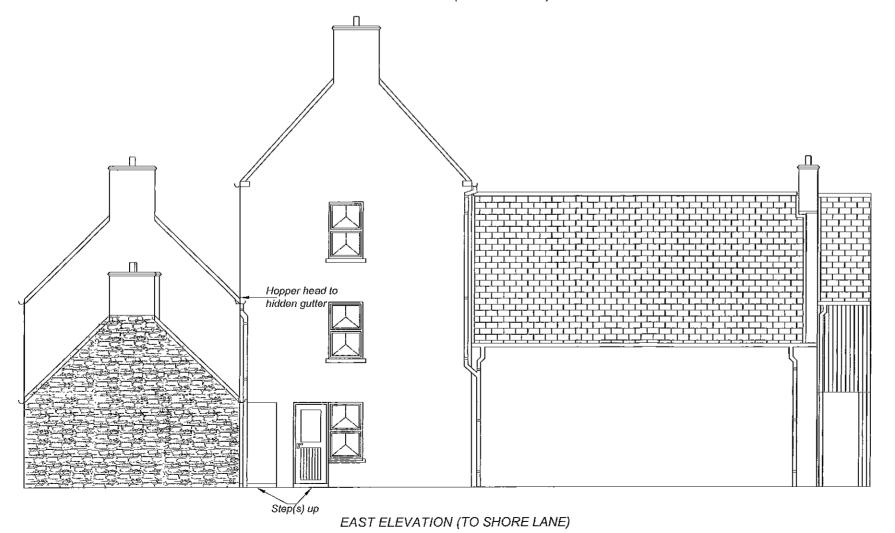








WEST ELEVATION (TO CAR PARK)



PLAN 5 10 09 12 5 8 PENCE PLAN 5 10 JUL 2009

KNIGHT & McDONALD ARCHITECTS

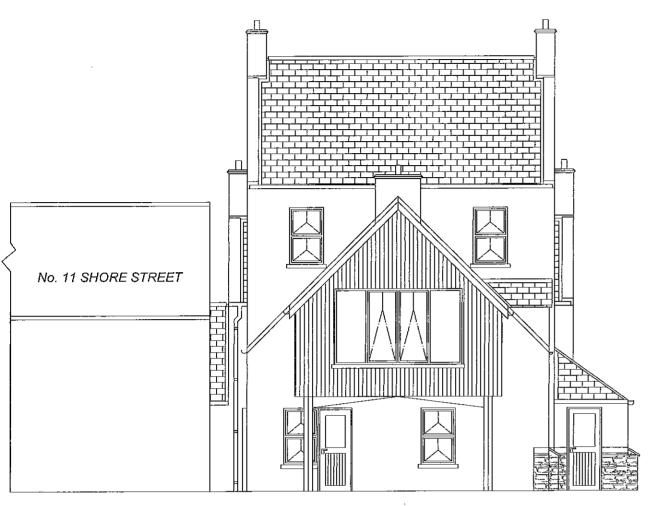
6 Princes Street, Thurso, Calthness, KW14 7BQ Tel: 01847 893811 Fax: 01847 893452 E-mail: admin@knightandmcdonald.co.uk

Project: Demolition of Former Kiln & Construction of New

Housing Development
Client: LRM Services Limited

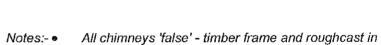
Proposed East & West Elevations

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Job No:	Code:	Dwg No:	Rev:
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NORTH ELEVATION (TO SHORE STREET)





NORTH ELEVATION (TO CLOTHES DRYING AREA)

- Traditional (Spanish or equal) slate roofs, with buff coloured fireclay ridging.
- Flagstone skew coarses and cills.

metal lathe.

- Black pvc-u ½round gutters & circular downpipes.
- Dressed Caithness stone gable & 'basecourse' where
- Tophung/ full swivel timber d.g. windows (sash & bee look-alike).
- Vertical larch (untreated) boarding to 'sunspace'
- Galvanised steel post & channel support to sunspace, timber clad as 'walls'.
- Timber doors with bottom panel in vertical lining.

KNIGHT & McDONALD ARCHITECTS

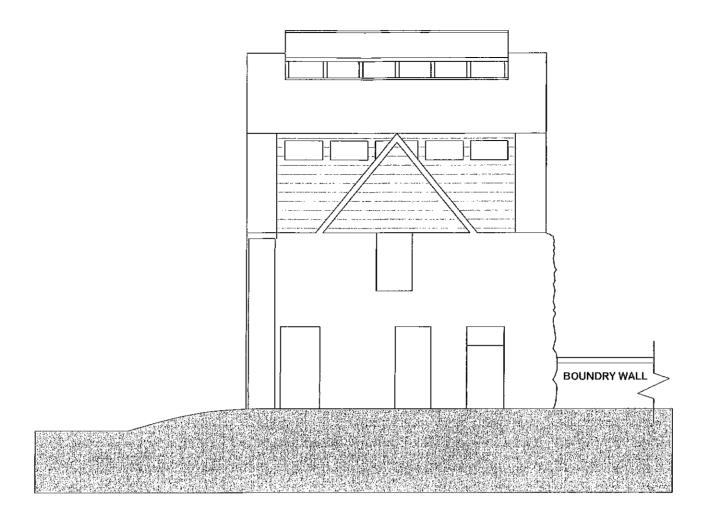
6 Princes Street, Thurso, Calthness, KW14 7BQ Tel: 01847 893811 Fax: 01847 893452 E-mall: admin@knightandmcdonald.co.uk

Project: Demolition of Former Kiln & Construction of New Housing Development

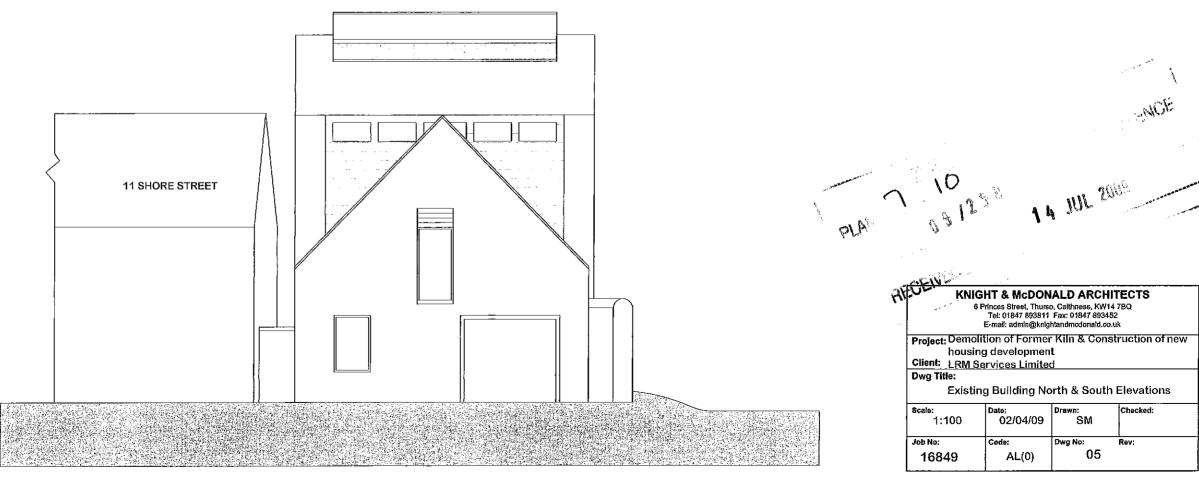
Client: LRM Services Limited

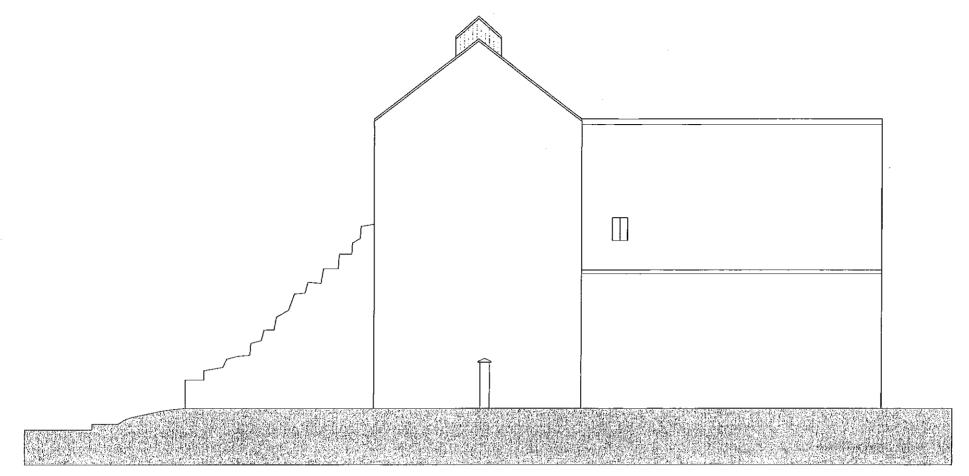
Proposed North & South Elevations			
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SOUTH ELEVATION (TO WILSONS LANE)

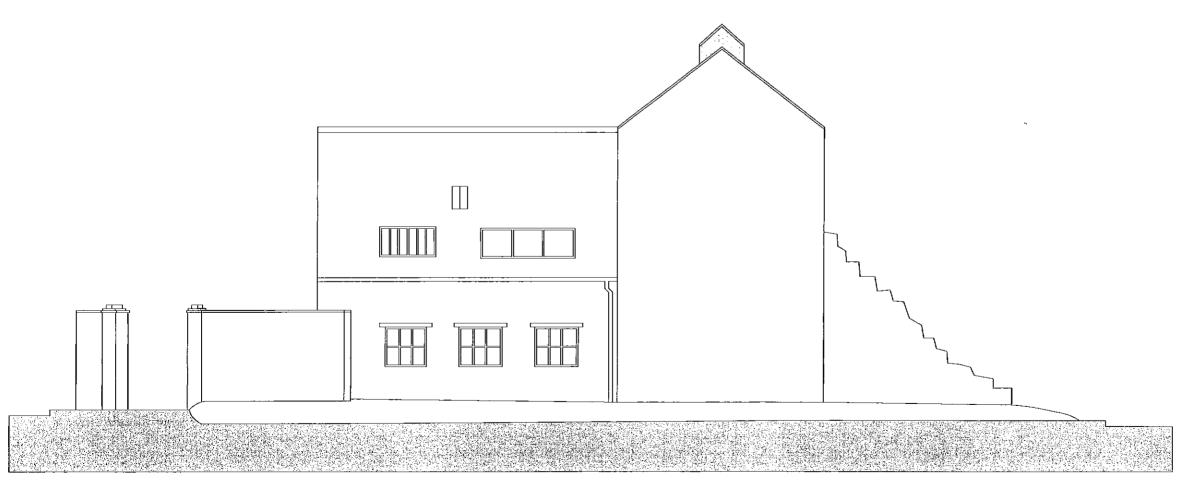


SOUTH ELEVATION

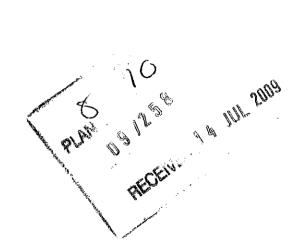




WEST ELEVATION



EAST ELEVATION



KNIGHT & McDONALD ARCHITECTS

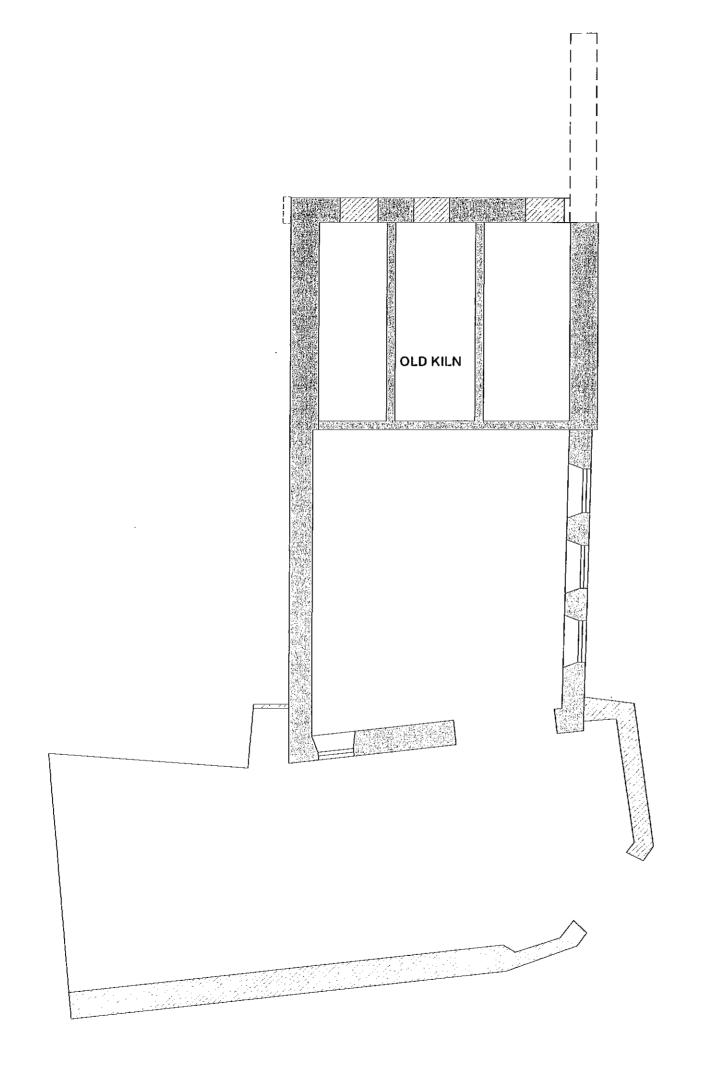
6 Princes Street, Thurso, Caithness, KW14 7BQ Tel: 01847 893811 Fax: 01847 893452 E-mail: admin@knightandmcdonald.co.uk

Project: Demolition of Former Kiln & Construction of new housing development
Client: LRM Services Limited

Dwg Title:

Existing Building East & West Elevations

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KNIGHT & McDONALD ARCHITECTS

6 Princes Street, Thurso, Calthness, KW14 7BQ Tel: 01847 893811 Fax: 01847 893452 E-mail: admin@knightandmcdonald.co.uk

Project: Demolition of Former Kiln & Construction of new housing development

Client: LRM Services Limited

Dwg Title:

Existing Building Plan

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