

Agenda Item	6.8
Report No	PLS 073/17

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 12 December 2017

Report Title: 17/03078/FUL: The Highland Council
Inverness Museum and Art Gallery, Castle Wynd, Inverness

Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Refurbishment of urban environment, placement of metal fins with integrated lighting access routes, external improvements to facades and public toilets

Ward: 14 – Inverness Central

Development category: Local

Reason referred to Committee: Manager's discretion

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.

Recommendation

Members are asked to agree the recommendation to **GRANT** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 Planning permission is sought for various improvements to the urban realm involving the Inverness Museum and Art Gallery (IMAG) and surrounding public spaces.

1.2 As submitted the proposals consist of:

- Placement of vertical metal fins and lighting columns with integrated lighting along the access routes to the museum entrance including Castle Wynd and the Castle Steps;
- External improvements to facades of IMAG and the adjacent public toilet block.

The external improvements to IMAG consist of the installation of new elements of metal cladding. The toilet block is to be re-rendered.

1.3 Information has also been submitted in connection with significant street works proposals affecting Castle Wynd. Members will wish to note however that this was submitted for information purposes only and do not form part of the planning application. Furthermore, members should note that the carrying out by a roads authority any works for the maintenance or improvement of a road do not constitute development as defined under Section 26 of the Act and do not require planning permission.

1.4 In relation to the lighting scheme, the metal fins are designed to act as wayfinders to highlight routes and accentuate key points within the site. The fins can be varied in height and density in order to screen areas or to create definition to the access routes. The fins will be positioned along the length of Castle Steps and down Castle Wynd and the scheme will also incorporate new street lights.

1.5 Inverness Museum and Art Gallery is accessed via a set of steps on Bridge Street. There is also pedestrian access from the top of Castle Wynd.

1.6 Pre-Application Consultation: It is understood that the applicant has carried out consultation with interested parties although there has been no formal consultation with Planning in connection with the proposals.

1.7 Supporting Information: A Design and Access statement; Confirmation of Purpose and Objectives statement; and an Approach to Surfaces and Lighting statement has been submitted by the applicant in support of the proposals.

1.8 Variations: 2 – Viewing platform adjacent to the river and across the road from where Castle Steps meets Castle Road has been deleted from the proposal and proposed lighting and signage details for IMAG building have also been deleted from the proposals.

2. SITE DESCRIPTION

2.1 The site comprises the IMAG building, the public toilet block adjacent to the Town House, Castle Wynd to the east and south, and Castle Steps down to the junction with Castle Road.

- 2.2 The IMAG building is a typical example of 1960/70's brutalist architecture, featuring a large flat roofed dark grey concrete monolith sitting atop commercial units fronting Bridge Street. It is one of three similar buildings that dominate the streetscene. The immediate environment is of poor quality and appearance while the steps leading up to the IMAG are not particularly welcoming and do little to entice or encourage visitors.

3. PLANNING HISTORY

- 3.1 03.08.2006 – Permission granted for alterations and upgrade of museum and art gallery. (06/00440/NIDIN);
- 3.2 01.03.2016 – Planning permission granted for overcladding and external lighting. (15/04554/FUL);
- 3.3 Pending decision – Listed Building Consent application to replace/alter handrail on Castle Steps, leading from River Ness to Castle Wynd. (17/03106/LBC). Members are asked to note that this application relates purely to the replacement of the existing handrail on the Castle wall of Castle Steps. The proposed decorative fins forming part of the related planning application will not be physically attached to the listed wall and therefore do not form part of the LBC application. Given the limited extent of works the LBC application will be determined under delegated powers.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Affecting setting of listed building

Date Advertised: 14.07.2017

Representation deadline: 04.08.2017

Timeous representations: 6 representations from 6 separate parties

Late representations: 4 representations from 4 separate parties

- 4.2 Material considerations raised are summarised as follows:

- a) Uplighters fixed into surfaces of walkways are a potential problem for visually impaired and other vulnerable pedestrians and should not be used on walking routes. Uplighters can be distracting and disorienting. The proposed strip lights fitted to the decorative fins and 5 metre high surface mounted fins with integrated street lighting can also be distracting and disorienting, particularly for blind and partially sighted people;
- b) Samples of the fins and coloured lighting should be provided to assess the quality and finish, prior to permission being granted;
- c) Scheme will address shortcomings in the appearance of the building and public realm;
- d) Permission should be granted for a limited period only to enable development of a masterplan for the whole area.

- 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.

5. CONSULTATIONS

- 5.1 **Access Officer:** Castle Steps and Castle Wynd are both core paths. Toilet Steps are popular route to and from Castle. Clarification required in relation to impact of works on maintaining access.
- 5.2 **Historic Environment Team:** Recommend condition is imposed requiring archaeological watching brief.
- 5.3 **Historic Environment Scotland:** No comments to make on the proposals.
- 5.4 **Access Panel:** Recommend consultation with RNIB and Sight Action
- 5.5 **Sight Action:** No comments received.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality & Place-making
57 - Natural, Built & Cultural Heritage
77 - Public Access

6.2 Inner Moray Firth Local Development Plan

No specific policies apply

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Highland Historic Environment Strategy (Jan 2013)
Public Art Strategy (March 2013)

7.2 Scottish Government Planning Policy and Guidance

Not applicable.

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.

Determining Issues

- 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.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy;
 - b) design; and
 - c) impact of development on vulnerable persons.

Development plan/other planning policy

- 8.4 As an overall package the proposed works will have a positive impact on the visual amenity of the area and the appearance of the buildings within the streetscape. In principle the development complies with the Development Plan.

Design (Lighting Scheme)

- 8.5 The applicant's Design and Access Statement notes that many of the areas surrounding the IMAG are unsightly and in disrepair, including the service areas for IMAG and a nearby restaurant, all of which are in public view. The Castle Steps are in poor condition and not a desirable route for pedestrians and the IMAG entrance is not readily apparent to visitors.
- 8.6 The Castle Steps and Castle Wynd areas therefore present an opportunity to considerably improve the visual amenity of this area and create an appealing pedestrian route that connects Bridge Street and the High Street with the IMAG building, the river and the Castle. The decorative fins will help screen unsightly areas as well as defining access routes, acting as wayfinders and accentuating key areas along the routes.
- 8.7 The proposed decorative fins are constructed of galvanised steel, some of which will feature integrated LED lighting strips. They are narrow when viewed from the front (approximately 40mm) and 110mm in depth. They are essentially an art installation designed to enhance the area around the museum and Castle. In design terms, the installation is considered to be acceptable.
- 8.8 The fins will be varied in height and density and will be a mix of wall mounted and free standing. The fins proposed adjacent to the listed Castle wall on Castle Steps will be freestanding.
- 8.9 It is expected that at any given time the fins will display a pre-programmed display of colour and pattern. They can be pre-set to reflect a particular event and can be programmed automatically to change on certain days and times.
- 8.10 The lighting proposals also include installing a new handrail on the staircase leading to the carpark at the rear of the Town Hall which will feature integrated lighting.

Design (External Improvements)

- 8.11 In relation to the alterations to the IMAG building, these are modest cosmetic improvements consisting of the removal of signage and the replacement of existing

windows and plywood panels with grey metal panels.

- 8.12 The alterations to the toilet block consist primarily of the removal of the existing harling and the re-rendering of the building.
- 8.13 Overall, the proposed improvements will enhance the visual amenity and connectivity of the area and in particular the lighting proposals are likely to enhance the sense of safety and security for users in the vicinity.

Impact of development on vulnerable persons

- 8.14 In response to concerns raised by objectors the applicant has submitted a statement clarifying that the proposed fins (and lamp posts) will be positioned against the existing walls to minimise the potential for pedestrian clashes.
- 8.15 In relation to the lighting the applicant goes on to state:

“The lamp posts have traditional downlighters mounted at the top to provide the necessary street lighting levels to Castle Wynd. The LED lighting within the decorative fins is not for street lighting but is proposed as an art installation to enhance the area around the museum and Castle and to inhibit antisocial behaviour. All routes are lit by separate street lighting designed to the required standards. The existing street lighting at Castle Wynd is uninviting and creates distracting glare. The proposal will improve uniformity of lighting levels and remove the glare issues.”

- 8.16 In order to further alleviate concerns regarding the lighting the applicant has also advised that the phrase ‘strip lighting’ is not an accurate description of the lighting. The lighting is designed to provide a decorative soft glow, accenting the fins. The LED lighting is recessed within the fins and will not create spots of light.
- 8.17 The applicant has also advised that the lighting will be fully dimmable and can be lit in any colour. A mock-up of the installation has been commissioned and various stakeholders will be invited to view it and to provide comment. Any feedback received will enable the design team to tweak the final design.
- 8.18 In the event that members are minded to grant planning permission, it should be noted that, in planning terms, any subsequent changes to the scheme are likely to be so minor that they can be treated as a non-material variation. Any significant changes would of course require a further application.

Other material considerations

- 8.19 There are no other material considerations.

Non-material considerations

- 8.20 Paragraph 1.3 of this report made reference to matters included in the supporting information accompanying this application that did not form part of this application. For the benefit of members further clarity on those matters is set out below.

- 8.21 Section 26 (1) of the Town and Country Planning (Scotland) Act 1997 sets out the meaning of development and states that “development’ means the carrying out of building, engineering mining or other operations in, on, over or under land, or the making of any material change in the use of land.” Section 26 (2) goes on to list a number of operations and uses of land that, for the purposes of the Act, do not involve development of the land. Of particular note is subsection (2) (c) that relates to the carrying out by a roads authority on land within the boundaries of a road of any works required for the maintenance or improvement of the road. The proposed resurfacing proposals fall under this exemption from development and for the avoidance of doubt do not require planning permission.
- 8.22 As a consequence of the above, the objections to the proposed streetscape works are not material planning considerations. Nevertheless members will wish to know that the applicant has taken positive steps to engage with interested parties to improve consultation arrangements and facilitate constructive dialogue in taking the wider project elements forward.
- 8.24 A number of objectors have highlighted concerns in relation to the financial implications of the project. This is not a material planning consideration.

Matters to be secured by Section 75 Agreement

- 8.23 None.

9. CONCLUSION

- 9.1 The proposed works are aimed at improving the visual appearance of the existing buildings in what is an important part of the city centre for tourists, particularly given the close proximity to Inverness Castle and the popular viewing tower.
- 9.2 The physical improvements to the IMAG building and the adjacent toilet block will help improve the appearance of the immediate area and coupled with the artistic lighting installation should act to encourage pedestrians to make better use of the links between Bridge Street and the High Street with the IMAG building, the river and the Castle.
- 9.3 Significant progress has been made in enhancing the streetscene of this area of the city centre, most notably with the refurbishment of the Town House and the façade improvements to the Caledonian building, both of which are located on the High Street in close proximity to the IMAG building. Implementation of the current proposals should be seen as a further positive step forward in improving the appearance and appeal of the city centre.
- 9.4 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.

10. IMPLICATIONS

- 10.1 Resource: Not applicable

- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. No development or work shall commence until a sample of the proposed decorative fins and associated lighting has been made available for approval in writing by the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to enable the Planning Authority to consider the design and installation of the fins in detail prior to the commencement of development; in the interests of amenity.

2. No development or work shall commence until a detailed specification for all proposed external materials and finishes for the IMAG building and the toilet block (including trade names and samples where necessary) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to enable the planning authority to consider these matters in detail prior to the commencement of development; in the interests of amenity.

3. Public access to any Core Path within, or adjacent to, the application site shall at no time be obstructed or deterred by construction-related activities, unless otherwise approved in writing by the Council's Access Officer as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or deterrent shall cover only the smallest area practicable and for the shortest duration

possible, with waymarked diversions provided as necessary.

Reason: In order to ensure that access to the core path network is not obstructed as a result of this development.

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (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

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

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)

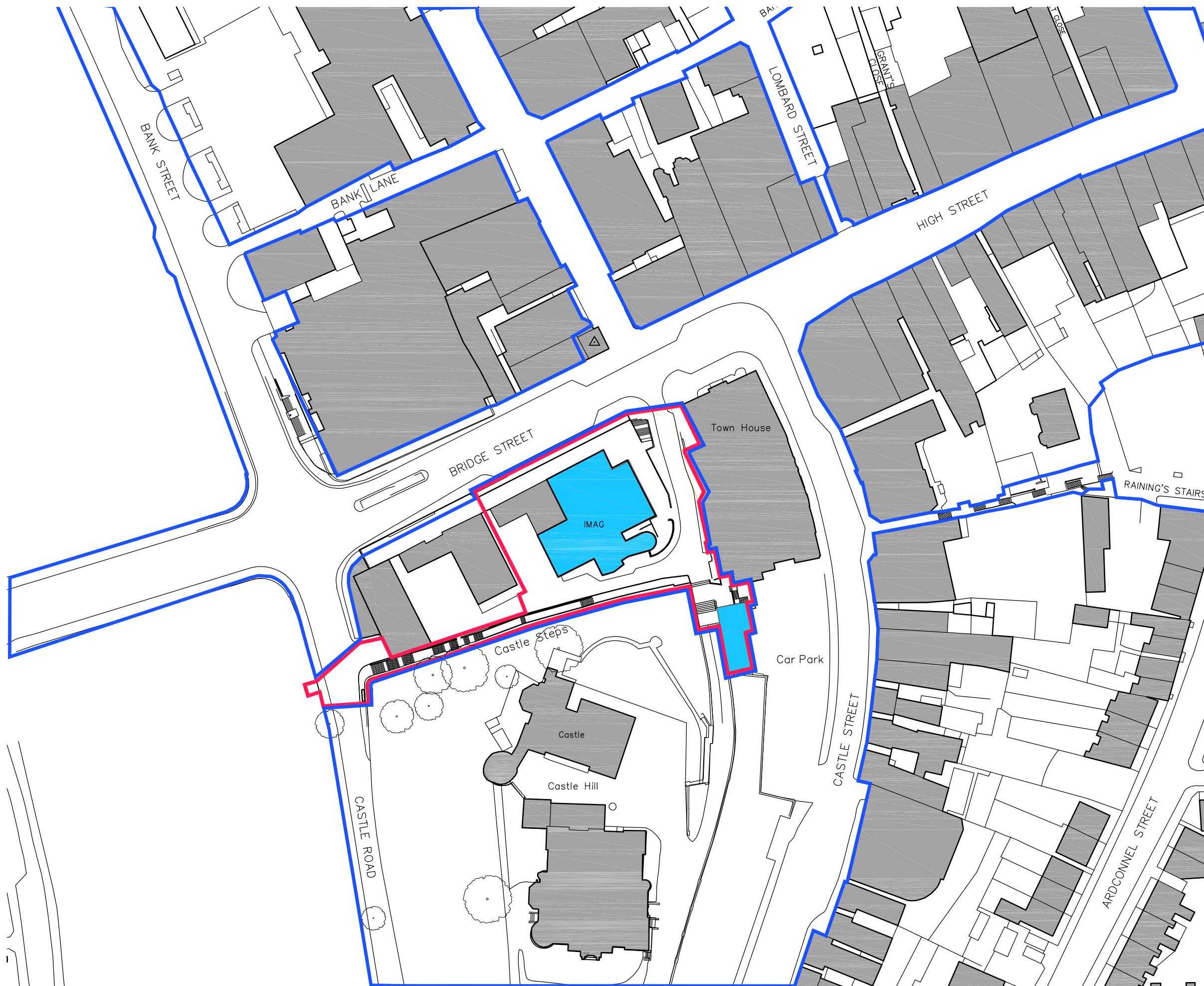
must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

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 PL(00)101
Plan 2 - Proposed Site Plan PL(20)110
Plan 3 - Proposed IMAG Elevation Plan PL(20)170 Rev A
Plan 4 - Proposed IMAG Elevation Plan PL(20)171 Rev A
Plan 5 - Proposed Toilet Block Elevation Plan PL(20) 161
Plan 6 - Proposed Toilet Block Elevation Plan PL(20) 162
Plan 7 - Proposed Castle Steps Elevation Plan PL(20)165 Rev A
Plan 8 - Proposed Castle Steps Elevation Plan PL(20)166 Rev A
Plan 9 - Proposed Castle Steps Elevation Plan PL(20)167
Plan 10 - Proposed IMAG Fin Elevation Plan PL(20)180
Plan 11 - Proposed IMAG Fin Elevation Plan PL(20)181

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REVISION

-  Buildings affected by proposed works
-  Application Boundary Area: 0.3 Ha
-  Area within Ownership of applicants



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PROJECT
**Inverness Museum and Gallery
 Urban Environment**

DRAWING
Location Plan

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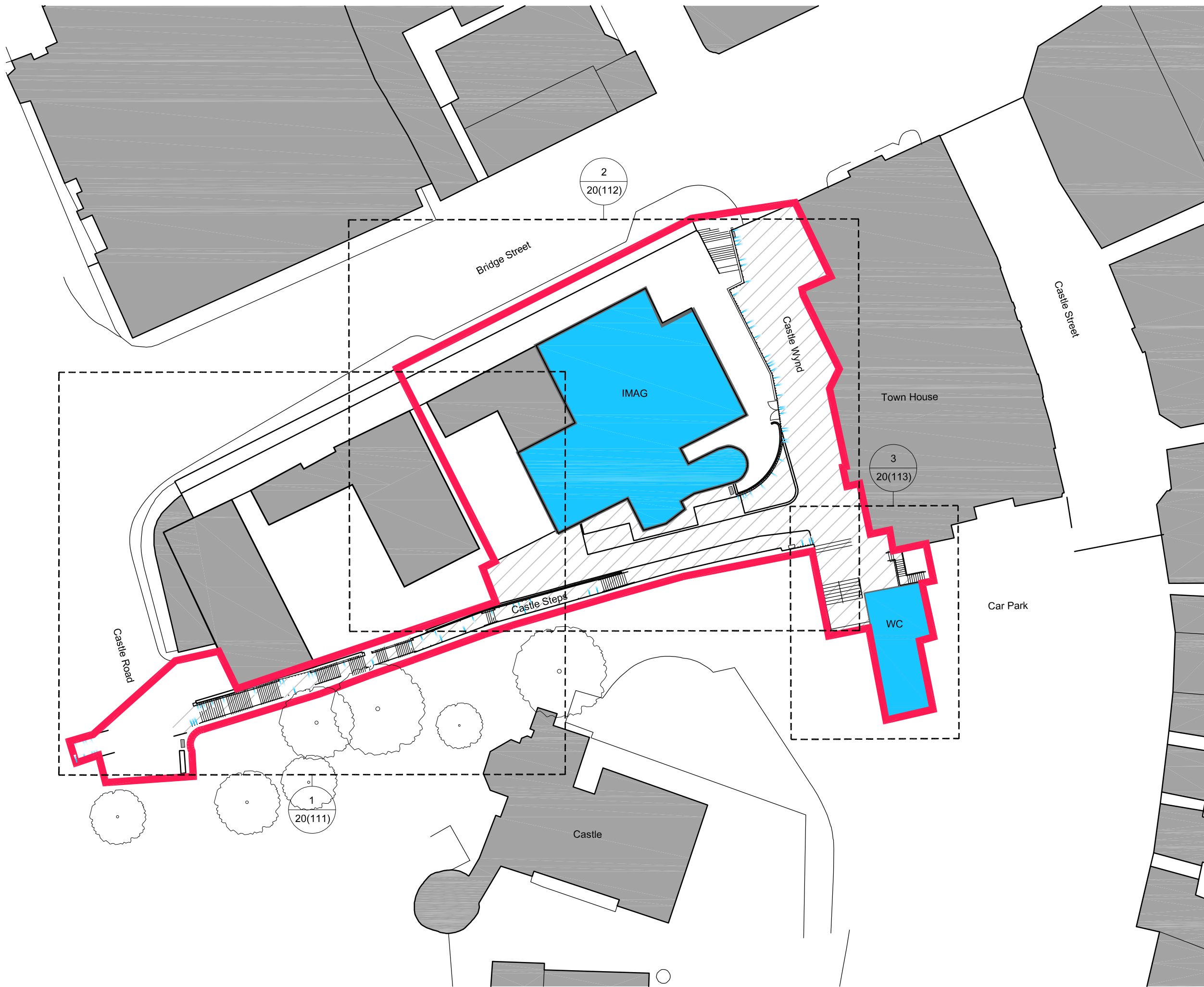
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REVISION

- Buildings affected by proposed works
- Application Boundary Area: 0.3 Ha
- Streetscape and surfacing works by others



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PROJECT
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 Urban Environment**

DRAWING
Proposed Site Plan

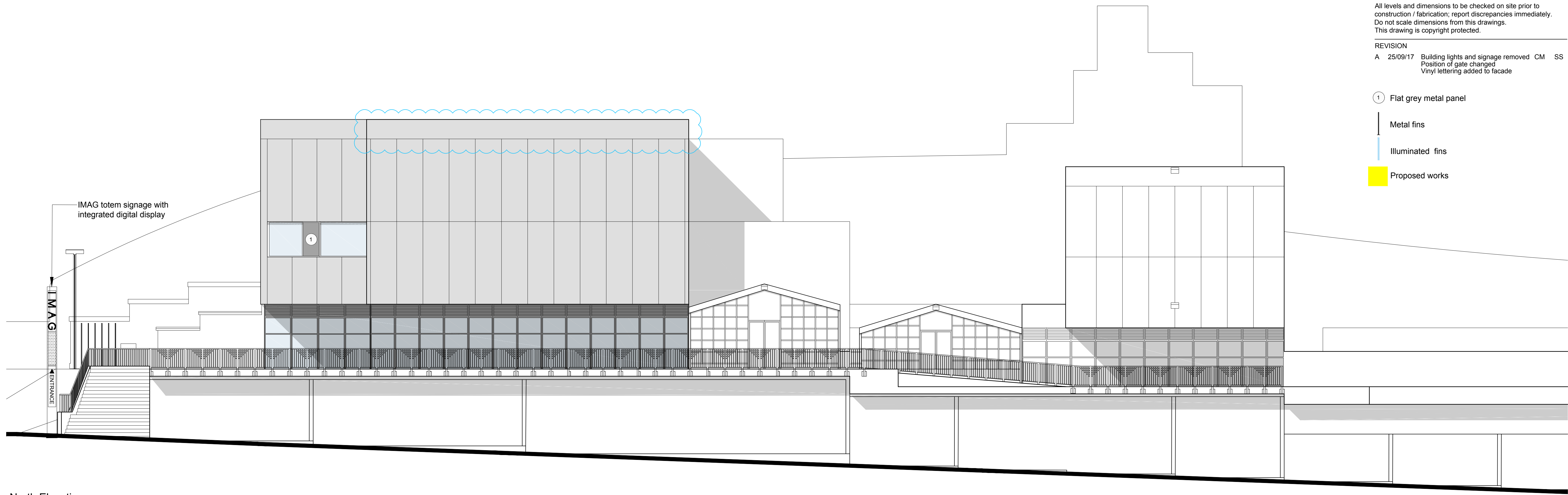
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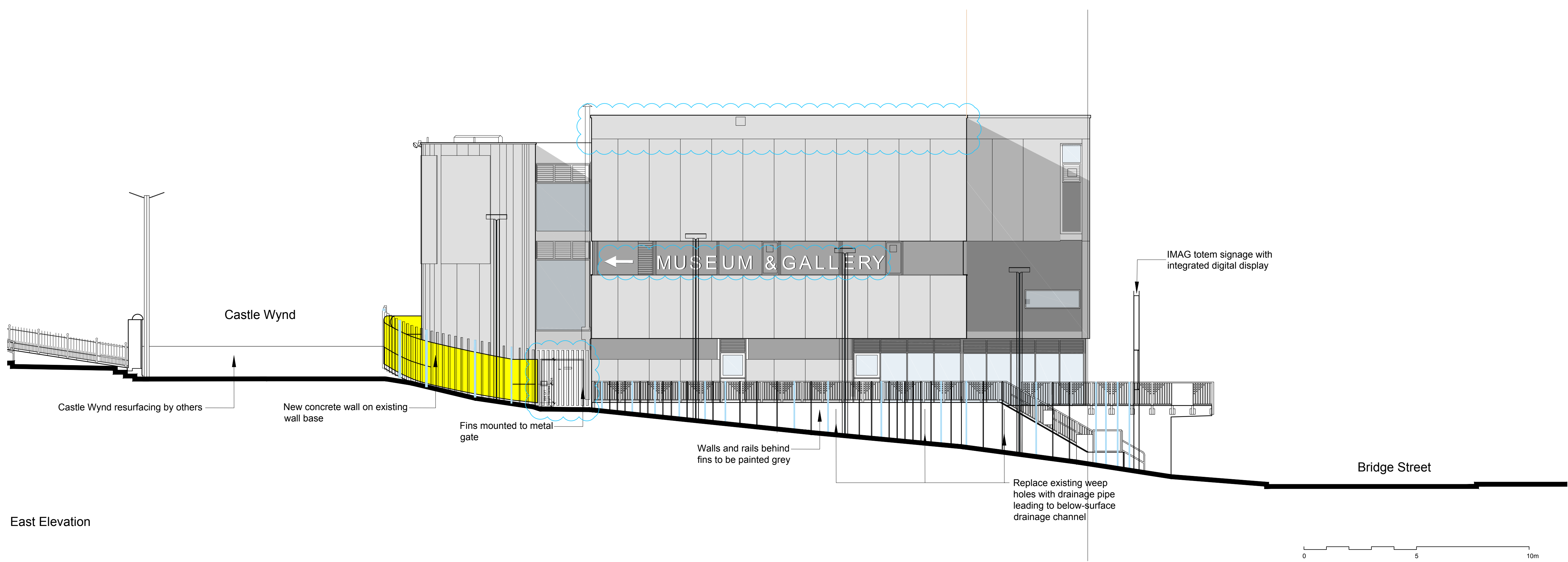
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REVISION	DATE	DESCRIPTION	CM	SS
A	25/09/17	Building lights and signage removed Position of gate changed Vinyl lettering added to facade		

- ① Flat grey metal panel
- Metal fins
- Illuminated fins
- Proposed works



North Elevation



East Elevation

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PROJECT
Inverness Museum and Gallery
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DRAWING
IMAG Elevations - Proposed

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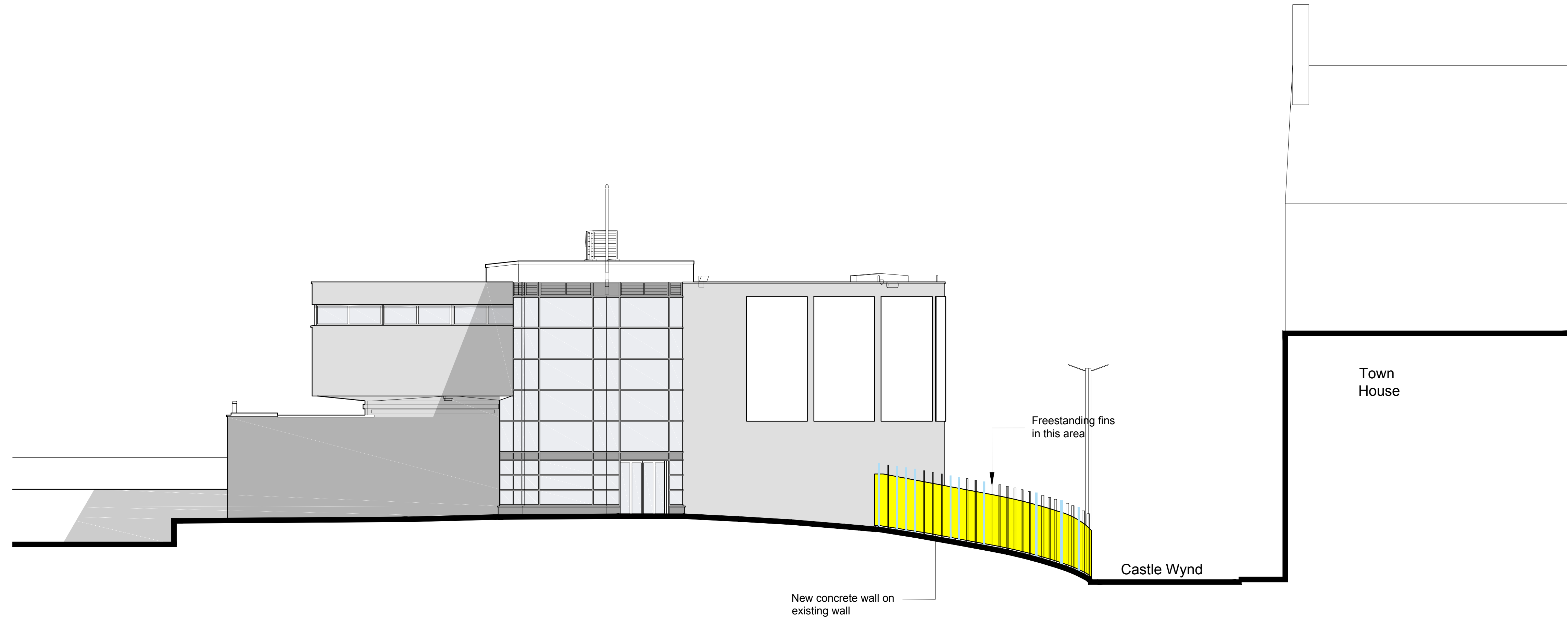
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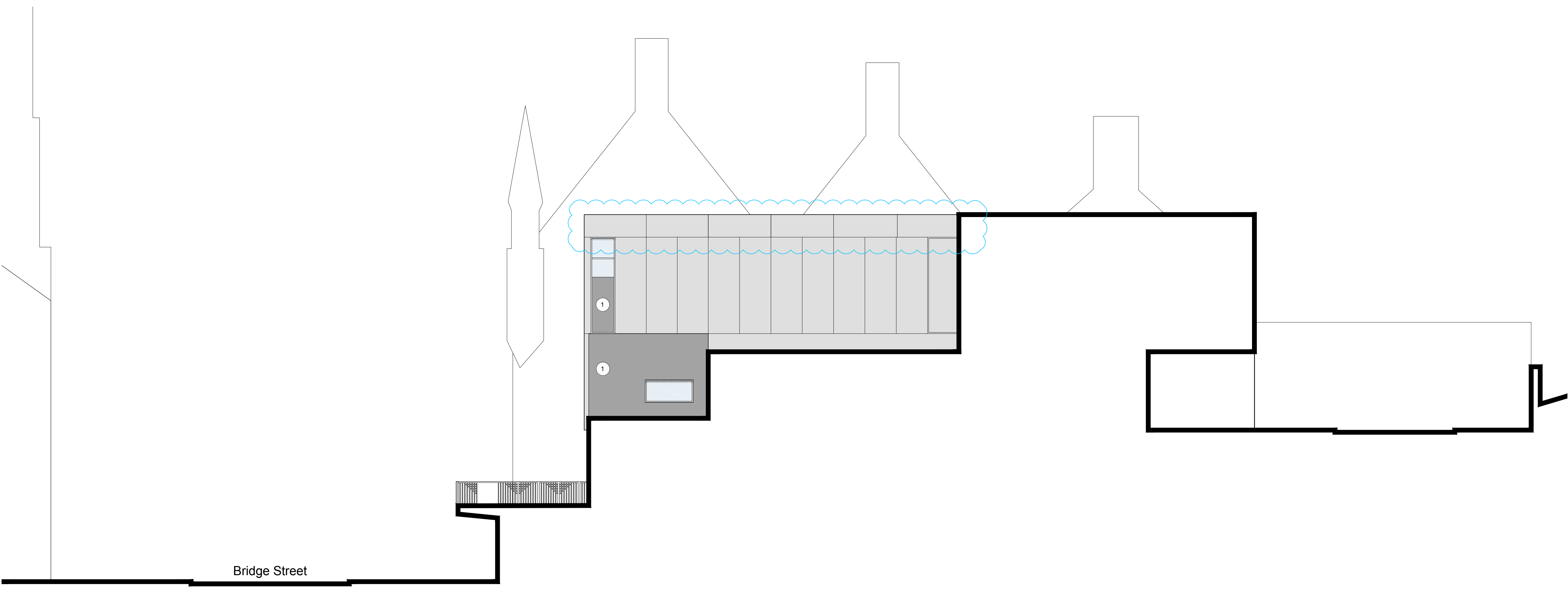
REVISION
A 25/09/17 Building lights and signage removed CM SS

① Flat grey metal panel

Proposed works



South Elevation



West Elevation

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PROJECT
Inverness Museum and Gallery
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IMAG Elevations - Proposed

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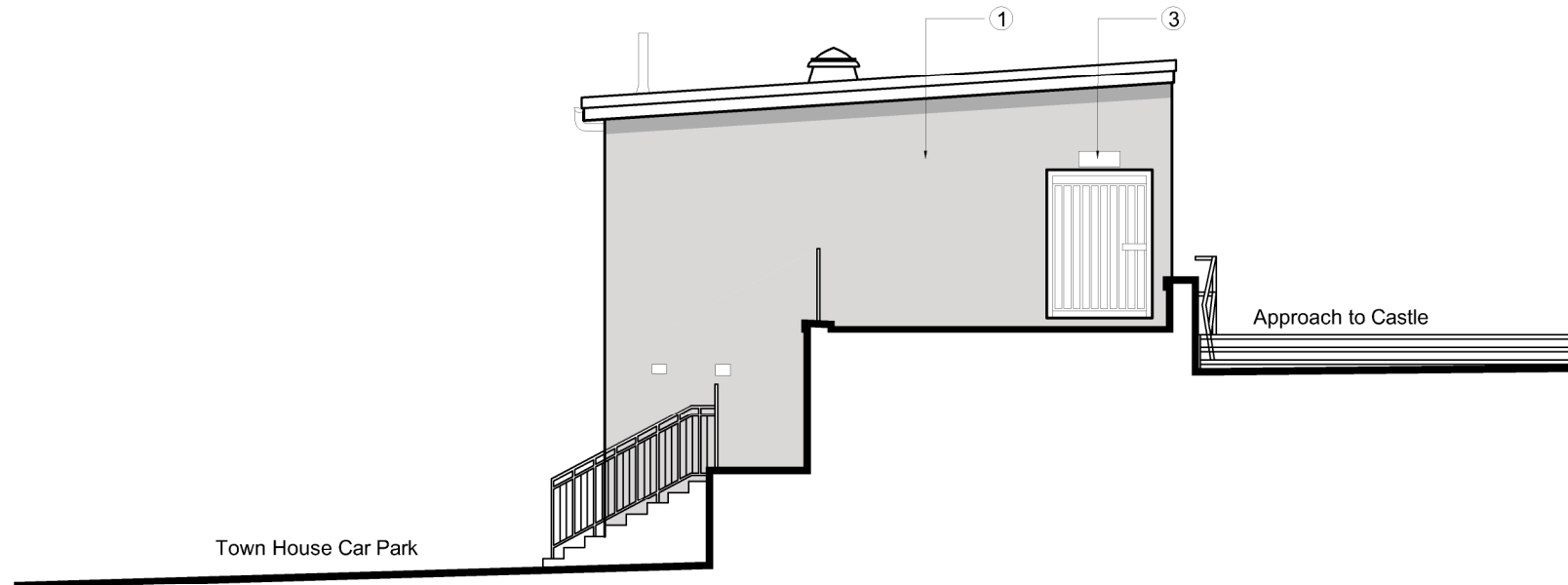
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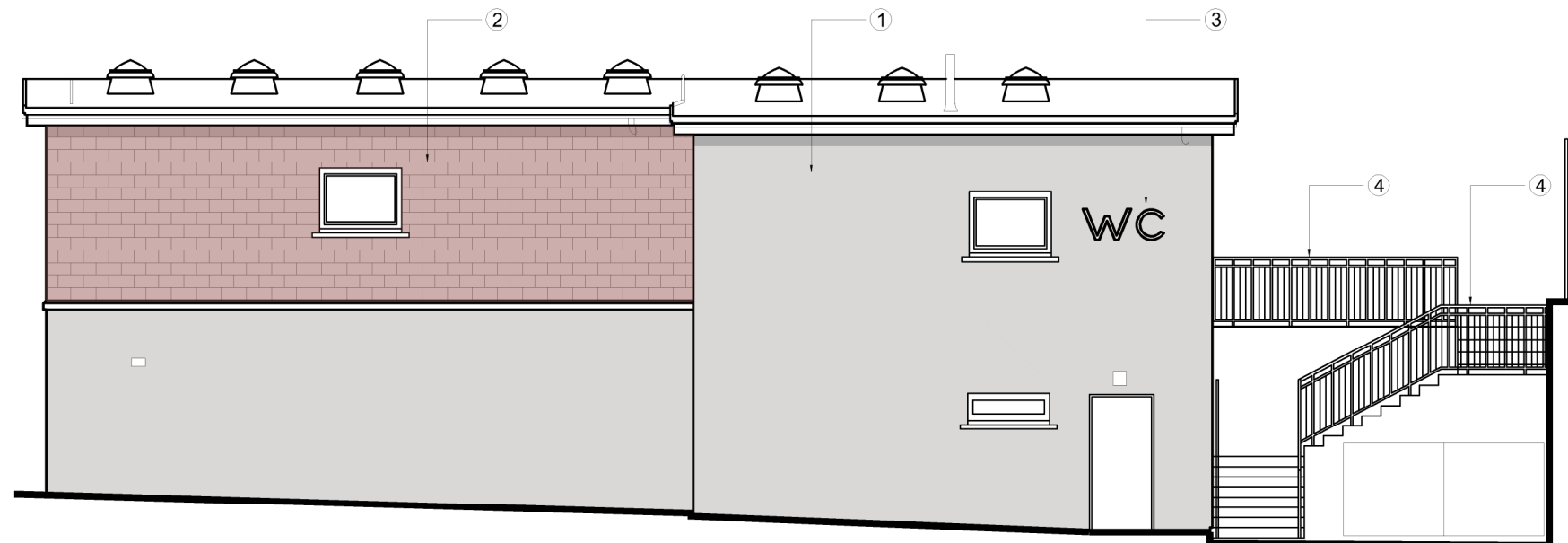
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REVISION

- ① Grey render
- ② Existing stonework to remain
- ③ New WC signage
- ④ New handrail with integrated LED light



North Elevation



East Elevation

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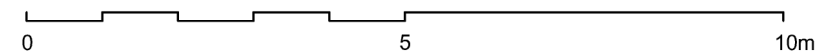
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**Inverness Museum and Gallery
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**Public Toilet Elevations -
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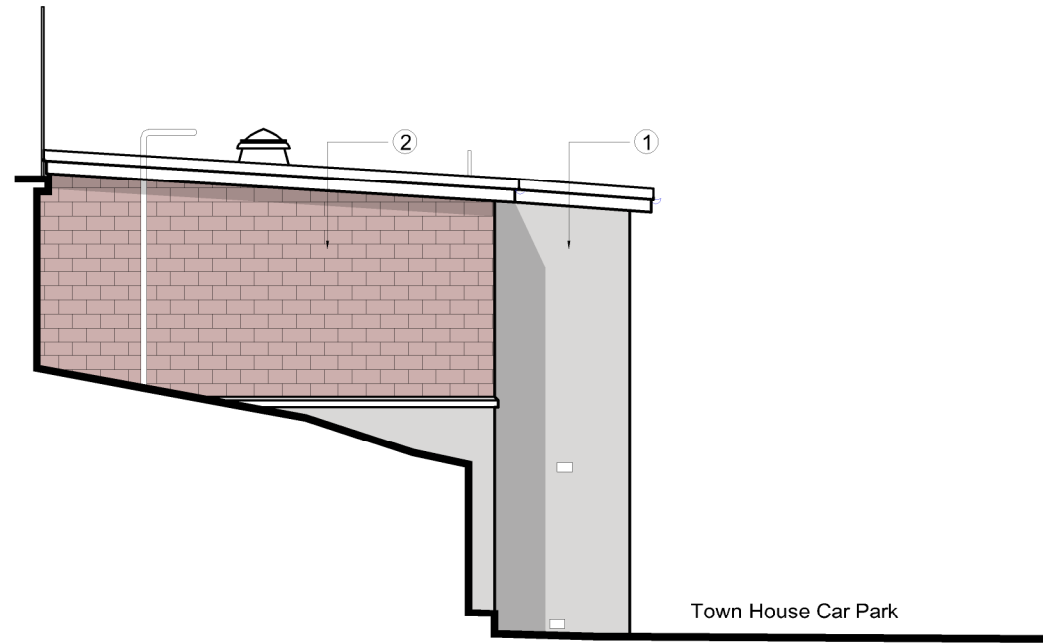
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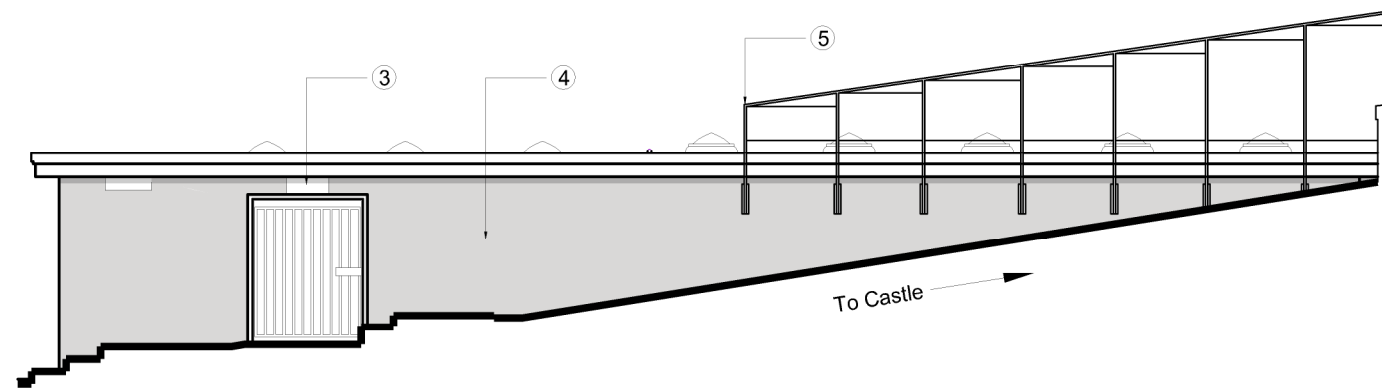
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REVISION

- ① Grey render
- ② Existing stonework to remain
- ③ New WC signage
- ④ Existing render to be painted grey
- ⑤ Rail to be painted grey to match building



South Elevation



West Elevation

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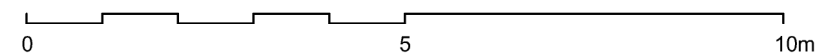
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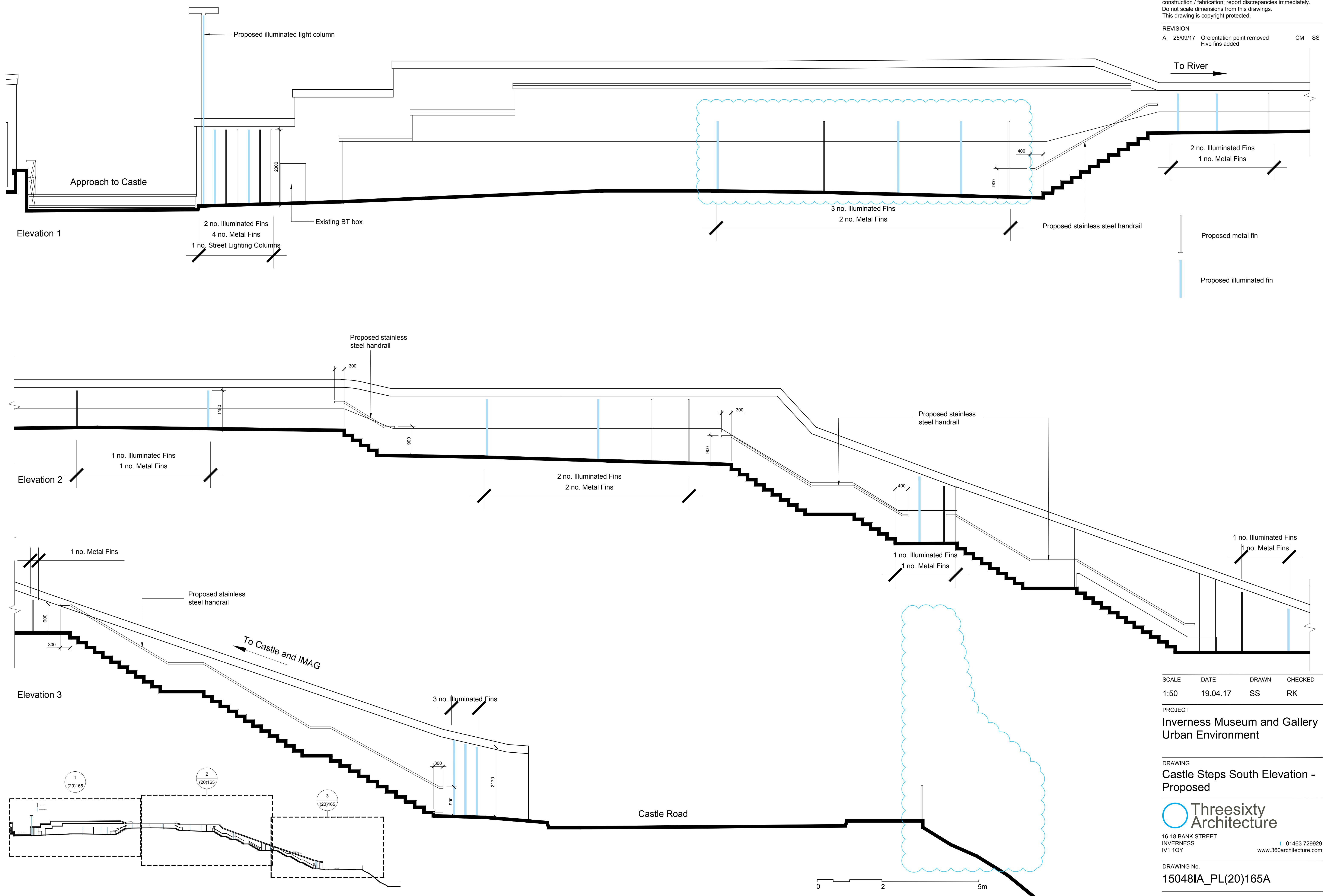
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REVISION		CM	SS
A	25/09/17 Orientation point removed Five fins added		



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PROJECT
**Inverness Museum and Gallery
 Urban Environment**


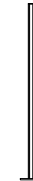

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**Castle Steps South Elevation -
 Proposed**

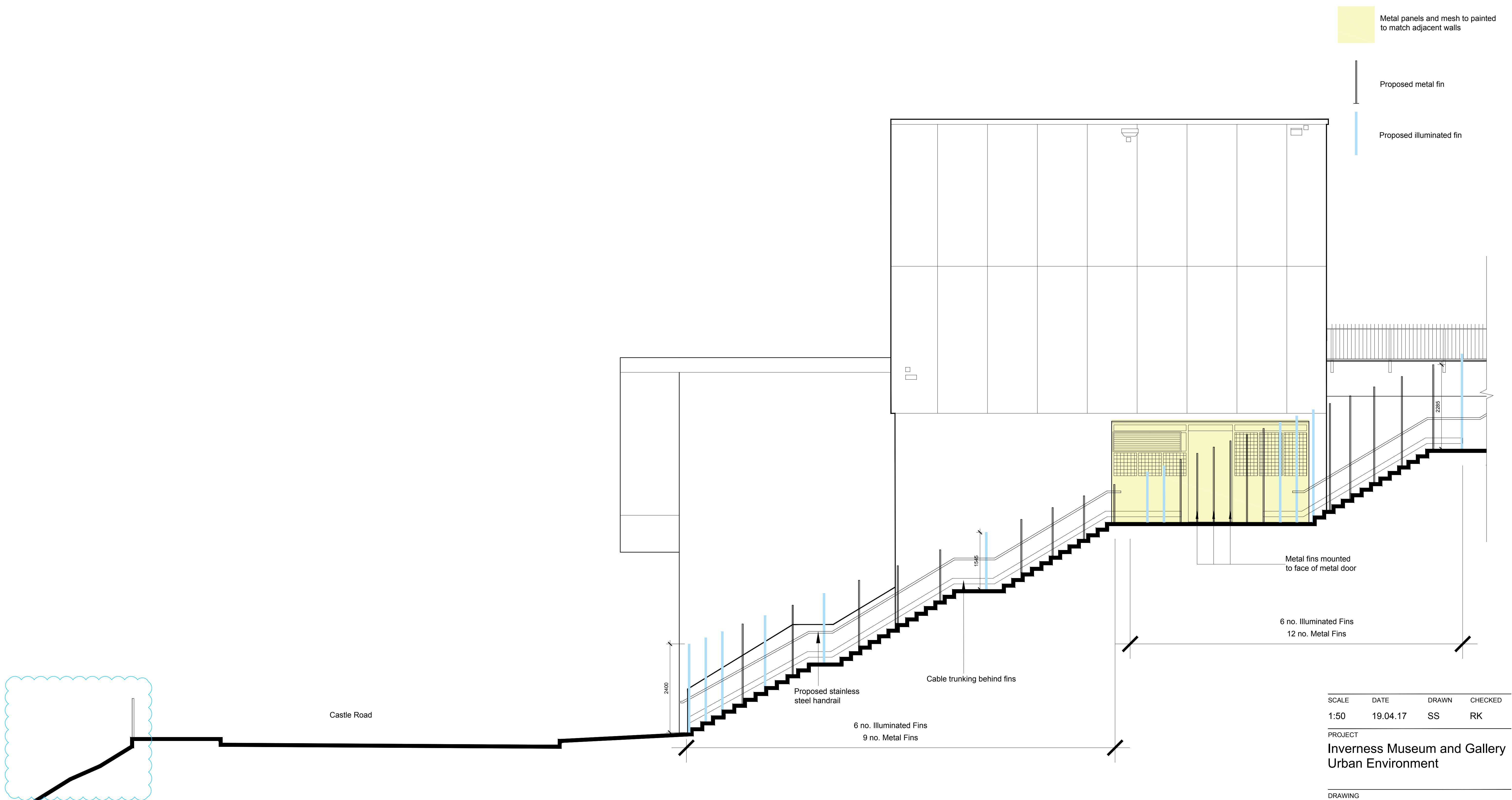
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REVISION			
A	25/09/17	Orientation point removed	CM SS

-  Metal panels and mesh to be painted to match adjacent walls
-  Proposed metal fin
-  Proposed illuminated fin



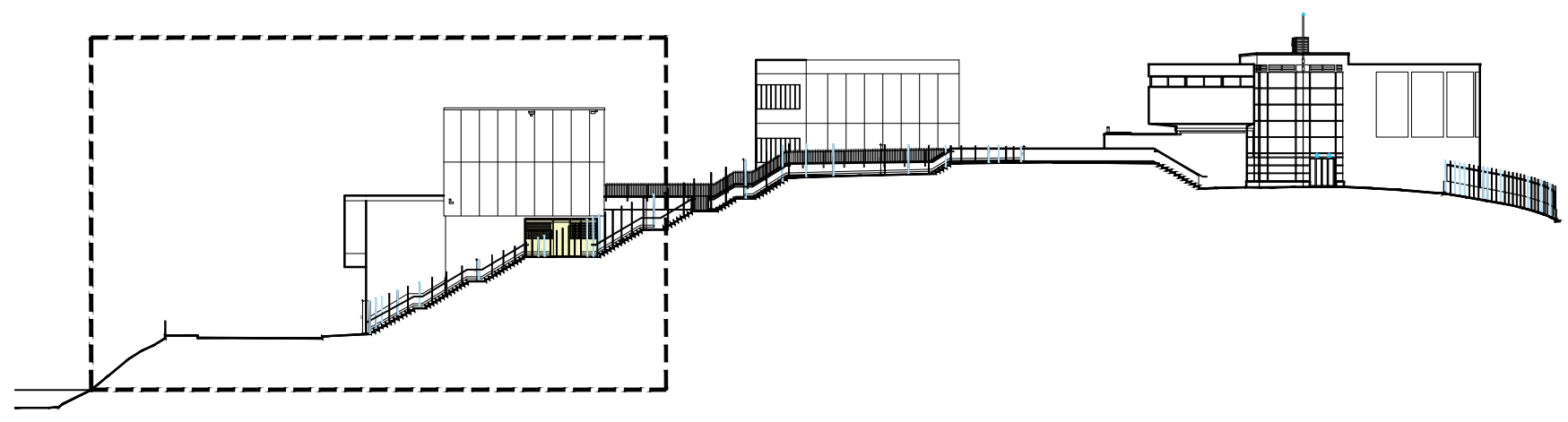
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PROJECT
**Inverness Museum and Gallery
 Urban Environment**

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**Castle Wynd North Elevation -
 Proposed**

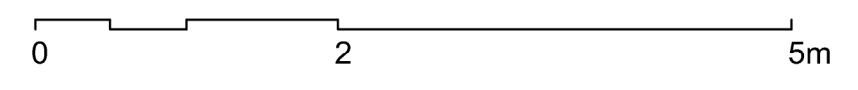
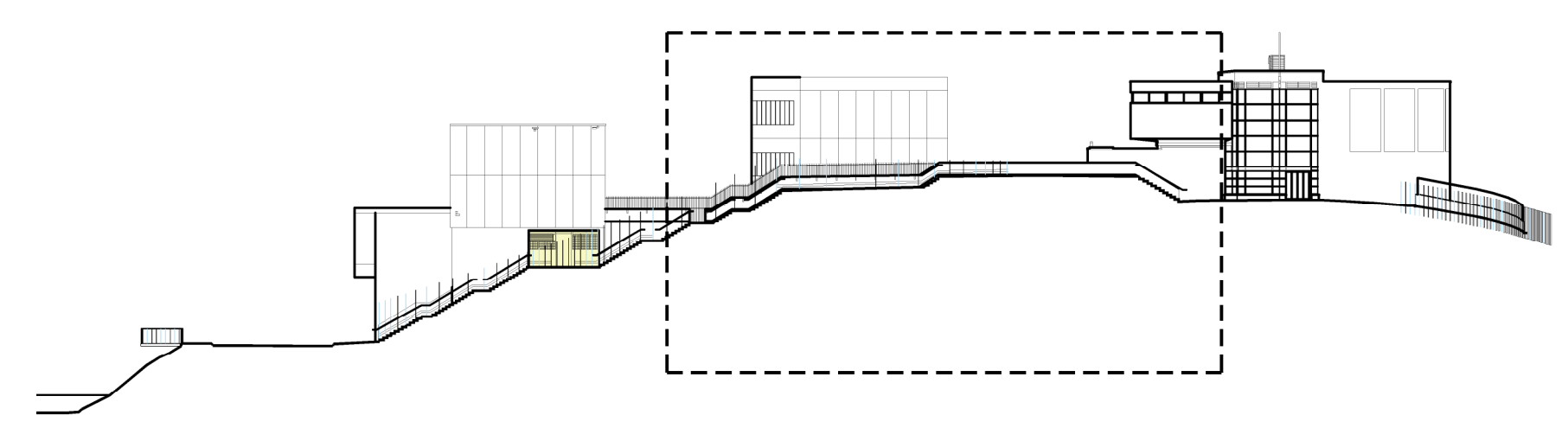
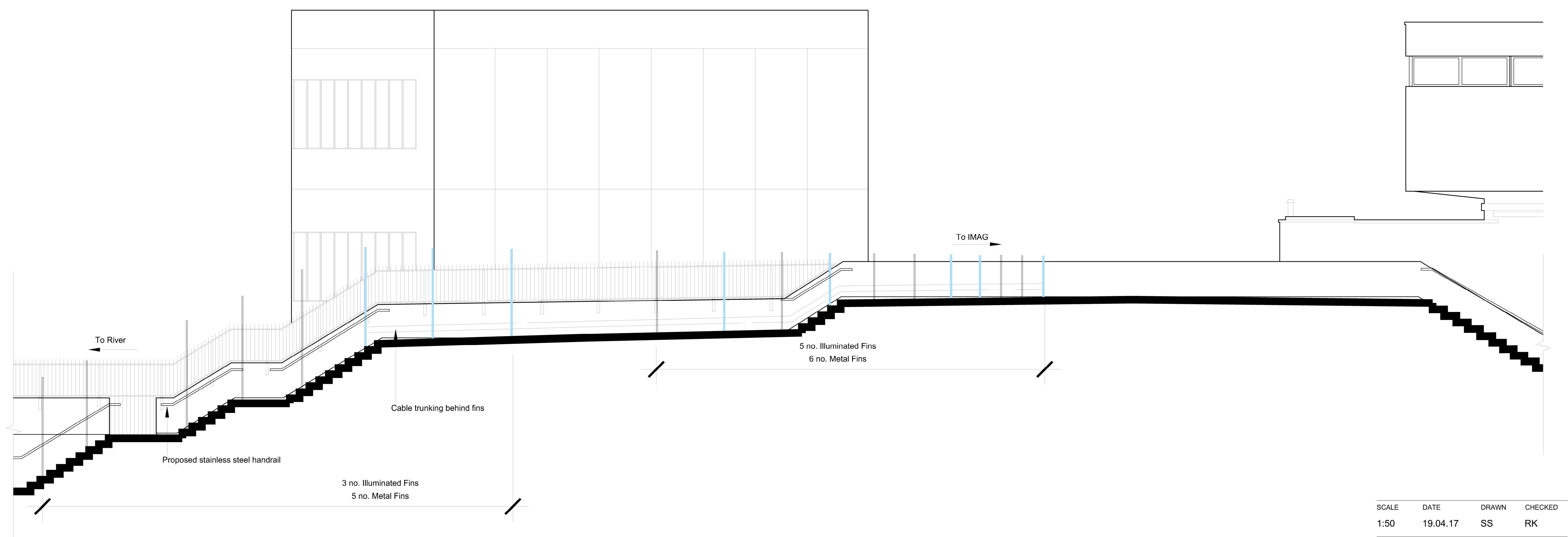
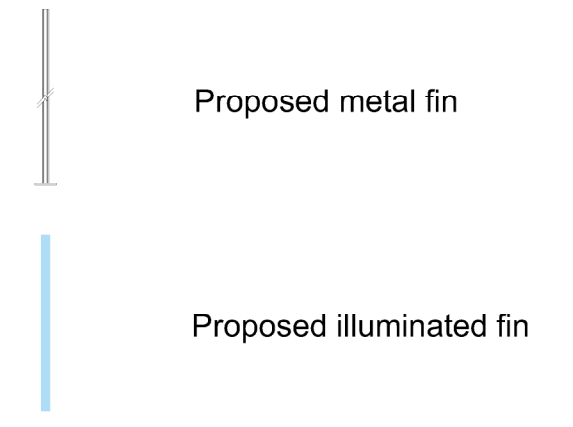

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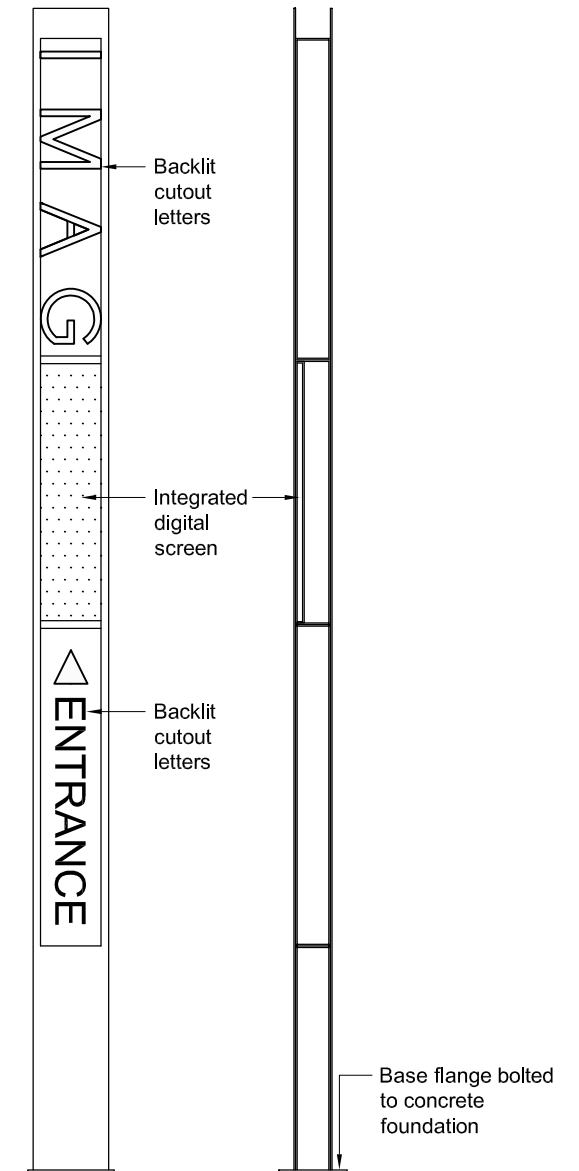
DRAWING
**Castle Wynd North Elevation -
 Proposed**

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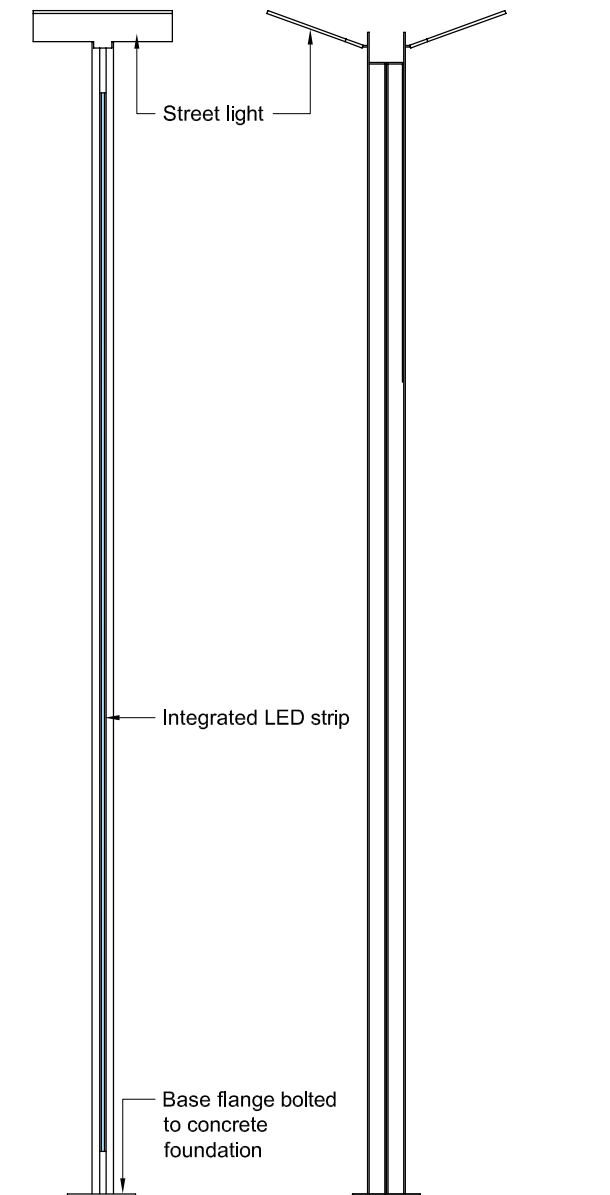
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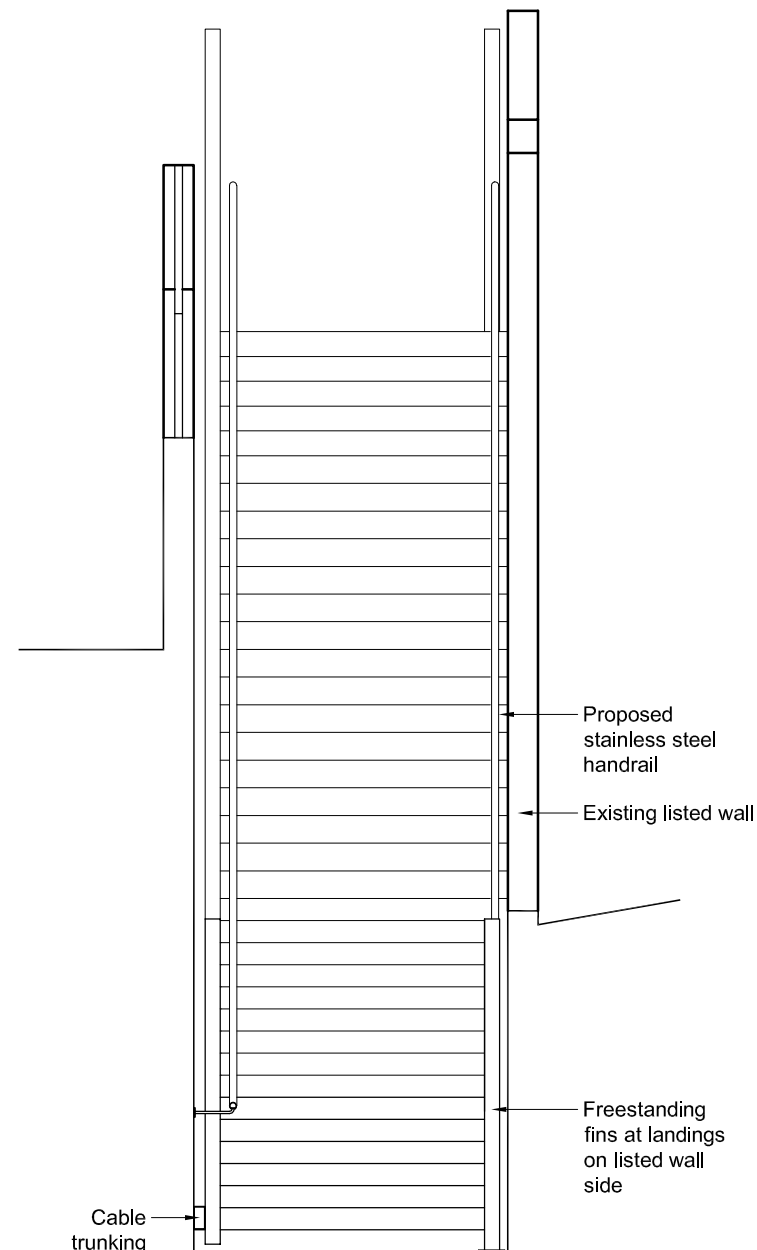
REVISION



IMAG Totem Signage



Illuminated Street Lighting Column



Section at Castle Steps

SCALE	DATE	DRAWN	CHECKED
1:50	19.04.17	SS	RK

PROJECT

**Inverness Museum and Gallery
Urban Environment**

DRAWING

Proposed Fin Elevations



16-18 BANK STREET
INVERNESS
IV1 1QY

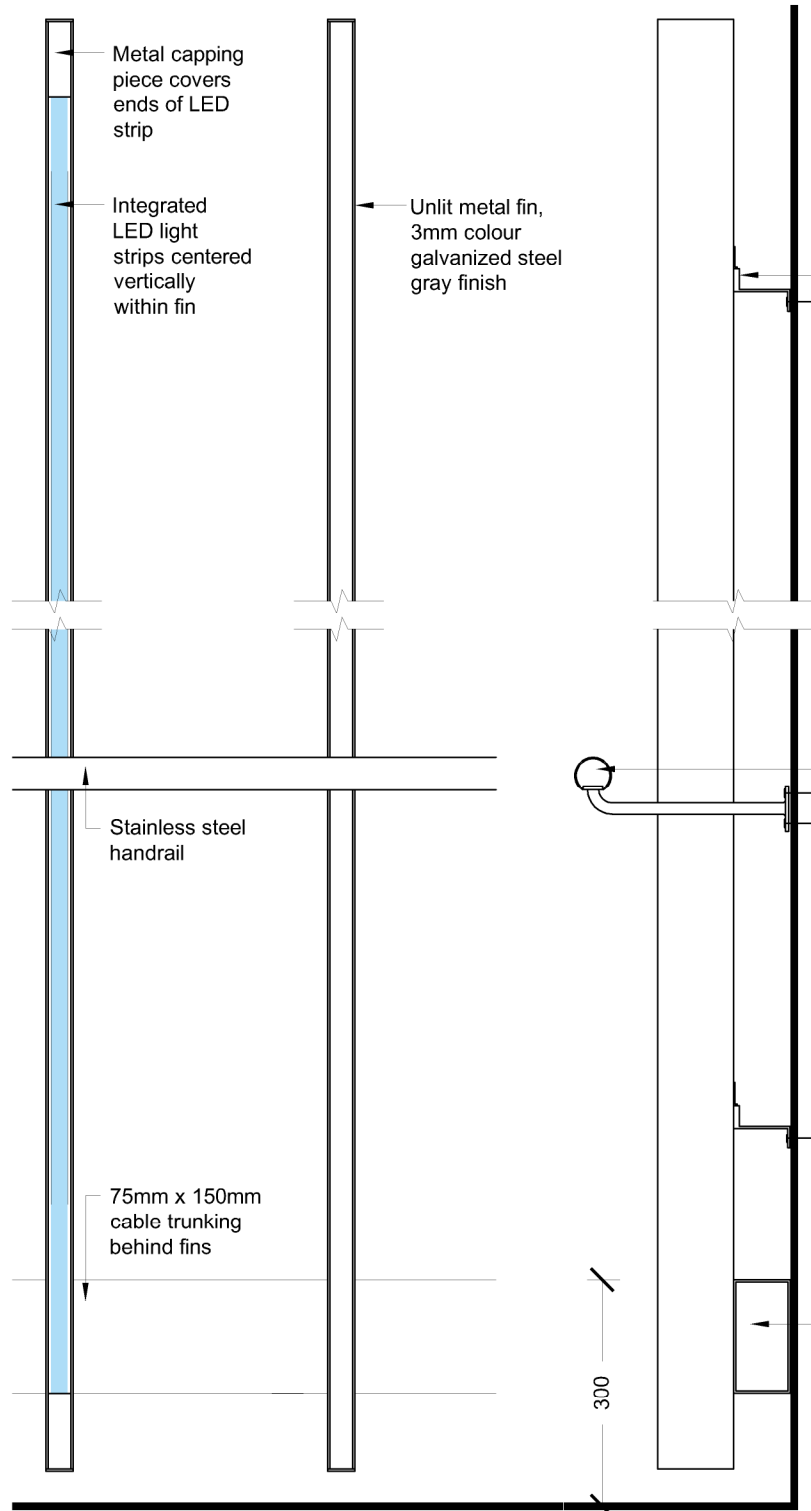
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15048IA_PL(20)180

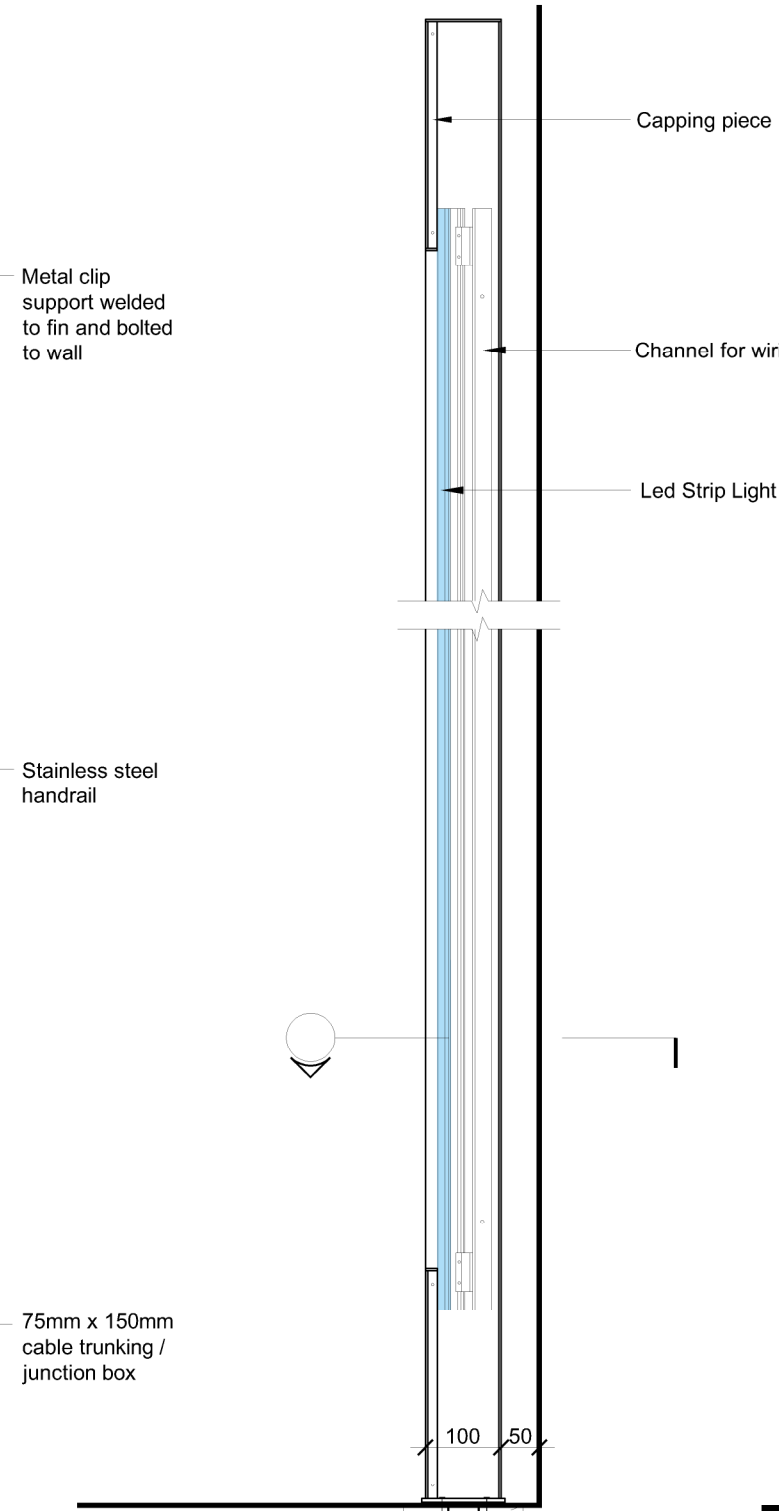
All levels and dimensions to be checked on site prior to construction / fabrication; report discrepancies immediately. Do not scale dimensions from this drawings. This drawing is copyright protected.

REVISION

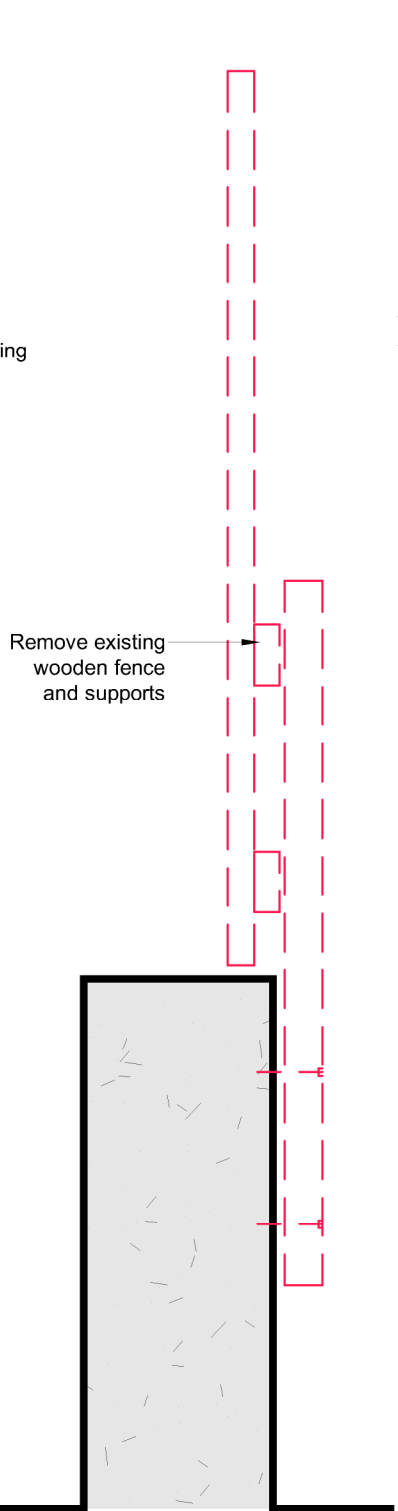


Typical Fins - Front Elevation
Scale: 1:10

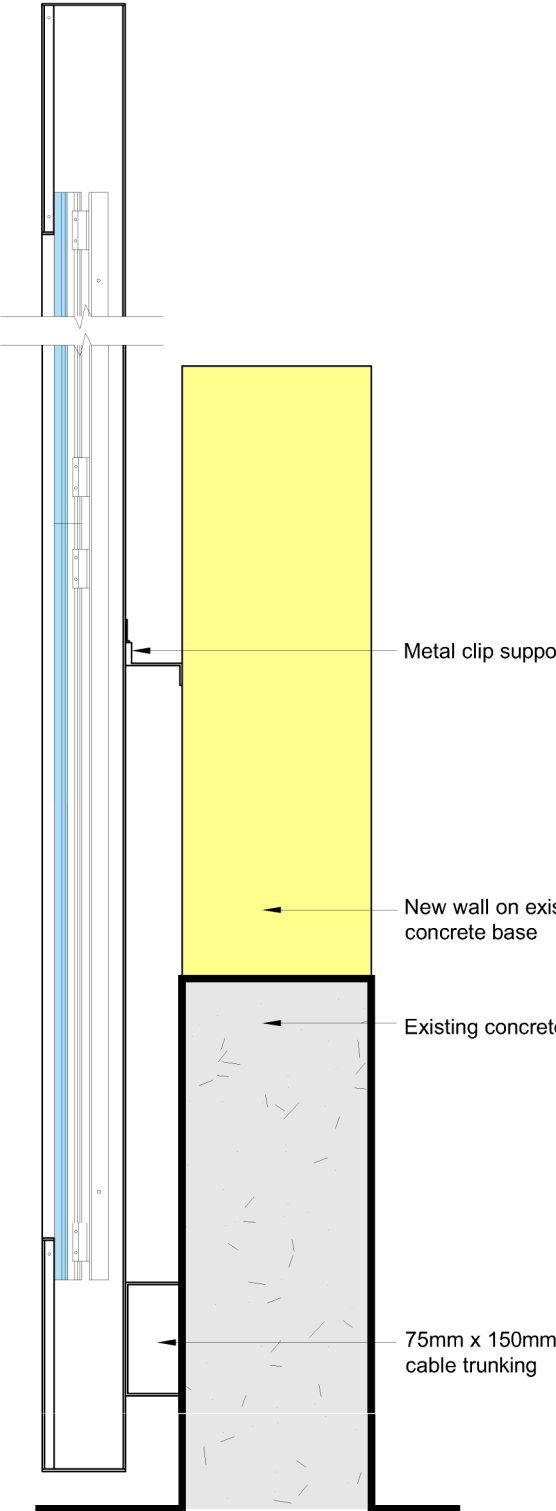
Typical Fin Profile
Scale: 1:10



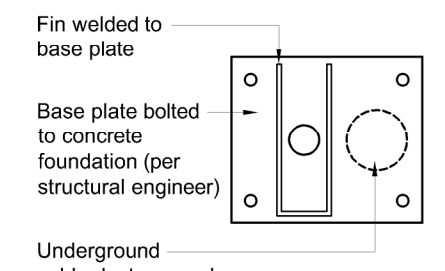
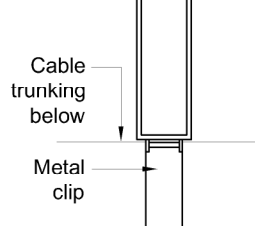
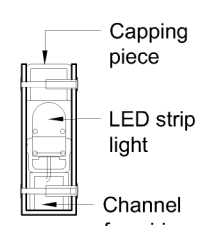
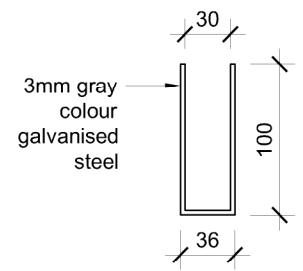
Typical Freestanding Fin
Scale: 1:10



Wall at Service Area - Removals
Scale: 1:10



Wall at Service Area - Proposed
Scale: 1:10



Freestanding Fin Base
Scale: 1:5

SCALE	DATE	DRAWN	CHECKED
As noted	19.04.17	SS	RK

PROJECT
Inverness Museum and Gallery
Urban Environment

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Proposed Fin Details

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