

THE HIGHLAND COUNCIL

PLANNING APPLICATIONS COMMITTEE
25 March 2014

Agenda Item	6.3
Report No	PLN/024/14

13/03584/LBC : Scottish Court Service - Sheriff Court House, High Street, Tain

Report by Area Planning Manager

SUMMARY

Description : Internal alterations to court house. New counter with lift. Public access to courtroom to use existing fire escape stair in clock tower

Recommendation - APPROVE

Ward : 08 - Tain and Easter Ross

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : Objection from Community Council.

1. PROPOSED DEVELOPMENT

1.1 The proposal seeks Listed Building Consent for alterations to the Court building to enable improved disabled access and more modern interior space. The building is Category A listed.

The works comprise of:

- Improve the segregation of custodies into the Court House
- Improve the security within the courtroom for Sheriffs, solicitors and court staff
- Reinstate the clock tower as the main public entrance to Court 1
- Provide barrier free access into the courtroom on the first floor

The existing access into the Courtroom on the first floor is via one stair shared by all public visitors, sheriffs, solicitors, court officers, jurors, witnesses, security staff and custody officers. The agent has indicated that this is contrary to the Design Guides for a Court House and increases the risk of an incident during a trial.

The existing clock tower stair is currently solely used as a secondary means of fire escape from the courtroom on the first floor.

The proposal would involve the public counter for payment of fines being relocated to allow the creation of separate public and non-public areas to the left and right of the entrance corridor.

In addition a Disability Discrimination Act (DDA) compliant accessible lift from ground to first floor is located on the secure side of the courthouse and public access would be managed by court staff. At first floor level the lift is located to ensure that it does not impact on the layout of the courtroom or the Sheriff chambers. The public entrance to the court would be via the clock tower stair which will be upgraded.

The Agent has advised that the lift would be placed within the Sheriff Clerk's office on the ground floor and the Agents Room on the first floor in such a way as to avoid damage and works to the existing cornicing details in each.

With respect to minor works and functionality, the Agent has indicated that there would also be:

- Minor changes to the doors at the head of the stair for safe egress from the court
- The rope leading to the bell tower shall be coiled and placed within the separate clock tower stairway enclosure and the door locked with appropriate signage to prevent misuse
- Relocate the wheelie bins which are a fire hazard

A new custody interview room will be provided on the ground floor adjacent to the improved holding cells where improved facilities for solicitors will also be provided.

- 1.2 No pre-application discussions were undertaken.
- 1.3 Existing infrastructure on site and is unaffected.
- 1.4 Design statement submitted with application
- 1.5 **Variations:** Adjusted plans submitted clarify technical details.

2. SITE DESCRIPTION

- 2.1 The court building is in the centre of Tain on the High Street. The Court was constructed in stone in 1849 with further additions in 1873. It is two storey in Scots Baronial style. The adjacent clock tower was constructed in 1706, with various additions in the later 1700s and 1800s.

3. PLANNING HISTORY

- 3.1
 - 13/03450/LBC - Proposed upgrading of building glazing to improve thermal performance with a scheme of predominately secondary glazing with limited reglazing with slimline double glazing. Approved 20.11.2013

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Listed Building Consent 21 days. Expires 25 October 2013
Representation deadline : 25.10.2013
Timeous representations : 0
Late representations : 0
- 4.2 Material considerations raised are summarised at section 5.3

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 **Historic Scotland (22 October 2013)** : Although a planning statement has been provided it doesn't inform about the interest (or otherwise) of the rooms that will be affected by the proposals and which is our main concern. Without knowing the interest/appearance of the rooms we are not able to make an assessment. We would recommend that your Council's conservation officer makes an assessment of their interest at a site visit or that photographs of the areas affected by the proposed alterations are sent to us to inform our appraisal of the application.

5.2 **Highland Council Conservation Officer:**

The lift will pass through the rooms with cornicing details of all works related to the lift will be required. The Building Standards requirements with respect to safe zones and emergency egress have to be met.

5.3 **Royal Burgh of Tain Community Council** (6 October 2013): Details of this are set out at section 8.4.

5.4 **Access Panel** – Comments awaited

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

29 Design quality and place making

57 Natural built and cultural heritage

6.2 **Ross and Cromarty East Local Plan**

C 1 Town Centre

Conservation
Area

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)

8. **PLANNING APPRAISAL**

8.1 Listed Buildings are protected under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. This establishes that any work which affects the character of a listed building will require listed building consent. In assessing an application for listed building consent, the planning authority is required to have special regard to the desirability of preserving the building, its setting and 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 Listed Building Consent application.

8.3 **Development Plan Policy Assessment**

The proposed works do not require planning permission and the assessment of the application is related solely to the impact of the works on the character of this listed building.

The proposal is a modernisation and upgrading of the existing building and has two main constituent parts:

1. New lift for access to the first floor
2. Use of the existing stair in the toll booth so as to allow second principal stair to the first floor and therefore allow separation of different users of the building for court functions, thus reducing sources of potential conflict

The third part of the works are part of 1 & 2 and relate to minor internal changes to provide more modern spaces in existing rooms.

The main concerns have related to the intervention to and finishing off of the existing rooms – potential impacts on ceilings, architraves, mouldings and cornicing. Following a site inspection with the Conservation Officer of the rooms affected by the main works – the ground floor Clerk's office and the first floor Sheriff's private offices for the installation of a lift – it is considered that the installation of the lift is in the most appropriate location within the building having the lesser impact on the overall quality of the interior space. The lift is a platform lift, with the mechanism being below/to the side of the actual lift. There is no above lift winding mechanism and therefore no intervention in the ceiling to the first floor. Within the altered rooms, new partitions are to be scribed around the existing cornicing detail and new doors, ironmongery and skirting are to match the existing.

There are no works to the Court room, which is a historically sensitive and original room, and whilst there would be a significant change to the Sheriff's private offices and adjacent corridor with the first floor lift installation, the actual overall physical impact on the rooms are considered to be acceptable, providing significantly improved public access and operational circulation space for the Court functions. There is no impact on the existing cornicing in either of the rooms.

Building Standards have confirmed that a Building Warrant has been approved for the works and that the proposed details are acceptable, with satisfactory provision for safe zones and emergency escape. The proposed works are DDA compliant.

8.4 **Material Listed Building Considerations**

Representations have been lodged by the Community Council:

- Internal works to Tollbooth Tower
- Fabric of the sandstone architecture of the Tollbooth Tower, the courthouse and the historic Mercat Cross is fragile and vulnerable to potential damage.
- What consideration is there of the security of the bell rope, the internal traditional architectural features or the pendulum glass lighting shades? All are within easy reach and potential damage by uncaring visitors. – *Planning Comment* – any perceived future impact on the historic fabric of the building by its users is a matter for the Scottish Court Service to manage.
- Door at the top of the landing which serves as access to the upper part of the Tower opens only outwards and traditionally for safety reasons has had no lock, leaving access free to the stairs and architecturally historic rooms above. The parapet itself is locked but not in such a way as would deter any determined attempt to gain access.

8.5 **Other Considerations – not material**

Other comments were also lodged by the Community Council

- We are not at all certain the applicant, Scottish Court Service, owns the Tower part of the application site, as has been claimed – *Planning Comment* – This is a private legal matter for the Court Service to establish and is not material to the consideration of the Listed Building Consent application.
- Parking by court vehicles – road safety concern - *Planning Comment* – not material to the consideration of the Listed Building Consent application.
- Community safety and security – *Planning Comment* – not material to the consideration of the Listed Building Consent application.
- Amenity impact on central part of town by court use – *Planning Comment* – the site has been used for this purpose for a long period of time and is an established planning use. The continued use and perceived amenity impact of this on the area is not material to the consideration of the Listed Building Consent application.

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

None

9. CONCLUSION

9.1 The proposal is aimed at ensuring improved public access for the court house and will allow for its continued use and presence in Tain. The principle of the development is to be welcomed. The works as proposed subject to appropriate safeguards are considered acceptable and does not detract from the character and setting of the listed building. The concerns of the Community Council are noted. Where relevant to the assessment of this listed building application these have been taken into consideration. Several other points detailed above in section 8.5 are noted but cannot be taken into consideration as these lie outwith the remit of the planning authority in the assessment of this proposal.

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.

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.

10. RECOMMENDATION

Action required before decision issued Y Category A Listed so referral required to Historic Scotland to allow them the opportunity to call in the application

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

1. No development shall commence on site until the developer has provided full details in writing and on plan of the following:
 - The platform lift type (including make and model)
 - External finish materials and colours of the walls of the lift shaft

The development shall be undertaken in accordance with the approved details.

Reason: In order to protect the integrity of the Category A Listed Building.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS LISTED BUILDING CONSENT

In accordance with Section 16(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended), the works to which this listed building consent relates must commence within THREE YEARS of the date of this decision notice. If work has not commenced within this period, then this listed building consent 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: Dafydd Jones

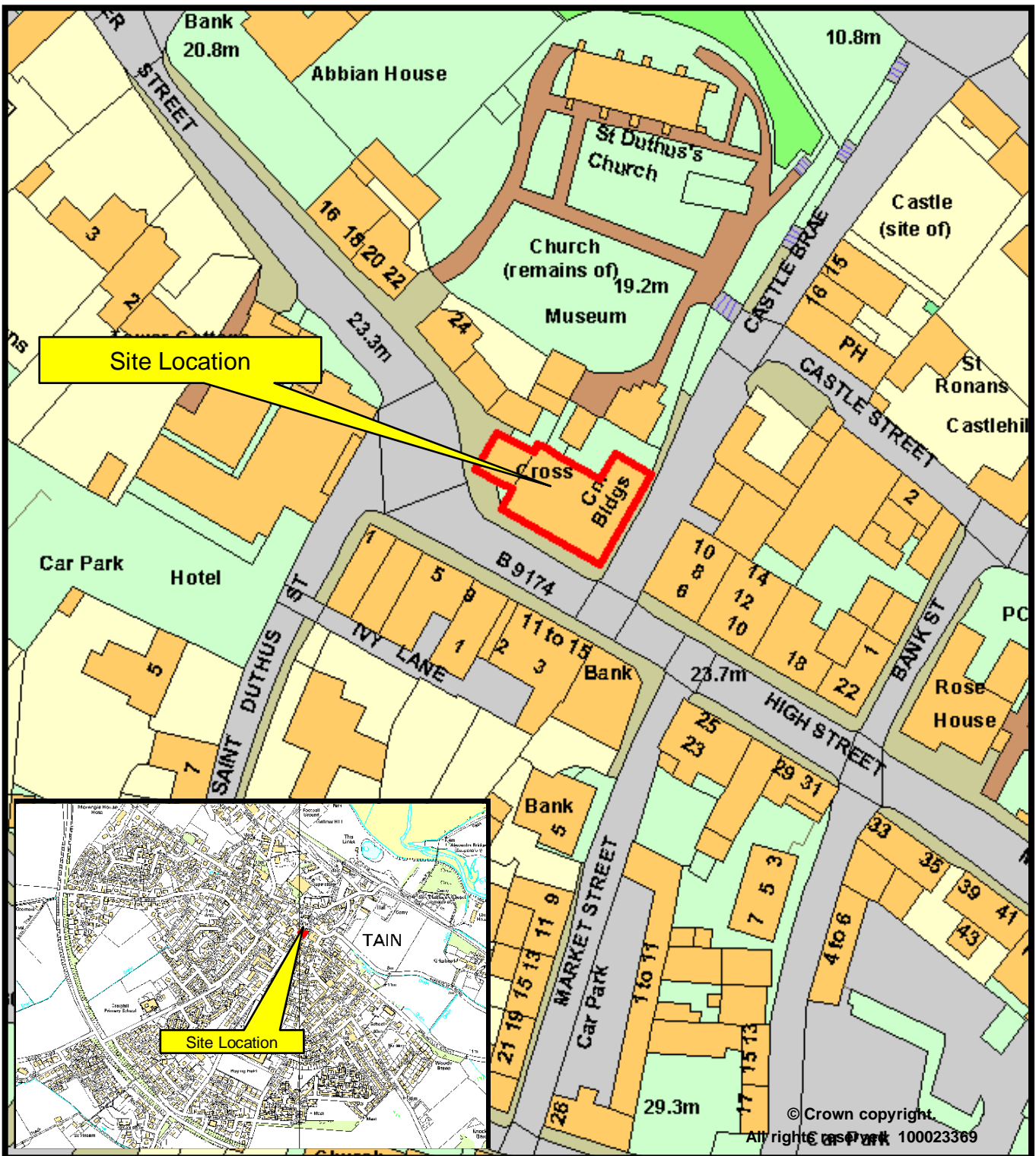
Designation: Area Planning Manager

Author: Bob Robertson

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

Relevant Plans:

- 501/PR/01 REV A Floor Plan
- 501/PR/02 REV A Floor Plan
- 501/PR/03 Section Plan
- 501/PR/04 Section Plan
- 501-EX-00 Location Plan
- 501/EX/01 Ground Floor
- 501/EX/02 First Floor Plan



The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

13/003584/FUL

Internal alterations to court house. New counter with lift.
 Public access to courtroom to use existing fire escape stair
 in clock tower at Sheiff Court House, High Street, Tain.

Date: 12 March 2014



